

THE DANISH  
INSTITUTE FOR  
HUMAN RIGHTS

ETHIOPIA  
CONTEXT  
ANALYSIS

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## **ETHIOPIA CONTEXT ANALYSIS 2020**

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## CHAPTER 1

# BACKGROUND AND SCOPE

The Danish Institute for Human Rights is in a process of planning a future program in Ethiopia. The main program activities will comprise projects under the Human Rights and Business program of DIHR and projects focussing on the Ethiopia Human Rights Commission under the Human Rights Capacity Department. In addition, access to justice and police activities are prioritised under the Access to Justice and Law Enforcement Program at the Institute (Human Rights Systems Department).

These activities define the main scope of the context analysis. They represent the analytical foci of part B with the exception of the Human Rights and Business Program which is object of a separate analysis outside the scope of the present study. Part A below provides the general introductory sections to the recent political and economic context. Four broad themes are included. These themes have been selected as those which most obviously will influence the context under which DIHR will implement its programmes:

- The recent economic squeeze in the wake of the COVID-19 virus
- The socio-political backdrop of planned elections and reforms
- The justice system and the rule of law
- The implications of the Tigray war
- The human rights situation



# PART A:

## AN OVERVIEW OF POLITICAL, LEGAL AND HUMAN RIGHTS SITUATION

The text In Part A addresses the political, the economic, the legal, and the human rights situation. The chapter also briefly reviews the Tigray conflict with its grave political consequences.

## CHAPTER 2

# THE POLITICAL CONTEXT

Ethiopia is a federal republic. A coalition of parties known as the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) controlled the government until its successor, the Prosperity Party (PP), was formed in December 2019. In the 2015 general elections, the EPRDF and affiliated parties won all 547 seats in the House of People's Representatives (parliament) to remain in power for a fifth consecutive five-year term. In February 2018, then Prime Minister Hailemariam Desalegn announced his resignation to accelerate political reforms in response to demands from the country's increasingly restive youth. In April 2018 parliament selected Abiy Ahmed Ali as Prime Minister to lead broad reforms.<sup>1</sup>

Under Prime Minister Abiy, an increased focus on the rule of law has prevailed. Human Rights Watch has observed improvements on several political freedoms<sup>2</sup>, and the Prime Minister has spoken of **"introducing multiparty democracy, supported by strong institutions that respect human rights and the rule of law."**<sup>3</sup> The change of prime minister has brought with it widespread change in the country's situation on several levels. These changes have manifested in a number of important political developments in the last 2 years.

Abiy Ahmed's succession of Desalegn has generally led to simmering resentment among traditional political elites in the EPRDF. With the rise of the Oromo Prime Minister, the formerly powerful Tigrayan factions have an increasing sense of loss of authority as mainstream Amhara elites were fully behind Dr. Abiy.<sup>4</sup> Furthermore, government operations such as procurements or decisions to restrict internet access can generally not be called transparent.<sup>5</sup>

### 2.1 DEVELOPMENTS ON THE BACKGROUND OF ETHNIC DIVERSITY AND CONFLICT

Ethnic tension has always been present in Ethiopia, yet Abiy Ahmed's political liberalisation, has further prompted ethno-nationalist tensions, as longstanding grievances are being expressed without fear of retribution.<sup>6</sup> This is ironic in itself, as the Prime Minister's reforms were aimed at unifying the country, not dividing it.<sup>7</sup> Alarming, the government does not seem to have any plan for dealing with the ethnic tensions.<sup>8</sup>

After 20 years of latent hostilities, Abiy Ahmed has achieved a peace deal with Eritrea.<sup>9</sup> Partially because of this, but also because of his general path of political

reform aiming for compromise amongst a torn populace, he has won the Nobel Peace Prize.<sup>10</sup> A consequence of the peace with Eritrea has been a large number of refugees crossing from Eritrea to reunite with family in Ethiopia. In October 2018 the number of refugees from Eritrea was more than 175,000.<sup>11</sup>

## 2.2 PLANNING OF PARLIAMENTARY ELECTIONS

After Abiy Ahmed lifted the ban on opposition parties, Ethiopia was headed for its first multi-party elections ever, claimed to be “Ethiopia’s first shot at real democracy”.<sup>12</sup> Parliamentary elections were scheduled for August 29<sup>th</sup>, 2020, but due to the corona virus, the elections have been postponed. The Economists Intelligence Unit did not expect a strong opposition to be able to form before the original election date.<sup>13</sup> Furthermore, a controversial new electoral law has been introduced that increases the number of signatories to form a national party from 1,500 to 10,000 and prohibits civil servants from running in elections.<sup>14</sup> Elections have in the past not been free and fair.<sup>15</sup>

The postponing of the election has sparked debate on the lack of constitutional provisions for the case of a global pandemic hindering elections. How long can elections be postponed, who will hold power in the meantime, and can the regions hold their own regional elections anyway?<sup>16</sup>

The election planning is happening on the backdrop of the recent merger of most of the parties formerly organised under the ERPDP alliance into the new Prosperity party. The, TPLF (Tigray People’s Liberation Front) which formerly held power in Ethiopia, did not join in the merger and is bound to be in opposition to the ruling coalition. They accuse the Prosperity Party of illegally dissolving the ERPDP and usurping power, and generally belong to the ethno-nationalist wing of Ethiopian politics that sees the federal arrangement of autonomous regions threatened. TPLF are presumed to want an arrangement that safeguards the autonomy of the regions.<sup>17</sup> The TPLF intended, according to one source, to go on holding elections as planned, framing themselves as protectors of the constitution.<sup>18</sup> However, on Friday 6 November air strikes were launched against the regional capital Mekelle from the Government and a military offensive was initiated by the Prime Minister after an alleged attack on the Army’s northern command by the Tigray regional special force on 04 November. A state of emergency was declared in Tigray.<sup>19</sup>

Another of Abiy’s main opposers is the now detained owner of the Oromia Media Network Jawar Mohammed, a source of huge inspiration for the Oromia youth groups. One of the fears among the opponents is, that Abiy will use this opportunity to consolidate his power. For instance, the Prosperity Party was allowed to hold a rally on the same day that the Oromo Federalist Congress was denied the same right.<sup>20</sup> The incumbents on the other hand fear that ethno-nationalist parties threaten the democratic transition, and that an interim administrative government might lessen their chances at staying in power and bring the TPLF or Jawar Mohamed to power. In opposition to the ethno-nationalists, Abiy and the PP aim



at bridging the ethnic differences and creating an Ethiopian national identity. Ethiopian national identity is however contested by the ethno-nationalist groups as an attempt to suppress other identities under Amhara culture/identity. The PP seem to favour themselves staying in power until elections can be held.<sup>21</sup>

Another issue that the election process is criticised for is the lack of a census being conducted prior to the elections. This has led to criticism that the elections will be biased. The census has already been postponed twice, but the National Election Board says that the elections will proceed anyways using data from the last census.<sup>22</sup>

## CHAPTER 3

# ETHIOPIA'S ECONOMIC SITUATION

### 3.1 AN OVERVIEW

At the beginning of 2020, the economic growth was expected to remain high at around 7%. Due to the corona virus, the World Bank estimates a decline of 3% for 2020.<sup>23</sup> Agricultural activity was originally expected to improve, and light industry was expected to play a larger role with the Ethiopian low labour cost environment and government investments in infrastructure<sup>24</sup>, but with the corona situation, the estimates will no longer hold. However, the group of economists in the country who have assessed the economic impact of COVID-19 maintains that the agricultural sector will be relatively modestly affected by the corona impact<sup>25</sup>, however this may be before the full impact of the locust pest was known. In its most recent report, the World Bank estimates that the fall in economic growth has been substantial during the second quarter of 2020, but no precise data are offered.<sup>26</sup>

The economy has been characterised by a liberal opening and by growing industrialisation. Previous growth rates have topped at more than 10% during the mid-00s and during individual years 2010-2018. The government prioritises persistent high growth and aims to become Africa's manufacturing hub.<sup>27</sup> Ethiopia has seen increased foreign direct investment and is selling shares in some of the big state-owned enterprises such as Ethiopian Airline yet retaining the majority of shares. Ethiopia is expected to run a steadily increasing fiscal deficit of between 2.8% to 4.2% towards 2024.<sup>28</sup>

The Ethiopian trade deficit is still high. Exports are mainly, Arabica coffee, light manufacturing goods (garments, shoes and leather goods), gas, tantalum, and copper. The corona pandemic has affected Ethiopia's flower export industry. After Europe was hit by the pandemic, the demand for flowers plummeted by 80%.

Imports are mainly capital goods for the industrial sector (construction materials, vehicles and industrial raw materials).<sup>29</sup>

#### 3.1.1 UNIONS AND ORGANISATION

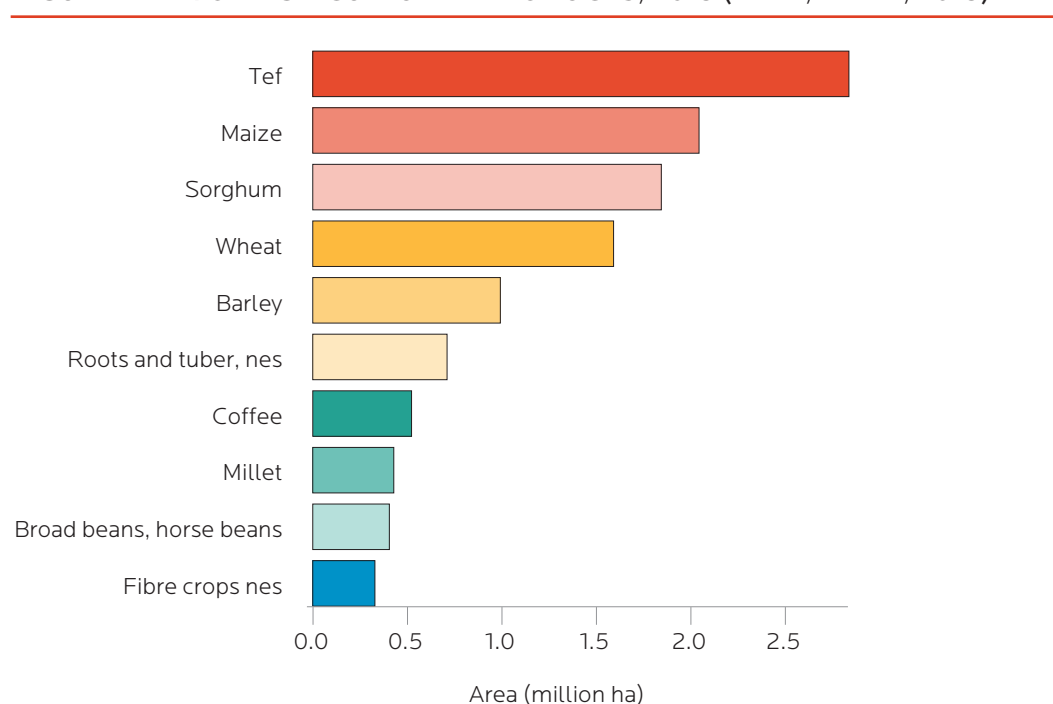
While trade unions are allowed and more than 500,000 are organised under the umbrella organisation **Confederation of Ethiopian Trade Unions**, the union does not challenge government and there has been no legal strike since 1993. Unsanctioned strikes have however happened at e.g. the Hawassa industrial park, by labourers earning wages below the national poverty line. A large number of

business organisations exists, whereof e.g. **Addis Ababa Chamber of Commerce** regularly criticises government policy.<sup>30</sup>

### 3.1.1 FOOD SUPPLY

The major agricultural products are listed here with tef being the main staple food grain. Weather events causing a sharp decline in economic activity is mentioned as a risk by the Economists Intelligence Unit<sup>31</sup>, but stable food imports are not a regular phenomenon. Examples of this have been seen with the recent locust swarms in East Africa. One million people were affected by the locusts in Ethiopia according to estimates.<sup>32</sup>

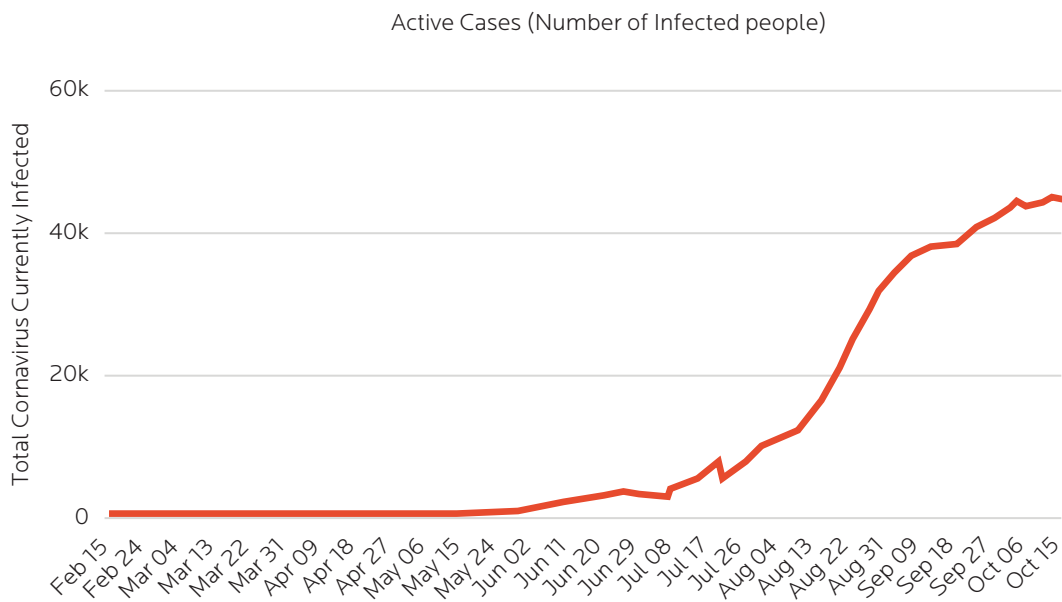
FIGURE 1. MAJOR AGRICULTURAL PRODUCTS, 2015 (BEAL, ET AL., 2015)



### 3.2 ETHIOPIA AND THE CORONA VIRUS

Until early April 2020, there were only 20 people infected by the corona disease. By mid-April, 75 cases were confirmed. The majority of cases identified were in Addis Ababa and the majority were persons with travel history. On 16 March the Office of the Prime Minister announced that schools, sporting events, and public gatherings were suspended. The country closed all land borders by 23 March. Ethiopian Airlines suspended flights to more than 80 countries by the end of March. Prisoners convicted for minor crimes were pardoned. By 8 April, the Council of Ministers declared a five-month state of emergency, approved by the parliament 10 April. Domestic travel restrictions and lock downs were imposed by the majority of regions, and public political gatherings were curtailed. The state of emergency formally ended by 6 September 2020.

FIGURE 2. ACTIVE CORONA CASES 15 FEBRUARY TO 14 OCTOBER 2020



By mid-October 2020 there were more than 45000 active cases (i.e. infected minus recovered and persons passed) according to the Worldometer measurement.<sup>33</sup>

Since May 5<sup>th</sup> 2021, the number of cases has risen dramatically. When counting the number of active cases, Ethiopia is now affected on par with e.g. Tunisia. During the whole period from April until the end of October, there are only 1,489 confirmed deaths from COVID-19, however.

The economic impact of the COVID-19 infection has been substantial as noted by the World Bank. Survey interviews during 2020 undertaken by the Bank reveal 19% of the urban interviewees had lost their jobs between April and June. The Bank also estimates that new groups are adding to the already poor meaning a reversal of the trend of falling poverty. A significant 55% of the households in the survey reported reduced incomes.<sup>34</sup>

### 3.2.1 FOREIGN ECONOMIC INFLUENCE AND INVESTMENTS

According to UNCTAD's World Investment Report 2020, FDI inflows to Ethiopia decreased to USD 2.5 billion in 2019, compared to USD 3.3 billion in 2018 (-24%). In total, FDI stocks were estimated at USD 25 billion in 2019. FDI has been negatively impacted by instability in some parts of the country, including regions with industrial parks. Yet Ethiopia remained the largest recipient of FDI in East Africa, with investments in petroleum refining, mineral extraction, real estate, manufacturing and renewable energy. China was the largest investor in 2019, accounting for 60% of newly approved FDI projects, with significant investment in

manufacturing and services. The other main investor countries are Saudi Arabia, the United States, India and Turkey. Agriculture (particularly horticulture), renting of agricultural land and leather goods are the sectors that traditionally attracted the most FDI. The country also took advantage of the crisis of the Bangladeshi textile sector to attract foreign companies to the textile industry.

While it has committed to a programme of economic reforms and liberalisation, the Ethiopian government keeps exercising full control over the services sector, holding the monopoly in the telecommunications market, and a virtually full control over the financial sector and local banks. There are a number of constraints to foreign investment, namely the high interference of the State in the economy, poor condition of infrastructure, difficulties related to land acquisition, strict foreign exchange controls, very high transaction costs and weakness of institutions.<sup>35</sup>

Investments from abroad with significant foreign potential influence comprise the following main investments:

### **3.2.2 NILE RIVER DAM**

Since 2011, Ethiopia has been constructing the Grand Renaissance Dam close to its border with Sudan. Ethiopia has an unsolved dispute with Egypt regarding the timeline of the filling of the dam. Concerns have been voiced that the dispute could lead to war with Egypt. Trump has tried to mediate in the conflict, but made it worse by being extremely biased to the point that he called upon Egypt to blow up the dam.<sup>36</sup>

### **3.2.3 UAE & SAUDI ARABIAN INFLUENCE**

Both the United Arab Emirates and their Saudi Arabian allies have increased their influence in Ethiopia. The UAE signed a 100m USD strategic partnership with Ethiopia in July 2019 and both countries have helped facilitate the peace process between Ethiopia and Eritrea. The interest in the Horn of Africa is both of commercial nature (The Bab al-Mandab strait handles 8% of the world's seaborne oil trade) and of a security politics nature (Curbing Iranian influence).<sup>37</sup>

### **3.2.4 CHINESE INFLUENCE**

Ethiopia aims to play a key role in China's **Belt and Road Initiative**, i.e. infrastructure investments. It is also heavily indebted to China. China is however expected to scale back its investments in Ethiopia<sup>38</sup>.

## CHAPTER 4

# JUSTICE AND LAW ENFORCEMENT

The federal form of state of Ethiopia means that the judicial system and law enforcement, including their training institutes<sup>39</sup>, are organised as dual systems that operate within the federal and regional state structures.

Ethiopia is currently engaged in sweeping reforms, also of the Criminal Justice Sector, and the mandates of Federal Police Commission; the Office of the Attorney General and the Federal Prison Commission have been amended in the past 10-15 years.<sup>40</sup> Over the years, there have been various policies and plans to reform justice incl. policing, yet it is difficult to obtain (English language) information about them and their effect. Most recently **Ethiopia's Growth and Transformation Plan for 2015/16- 2019/20** aimed to, among others, enhance the rule of law and the capacity of institutions and persons to carry out 'democratic policing'. On law reform, the Justice and Legal Advisory Council (2018) has reformed declarations that previously limited civic space and which were used to oppress dissidents. The effect of these reforms remains to be seen. In 2020, the Rule of Law Index ranked Ethiopia at 114 of 126 countries overall and at 26 out of 31 countries in Sub-Saharan Africa.

### 4.1 THE JUDICIAL SYSTEM

The **judicial branch** comprises federal and state courts. The Federal Supreme Court is the highest court that exercises jurisdiction over all federal matters; lesser federal courts hear cases on appeal from the states.

The 1995 Constitution recognizes the jurisdiction of customary and religious laws and courts in family and personal matters.<sup>41</sup> The **traditional justice systems** can exist separately from and in parallel with the formal legal-judicial system. Under the dual system of law, civil matters fall under (regional) state jurisdiction and states can recognize by law certain jurisdictions for traditional justice. Criminal matters are **de jure** a matter of the state, but traditional justice or conflict resolution institutions are also involved in criminal cases and community policing (see below) in many of the states. Issues include the effect of this relation on the enjoyment of human rights, or how traditional justice considers the interests of women, children and minorities and their access to secular courts.<sup>42</sup>

In Ethiopia, there are four forms of **legal aid service**: mandatory **pro bono** services (provided by federal and state licensed attorneys); legal aid programmes run by

NGOs or professional associations; legal aid clinics at universities; and criminal legal aid services provided to suspects/accused persons, and in some instances also to victims, by the Public Defender's Office, the Attorney-General Department's Violence and Women and Children Investigation and Prosecution Centre. The extent and types of legal aid provision and whether guidelines have been issued on the administration of the Civil Society Organizations Agency Proclamation (2019)<sup>43</sup>, remain to be clarified.

## 4.2 LAW ENFORCEMENT

Characterized by some as a hybrid system of community and state policing<sup>44</sup>, the police are divided into the federal police and the state police forces. The federal government oversees national defence, the **public security forces** and a **federal police force**.<sup>45</sup> The **Federal Police Commission**<sup>46</sup> maintains law, peace and security of the public and it can support the state police forces.<sup>47</sup> The **regional police commissions** coordinate with the Federal Police Commission. **Regional state police forces** maintain law, public order and peace in the state<sup>48</sup> and they are mainly present in the **woredas**.<sup>49</sup> In some states there are also **district** police forces.<sup>50</sup> The limited resource and skills of the regional police has certain implications where the federal police/security actors intervene without coordinating with the local police.

Some states have a special police force<sup>51</sup>, a paramilitary police unit, which carries out counter-insurgency operations. In recent years the government has recruited and trained these units, which have shown a blatant disregard for human rights.<sup>52</sup> The **Regional Peace and Security Bureau** is in command of the kebele militia.<sup>53</sup> Policing at the **kebele** level is often handled by traditional mediators and enforced by militia<sup>54</sup> that act as an 'armed neighbourhood watch'.<sup>55</sup> Since 2018, the government has established (military) **command posts** in some parts of Ethiopia; however, their mandate and terms of operation are unclear. It is reported that the command posts have sweeping powers that arbitrarily curtail the enjoyment of human rights.<sup>56</sup>

**Community policing** became a national approach in 2012 and it was introduced to the curriculum of the Ethiopian Police University College.<sup>57</sup> It is perceived as the formalisation of existing practices of traditional justice/dispute resolution and a political philosophy that encourages community participation in administrative functions.<sup>58</sup> The community policing committees, which include community and police representatives<sup>59</sup>, aim to share the state's burden of policing with customary actors, reduce crime, involve communities in security provision and contribute to national development.<sup>60</sup> Although the perception of crime levels and police community relations have improved, there are concerns about the skills and knowledge of the committees and the quality of justice on offer<sup>61</sup>; moreover financial constraints, corruption and a lack of human resources have an influence on community policing.

The 10-year development plan from 2019 gives insight into the priorities under the access to justice theme, the ambition of which is to “set up a up rehabilitative justice system and a matured democracy”. Concretely the plan points to the following sub-targets:

- To increase clearance of criminal case from 80% to 100%; increase reconciliation rate from 81.2% to 95%; case attrition rate from 1.9% to 0.5% and case winning rate from 93% to 98%;
- To increase the rate of enforcement of verdict from 91.8% to 98%, and recover 59% of the illicit wealth squandered and transferred abroad;
- To raise the reviewed and approved standard contract to 98%; the law drafting, counselling and correction rate to 100%; the rate of legislation, case arbitration and correction measures to 100%; the cooperation at international level for law enforcement to 90%; the response to requests for forgiveness to 100%;
- To increase the rate of resolution of civil court cases enforcement from 50% to 100%; the capacity to resolve civil court cases through arbitration from 70% to 92%; the winning rate of civil court cases from 94% to 99.5%; the resolution of cases on human rights abuse to 100%;
- To increase availability of public defence services to 100% by improving the licensing, renewal and conduct monitoring of attorneys; and the provision of protection to informers and witnesses from 61.1% to 79%;
- To increase information and communication technology-supported legal service to 100%;
- To increase implementation of international human rights conventions to 100%;
- To raise citizen’s awareness on the constitution, access to legal services and access to legal support system for women and children from 85% to 100%;

In terms of law enforcement work, specific objectives can be found in the development plan under the strategic pillar, Peace Building and Economic Integration with Neighbouring Countries. Under this strategic pillar, two potentially relevant objectives that can serve as entry points are:

- increase the level of trust between the community and the police and security sector institutions from 40% to 95%;
- increase the capacity of law enforcement and security sector institutions from 10% to 95%.

As far as the relevant sector planning documents are concerned, the Federal Attorney General has communicated that its immediate priorities are the rule of law, justice and equity. Its aim is to modernize the justice system and to ensure a speedy and quality service delivery based on enhanced ethics and professionalism through structural changes, strengthened professional capacity of staff, respect for ethics, and the efficient use of various technologies to expedite service delivery.<sup>62</sup>



## CHAPTER 5

# THE IMPLICATIONS OF THE TIGRAY WAR

The tensions that grew into conflict during 2020 had their origins in the power struggles between the regional government in Mekelle in Tigray and the Addis Ababa central government. While the Prime Minister and the federal government aimed towards a new political balance between the centre and the regions, Tigray resisted these unification and centralization efforts. Other regions were also opposed to a reshuffled political balance. The legitimacy of the ruling coalition was strongly questioned by TPLF in particular, not least the cancelling of elections due to COVID-19 prompted oppositions. Accordingly, Tigray set up their own election board to oversee regional elections in September. The elections results were not recognized by the federal government which banned foreign journalists from travelling to Tigray to document the election. The government in Addis Ababa voted to cut funds to the TPLF in October, which further enraged its leaders.

Fighting between the TPLF and the Federal Government began with the 4 November attacks on the Northern Command bases and headquarters of the Ethiopian army in the Tigray Region by TPLF-aligned security forces and with counterattacks by army on the same day. The federal forces captured the Tigrayan capital Mekelle on 28 November, after which Prime Minister Abiy declared the Tigray operation “over”. The TPLF stated in late November that it would continue fighting, until the “invaders” are out. Mass extrajudicial killings of civilians took place during November and December 2020 in and around Adigrat and Hagere Selam, in the Hitsats refugee camp, and in Humera, Mai Kadra, Debre Abbay, and the Maryam Ts'iyon church according to international media.

The Mai Kadra massacre was investigated by the Ethiopian Human Rights Commission whose preliminary report stated:

“The perpetrators killed hundreds of people with full intent, a plan and preparation,

- The conduct was committed as part of a widespread or systematic attack directed against a civilian population,
- The perpetrators knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population,
- The conduct took place in the context of an armed conflict between the Federal Government’s National Defence Forces and the Tigray Regional Government’s security forces while the latter were retreating following a defeat; and perpetrators targeted civilian residents of Maikadra they profiled based on their ethnic origin,

- During the conduct, the local security apparatus in charge helped and collaborated with the group known as Samri, responsible for the attacks while the former aided and participated in the attacks instead of protecting civilians from harm."<sup>63</sup>

Peace and mediation efforts included African Union (AU) mediation proposals; an emergency Intergovernmental Authority on Development summit of East African heads of governments that met in late 20 December 2020 in Djibouti; and peace proposals on 19 February by the TPLF and on 20 February by the National Congress of Great Tigray (Baytona), Tigray Independence Party (TIP) and Salsay Weyane Tigray (SAWET). The conflict remains unresolved, however.

More than 500,000 Tigrayans are estimated to have lost their homes, about 600,000 have crossed the border to Sudan.

According to Sky News, Doctors Without Borders have said nearly 70% of 106 health facilities it surveyed from mid-December to early March had been looted and more than 30% had been damaged, with only 13% functioning normally.

Access to part of Tigray by journalists has been barred. Challenges prevail still in monitoring the situation by free and independent press.

The unresolved conflict is likely to affect the stability and the democratic evolution in Ethiopia during the years to come. Some of the optimism that prevailed during 2018-19 has been replaced by a sense of uncertainty. This raises the need for socio-political forces in and outside government that defend human rights. It is hard to imagine that stability and democratic progress can be achieved without a settlement involving Tigray, but potentially also other regions.

## CHAPTER 6

# HUMAN RIGHTS STATUS

The 1995 Constitution is generous in terms of human rights<sup>64</sup> guarantees and the rights contained in ratified international human rights treaties<sup>65</sup> are also an integral part of domestic law.<sup>66</sup> Yet, the realization of and respect for human rights - also in terms of access to justice and law enforcement - is strongly criticised. The dire human rights and security situation, the lack of accountability for widespread and systematic rights violations, the use of force to crush independent political expression are at issue<sup>67</sup>; in addition to the impunity enjoyed by security forces<sup>68</sup> that have been at the centre of the practice of torture, extrajudicial executions, and arbitrary arrests and detention.<sup>69</sup>

Parallel to the political liberalization occurring after the assumption of power by Prime Minister Abiy, human rights violations prevailed: there were reports on unlawful and arbitrary killings by militia groups and regional special forces under the command of regional or local officials. These atrocities included ethnicity driven killings, unexplained disappearances, arbitrary arrests and detention by security forces, life-threatening prison conditions, unlawful interference in privacy, censorship and the blocking of the internet, criminalization of same-sex conduct, and child labour in its worst forms. Many of the human rights violations were committed also by non-state actors like youth groups targeting people from other ethnic groups.<sup>70</sup>

### 6.1 CIVIL AND POLITICAL LIBERTIES

#### 6.1.1 FREEDOM OF ASSEMBLY

Ethiopia has in the past been known for restrictions on the freedom of assembly, often by force,<sup>71</sup> but under Abiy Ahmed, security forces have been less violent.<sup>72</sup> Freedom of assembly is however still regularly restricted with security forces still violently repressing protests,<sup>73</sup> and no one having been held accountable for the excessive violence during the protests of 2015-2018.<sup>74</sup>

#### 6.1.2 FREEDOM OF ASSOCIATION

Likewise, the freedom of association has seen significant improvements with a new Civil Society Proclamation. Especially the Human Rights community has seen increased funding, activity and many new human rights organizations registered..<sup>75</sup> There are also plans to revise the Anti-terrorism proclamation, which has been used to repress political opposition groups such as the Oromo Liberation Front (OLF),

the Ogaden National Liberation Front (ONLF), and Ginbot 7.<sup>76</sup> The new legislation, however, still needs to be widely implemented.

### **6.1.3 FREEDOM OF EXPRESSION**

Under Abiy Ahmed, Ethiopia managed for the first time since 2004 to have no jailed journalists. Independent media is also increasingly operating without threat from security forces, but the situations in the regions and lower level government structures (Zonal, Woreda and Kebele) could be different.<sup>77</sup> The media landscape though is still dominated by state-owned media.<sup>78</sup> Bans on 264 websites and tv networks have been lifted, amongst others the diaspora satellite television stations Ethiopian Satellite Television (ESAT) and the Oromo Media Network (OMN). The latter, though, has been banned again.<sup>79</sup> On the other hand, a draft for a new hate-speech law has been circulated, which has been criticized by amongst other Amnesty International for potentially opening up for misuse by public authorities. Furthermore, internet communications have occasionally been closed down without any reasons given to the public.<sup>80</sup>

### **6.1.4 PRISONS, ARBITRARY DETENTION AND TORTURE**

During Abiy Ahmed's time as Prime Minister, he has released tens of thousands of political prisoners. He has as well acknowledged, that torture had been used in Ethiopian prisons, and a number of jails associated with abuse have been closed, amongst others Jail Ogaden.<sup>81</sup> While arbitrary arrests have clearly become fewer, there have still been reports of torture and extrajudicial killings.<sup>82</sup>

Prison and pretrial detention centre conditions remained harsh, and in some cases, likely to be life threatening. Problems included gross overcrowding and inadequate food, water, sanitation, and medical care. Pretrial detention often occurred in police station detention facilities, where conditions varied widely and where reports stated there was poor hygiene and police abuse of detainees.,

Severe overcrowding was common, especially in prison sleeping quarters. For example, in 2016 the Ethiopian Human Rights Commission (EHRC) visited a prison cell in Shoa Robit Federal Prison and found that its two small windows did not allow enough light into the estimated 430-square-foot cell, which held 38 inmates, allowing an average of less than 12 square feet per prisoner. Authorities sometimes incarcerated juveniles with adults. Prison officials generally separated male and female prisoners, although mixing occurred at some facilities. Medical attention following physical abuse was insufficient in some cases.<sup>83</sup>

### **6.1.5 FREEDOM OF BELIEF**

Along with the ethnic tensions, there are also tensions between religions. Orthodox communities saw around 30 churches burned in the Somali region between July 2018 and September 2019, and several protestant churches were destroyed in southern Ethiopia in February 2019. While several Muslim activists were released in 2018, mosques in the Amharan state were repeatedly attacked.<sup>84</sup>

## **6.2 ECONOMIC AND SOCIAL RIGHTS**

Elaborate analyses of the status of social rights are not available. Below a few pieces of information on the rights to education and health.

### **6.2.1 THE RIGHTS TO EDUCATION: ACCESS**

Ethiopia has made remarkable progress in education, with primary school net enrolment tripling between 2000 and 2016 to the current 100 per cent. Although most children enroll in school, many do not complete their education: 85 per cent make it past Grade 5 and 54 per cent past Grade 8. Sixty-three per cent of students in lower primary school are not achieving the basic learning outcomes needed to succeed higher up the education ladder (50 per cent and above).

Approximately 2.6 million children of primary school age are not in school, of which 43 percent are boys and 57 percent girls. Only 25 per cent of secondary school aged children are enrolled in secondary school. Traditional gender norms, a high burden of domestic work (especially for girls), long distances to school are some of the barriers to education. Many of the out-of-school children are from pastoralist, internally displaced, minorities, indigenous groups or refugee communities.<sup>85</sup>

### **6.2.2 HEALTH, WATER AND SANITATION RIGHTS: INDICATIVE DATA**

According to WHO, three-quarters of the population lack access to clean water, and four persons out of five live without proper sanitation. In addition, Ethiopia hosts some 133,000 refugees from neighbouring countries. In the last two decades, major crises combining droughts, epidemics, displacements and armed conflicts, have repeatedly affected the country.

The main health concerns in Ethiopia include maternal mortality, malaria, tuberculosis and HIV/AIDS compounded by acute malnutrition and lack of access to clean water and sanitation. The limited number of health institutions, inefficient distribution of medical supplies and disparity between rural and urban areas, due to severe under-funding of the health sector, make access to health-care services very difficult. It is estimated that more than half of the population lives more than 10 km from the nearest health facility, usually in regions with poor transportation infrastructure.<sup>86</sup> This may explain a likely underreporting of Covid-19 cases.

## **6.3 WORKERS' RIGHTS**

### **6.3.1 FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING**

The constitution and law provide workers, except for civil servants and certain categories of workers primarily in the public sector, with the right to form and join unions, bargain collectively, and conduct legal strikes. Other provisions and laws severely restrict these rights. The law specifically prohibits managerial employees, teachers, health-care workers, judges, prosecutors, security-service workers, domestic workers, and seasonal agricultural workers from organizing unions. The law requires employers guilty of antiunion discrimination to reinstate workers dismissed for union activities, and they generally did so.

The law also prohibits strikes by workers who provide essential services, including air transport and urban bus services, electric power suppliers, gasoline station personnel, hospital and pharmacy personnel, firefighters, telecommunications personnel, and urban sanitary workers. The list of essential services goes beyond the International Labor Organization (ILO) definition of essential services. The law prohibits retribution against strikers, but it also provides for civil or criminal penalties against unions and workers convicted of committing unauthorized strike actions.

The government did not effectively enforce the laws protecting labor rights. Despite the law prohibiting antiunion discrimination, unions reported employers terminated union activists. The law prohibits retribution against strikers, but authorities arrested nine air traffic controllers for striking. The government did not effectively enforce applicable laws, and penalties were not sufficient to deter violations. The informal labor sector, including domestic workers and seasonal agricultural workers, was not unionized or protected by labor laws.

Two-thirds of union members belonged to organizations affiliated with the government-controlled Confederation of Ethiopian Trade Unions. The National Teachers Union remained unregistered.

### **6.3.2 PROHIBITION OF FORCED OR COMPULSORY LABOR**

The law prohibits and criminalizes all forms of forced or compulsory labor but permits courts to order forced labor as a punitive measure. The government did not effectively enforce the law, and forced labor occurred.

In 2015 the federal government enacted a comprehensive overhaul of its antitrafficking penal code. The code prescribes harsh penalties for conviction of human trafficking and exploitation, including slavery, debt bondage, forced prostitution, and servitude. The penalties served as a deterrent, especially when paired with increased law enforcement attention to the abuse. Police at the federal and regional levels received training focused on human trafficking and exploitation.

Adults and children, often under coercion, engaged in street vending, begging, traditional weaving of hand-woven textiles, or agricultural work. Children also worked in forced domestic labor. Situations of debt bondage also occurred in traditional weaving, pottery making, cattle herding, and other agricultural activities, mostly in rural areas.

The government sometimes deployed prisoners to work outside the prisons for private businesses, a practice the ILO stated could constitute compulsory labor.

### **6.3.3 PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT**

The law prohibits the worst forms of child labor. The government did not effectively enforce the applicable laws, and penalties were not sufficient to deter violations. By law the minimum age for wage or salaried employment is 14. The minimum

age provisions, however, apply only to contractual labor and do not apply to self-employed children or children who perform unpaid work, who constituted the vast majority of employed children. The law prohibits hazardous or night work for children between the ages of 14 and 18. The law defines hazardous work as any work that could jeopardize a child's health. Child labor remained a serious problem, and significant numbers of children worked in prohibited, dangerous work sectors, particularly construction.

Traffickers exploited girls from impoverished rural areas, primarily in domestic servitude and commercial sex within the country.<sup>87</sup>

## **6.4 SUSTAINABLE DEVELOPMENT GOALS**

### **6.4.1 ALIGNMENT OF POLICY FRAMEWORKS**

Following the adoption of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs) in September 2015, Ethiopia has proactively mainstreamed, aligned the SDGs with the Second Growth and Transformation Plan (GTP II) which spans from 2015/16 to 2019/20. According to the UNDP, the GTP II aligned with the SDG indicator framework to the tune of 70%. The SDGs have been made legally enforceable in Ethiopia having been ratified by the House of Peoples' Representatives.

The key overall national development strategy and planning document in Ethiopia is the Ten-Year Development Plan-A Pathway to Prosperity 2021-2030. The development plan states that the plan is "by and large" interlinked with the 17 Goals and associated targets of the 2030 Agenda for Sustainable Development.

The Development Plan identifies six overall objectives and includes a specific objective on issues related to access to justice, rule of law and human rights. It is formulated as the following: "Building strong and inclusive institutions that would ensure peaceful society, access to justice and upholding the rule of law and human rights".

The plan also includes a table that attempts to make the linkages between the Plan's strategic pillars and relevant SDG Goals. SDG 16 is linked to several of the strategic pillars, including to the strategic pillars on a) Access to Justice and Efficient Public Services and, b) Peace Building and Economic Integration with Neighbouring Countries.<sup>88</sup>

### **6.4.2 HR-SDG MONITORING AND REPORTING STRUCTURES**

The **National Planning and Development Commission (FDRE)** is responsible for coordinating and monitoring the 10 Year Plan.

The 10-year Development Plan suggests that there have been weaknesses in the previous monitoring of the development plans. These weaknesses have been identified as "insufficient monitoring and evaluation; limited monitoring and

evaluation capacity at various levels, wrong perception about monitoring and evaluation, insufficient ICT support in monitoring and evaluation endeavours, more emphasis on processes and output than on outcome orientation, and lack of transparency and accountability in matters of plan implementation.” In order to address weaknesses, the Ethiopian Planning and Development Commission has together with implementing bodies i.e. including justice and law enforcement actors identified key performance indicators.

UN DESA is recruiting a consultant to conduct a desk review in the first half of 2021 of the KPIs document to “assess whether it comprises SDG and Agenda 2063 indicators” and make recommendations to the National Planning and Development commission on how to ensure “coherence between M&E of the national plan, 2030 Agenda and Agenda 2063”. This would be an important process to follow.

The Attorney General Office coordinates the National Coordination Structure for reporting to Human Rights Mechanisms and implementation of their recommendations. The UN (OHCHR) plans to support the National Coordination Structure including with attention to integrated HR-SDG reporting in 2021. This could be an important opportunity to strengthen synergies in reporting and implementation of SDG and human rights commitments.

#### **6.4.3 SDG IMPLEMENTATION STRUCTURE**

A national taskforce has been instituted to guide and facilitate the effective and smooth implementation of SDGs in Ethiopia. The SDGs taskforce has both a steering committee at policy level and technical committee at technical level.

The Steering Committee (SC) provides strategic guidance and policy support and oversees the overall progress of the SDGs. The SC is co-chaired by the Commissioner of Planning and Development Commission (PDC) and the UN Resident Coordinator. The SC is composed of relevant sector ministers and state ministers from Government, heads of UN agencies, private sector and CSOs representatives at appropriate levels.

The Technical Committee (TC) focuses on providing coordinated, strategic and coherent inter-agency support to the GoE in translating the SDGs into national realities and contributing to their achievement. Building on the ongoing work between the Planning and Development Commission (PDC) and the UN Country Team, the TC supports planning, implementation, monitoring and financing the SDGs.

There is also a ‘Public Wing’ which provides a platform for all stakeholders including the private sector, CSOs, NGOs, professional associations, women & youth associations, pastoral Communities etc. It is set up to evaluate quarterly development plan preparations and their implementation performances; strengths and weaknesses; and the reviewal and approval of subsequent plans.



There has up until now been a sectoral bias in the membership of the SDG committees. The EHRC could potentially play an important role as a member of the technical committee in shaping policies, planning, monitoring frameworks; advising on human rights- based approaches to development and data; advising on the basis of human rights instruments and standards; and pointing to linkages with human rights monitoring, and how to operationalize the commitment to “leave no one behind”.

## **6.5 EQUALITY**

### **6.5.1 REGIONAL REPRESENTATION**

A divide exists between the highlands (Oromia, Amhara, Tigray, and the Southern Nations Nationalities and Peoples Region) and the lowlands (Afar, Somali, Gambella and Benishangul Gumuz) of Ethiopia, with the highlands interests having had a dominant position. The lowlands also have more difficulty accessing government services. Despite the merging of the ERPDP into the prosperity party the lowland regions still poorly represented with no power to influence key party decisions.<sup>89</sup>

### **6.5.2 GENDER EQUALITY**

39% of lower house seats are held by women, yet this does not translate into women’s interests being adequately represented. Some improvements have however been made, as more women have been included in high-level decision making and appointed to prominent positions such as the presidency (although mostly a formal role) and president of the supreme court.<sup>90</sup> Nonetheless, women face discrimination in education and a gender gap in many economic aspects of life such as pay, access to finance and land ownership exists.<sup>91</sup> Enforcement of laws against rape and domestic abuse is inconsistent and child marriage is common despite it being illegal. A 2016 survey also found that 65% of women between 15 and 49 had undergone some form of female genital mutilation, which is illegal in Ethiopia. Yet there is evidence that this number is falling due to NGO and government involvement.<sup>92</sup>

### **6.5.3 LGBTQ+**

Same-sex sexual activity is prohibited and punishable by up to 15 years in jail.<sup>93</sup>

## **6.6 ENVIRONMENTAL ISSUES**

### **6.6.1 CLIMATE CHANGE**

The effects of climate change are expected to hit especially hard in the exposed nations of Africa, including Ethiopia. The Economists Intelligence Unit forecasts, that climate change can be a driving factor in illegal migration, transnational terrorism, and inter-ethnic fighting, if the challenges are not addressed.<sup>94</sup>

### **6.6.2 LOCUSTS:**

In the winter of 2019/2020 East Africa saw giant swarms of locusts ravaged farmlands and threaten the food supply. Ethiopia was one of the first countries hit after the swarms crossed the Gulf of Aden from Yemen. With these swarms, an already unstable food supply due to recent droughts is compromised further.<sup>95</sup>

### **6.7 INTERNATIONAL DONORS**

In 2016 Ethiopia was the recipient of the largest amount of foreign aid in Africa, receiving roughly 8% of the foreign aid to the continent.<sup>96</sup> The largest donor countries in 2017 were the US (\$1,026.7 mil), Italy (\$577.2 mil), the UK (\$423.1 mil), Germany (\$360.2 mil), and Denmark (\$306.9 mil), making up 84.3% of the \$3,194.2 mil received from donor countries. Other large donors are the International Development Association (\$1,082.4 mil), Regional Development banks (\$382 mil) and EU institutions (\$208.9 mil). EU donors (\$2,053.9 mil – from institutions and EU countries) make up 39% of the total of \$5,255 mil received in foreign aid.<sup>97</sup>

I would suggest for an inclusion of a section on the situation of IDPs and Refugees.



# PART B:

THE DIHR PROGRAM  
MISSION

## CHAPTER 7

# THE ETHIOPIAN COMMISSION OF HUMAN RIGHTS AND ITS BRANCH OFFICES

The sections below examine the main activities, rights in focus, and perceived challenges of the Commission based on written responses to an open-ended survey whose details are described below.

### 7.1 PURPOSE

The purpose of this short analysis is to investigate the nature and scope of the work carried out in the key mandate areas of the Commission including the specific mandate on the rights of women, children and vulnerable groups. A second focus examines how this work is done in collaboration with external stakeholders such as government, parliament, justice actors, law enforcement, civil society and others. The analysis will point to the core working operations of the respective entities of EHRC, the challenges perceived by the headquarter and the branch offices including how the respective entities engage with the public including the CSOs, with regional authorities, and with the federal level. At the centre of the analysis are complaints handling including the rights dimensions inherent in the complaints.

### 7.2 METHOD

This analysis is based exclusively on the written responses of an open-ended survey distributed to the Ethiopian Human Rights Commission (EHRC) during the summer of 2020. The questions address the period from 2017-2018, prior to the reform process of the EHRC starting with the appointment of the new Chief Commissioner in July 2019.

The analysis undertaken by DIHR analysts in collaboration with staff from the Commission. It is based on responses from the headquarter of the EHRC (1), as well as the branch offices in Assosa (2), Bahir Dar (3), Hawassa (4), and Jimma (5).<sup>98</sup> Four further branch offices did not respond to the questionnaire. The questionnaire was divided into five sections, concerning: a) Complaint handling & investigations, b) Prison/detention centre inspection, c) Awareness raising and training, d) Women and Children's Affairs mandate and, e) Cooperation with federal parliament, federal government and non-state actors. The five sections were answered by the employee responsible for the area.

The responses vary in terms of the data accuracy and depend on individual interpretations of the respondent.

FIGURE 3: PLACEMENT OF EHRC OFFICES PARTICIPATING IN THE SURVEY



## CHAPTER 8

# FINDINGS ON EHRC ACTIVITIES & IDENTIFIED ISSUES OF CONCERN

The data confirm that the activities of the headquarter (HQ) and branch offices revolve around mandate areas such as complaint handling, monitoring of prisons and detention centres, training, and awareness raising. The findings indicate that the actual numbers of inspections and complaints are relatively few in the reported one-year period. The relative modesty of complaints numbers, especially admissible ones, indicate that the system of complaints is not strongly institutionalized. The data also confirm that all responding offices do in fact monitor prisons and detention centres and engage in complaint handling. The data further point to that complaint handling might be slightly higher prioritised than inspection activities in branch offices.

Promotion activities are carried out by HQ and all branch offices and takes on a variety of activities. There is not always a precise distinction between training and awareness raising workshops; nonetheless the data reveal that especially training dominates, and the target groups are predominantly local authorities and police.

Human rights issues of concern raised by the offices point to a broad spectrum arising both from the data on complaint handling and monitoring and from a broader perspective on areas of concern. The issues raised relate to both civil and political rights as well as economic, social and cultural rights. Due to the lack of systematic response to all questions it is not possible to rank which of the raised issues are considered of more or less concern.

EHRC offices engage all in collaboration with external stakeholders according to the collected data. The nature of the collaboration is most often training (awareness raising) of public officials. Collaboration concerning public officials adopting EHRC recommendations as a result of complaint handling or monitoring of prisons and detention centres appear not to materialise for a variety of reasons including lack of capacity of both EHRC and the targeted officials.

The EHRC work on women's and children's affairs is most prominently reflected in activities with external collaborators. If and when collaborating with civil society organisation takes place this seems to address vulnerable groups including the rights of women and children.

## 8.1 COMPLAINT HANDLING AND MONITORING OF PRISONS AND DETENTION CENTRES

The number of complaints handled varies by the HQ and the reporting branch offices from 222 to 489, and inspections from 8 to 230. Jimma office did not report how many inspections and complaints, and Hawassa office did not answer the section on inspections.

An overview of complaints and monitoring can be seen in the table 1.

**TABLE 1 TOTAL NUMBER OF COMPLAINTS RECEIVED BY ECHR 2017-18**

Complaints received by ECHR (HQ and BO)		Monitoring and inspections in prisons	Monitoring and inspections in detention centres
Total reported 1740 males 1117 females 368 groups 255	Rejected as inadmissible 973	68	65
Branch offices (BO)			
Assosa 311		4 ad hoc inspections prisons and detention centres	
Bahir Dar 489		Prisons: 46	Police stations: 58
Hawassa 477 Men: 255 Women: 54 Groups 168	Out of 193 admissible cases, 31 were resolved amicably, and 129 were investigated	No information	No information
Jimma	Handled complaints, but did not report how many	Ad hoc inspections, unclear how many	

Source: Annual Report 2017-18.

## 8.2 PROMOTION AND TRAINING

Promotion activities include consultative forums and training efforts. The trainings are targeting a wide variety of actors from local authorities and police, to local leaders, civil society groups (CSOs) and universities.

Closely related to the trainings, most offices also do awareness raising through radio, brochures, and events for children. An overview can be seen in the bellow table 2.

**TABLE 2: PARTNERS AND ACTIVITIES BY HEADQUARTERS AND BRANCH OFFICES.**

Partners	HQ	Assosa	Bahir Dar	Hawassa	Jimma
Police administrations & commissions	T, A	T, A, C, I	T, A	T, A, discussion of recommendations	
Federal Authorities Judiciary Ombudsman National ministries	T, A, C under low capacity	No contact	Some contact		
Elected officials Regional & State council Council of spokespersons	T, A	T, A, C	A, C & discussion of recommendations	T, discussion of recommendations	T, giving advice, no discussion of legislation.
Prison & detention center administrations & commissions	A, discussion of systemic problems Organized a consultative forum	T, A, C, I	T, A	T, discussion of recommendations	
Local Authorities Regional, zonal, district & Woreda administrators Regional attorney general & courts	T, Organized a consultative forum	T, A, C	T, A	T, reporting recommendations	T, A & C on vulnerable groups
Local & religious leaders	T, A				
Professionals	T health professionals	T women's lawyers association			
Educational institutions	A at schools	T at schools, university & bureau of education	T at police college	T, A at university	A at universities & police college
Media	A with reporters	C with & A through Assosa FM (radio)		C with & A through local radio	C with & A through Fana radio
International organizations, NGOs	C with UNICEF, UNWOMEN				
Vulnerable groups Women's, youth's, disabled persons' & elders' organizations	T & C with CSOs	C	C	T, A, C	C
Militia office			A		

T = Training, A = Awareness raising activities, C = Collaboration, I = Investigation of violations



### 8.3 IDENTIFIED ISSUES OF CONCERN

The list below reflects all the identified issues of concern areas and specific rights that the HQ and offices highlight in their work. However, no ranking of the issues is implied.

- Issues in Prisons & detention centres:
  - Lack of food, water, space, sanitary facilities, medical supplies, and personnel
  - Systems for data management relating to prisons as well as to ECHR
  - Operational systems that are inconvenient, amongst others, that all detainees/ prisoners are put together no matter the crime
  - There is a lack of systems for reintegration
  - Unlawful detention; the lack of access to justice
  - No visits by family, lawyers, religious leaders; no privacy during visits
  - Bodily harm to detainees, non-proportional use of force
  - Disregard of vulnerable groups
  
- Other issues raised:
  - Failing to investigate criminal matters where police is part of the allegation
  - Lack of accountability of police officers and security forces
  - Violent police
  - General lack of rule of law, mob justice
  - Health (HIV/Aids)
  - Migration
  - Labour (factory workers)
  - Protecting women's, children's, IDP's, People with disabilities', and other vulnerable groups' rights
  - Property rights
  - The right to self-determination and ethnic conflicts

### 8.4 EXTERNAL PARTNERS

As to the collaboration with authorities, diverse experiences prevail. The HQ seems to hold consultative forums with federal and regional detention centres as well as conducting trainings for law enforcement, judiciaries, administrators, councillors & local community leaders. The cooperation on trainings however does not include financing, planning, or execution of training activities, but rather for selection of trainees provided by the HQ, for instance also with respect to the training of trainers activities

Mostly authorities appear to be cooperative and open towards recommendations proposed by the Commission yet often there is a lack of capacity in EHRC, both in terms of knowledge and resources, to follow up on the recommendations.

Concerning collaboration with the parliament, the headquarter presents its Annual Report to the Parliament with an activity-based focus, i.e. advocacy or recommendations are not included.

The branch offices generally also seem to have good collaboration with authorities. What works best seems to be trainings of officials. This includes for instance training of police, security, judiciary, local leaders, as well as administrators for courts and regional offices. Especially the EHRC work on women's and children's affairs appear to engage in such cooperation.

Concerning resolving issues and following up on recommendations, challenges appear to prevail as regards implementation. Local police are generally unresponsive, whereas prison administrations acknowledge problems more readily. However, even where cooperative response reactions prevail, the local authorities tend to lack resources to follow up on issues. In other cases, they end up not addressing the recommendations. Higher authorities can also be irresponsive when they are made aware of this. At other times, the authorities are reported to simply act unconstructively when presented with EHRC recommendations.

In addition, findings indicate that the branch offices rarely take the initiative themselves to work with authorities concerning adopting the recommendations or raising concerns about the implementation. The only offices that seems to approach authorities about their violations is the Jimma office and to some extent the Bahir Dar and Assosa offices.

The HQ appears to find it important to cooperate with for instance NGO's, yet there is little evidence, that such cooperation takes place. If and when it does, the cooperation concerns vulnerable groups and their rights. Such collaborations often involve international actors such as UNICEF and UNWOMEN.

Local offices report to have some contact with CSOs. Issues involved are women's, children's elder's as well as persons with disabilities. Examples are the Bahir Dar and Assosa offices. The offices express interest to work with international NGOs on these issues, yet there is no evidence for such cooperation.

The Bahir Dar Office, however, states that it does not have relations with non-state actors, because the HQ has ordered them not to. In all likelihood, this refers to the previous CSO legislation directing that government institutions should not engage with CSOs. This policy has been revised presently of 15 August 2019.<sup>99</sup>

In some instances, trainings and awareness programs take place with schools and universities.

Several branch offices report to have good cooperation with radio stations as regards awareness raising (Jimma, Assosa & Hawassa office)

An overview of the partners of the different offices and the activities they cooperate on can be found in in table 2 in section 7.2.

### **8.5 CHALLENGES AND NEGATIVE OUTCOMES**

Summing up the main challenges that the offices face these include lack of adherence to EHRC recommendations, capacity constraints in several areas such as capacity to follow up with authorities and extended geographical resort areas, as well as occasional communication problems with the HQ. In addition, public authorities seem unaware of the EHRC mandate especially with respect to the work with vulnerable groups.

The internal capacity constraints are mentioned in several other areas as well, for instance when working with vulnerable groups (Bahir Dar). The constraints here are of logistical and human resource nature, but also financial. The lack of capacity to follow up is presumably part of the reason why no one is held accountable regarding failure in performance. The lack of capacity also ties into the problem of large geographical areas of responsibility. Especially the Jimma and Hawasa offices mention this as a problem.

Another reported issue that is that the mandate of the EHRC is not quite clear to public officials. This affects communication as well as the scope of cooperation with such stakeholders. It relates especially to the issue of vulnerable groups, such as migrants, women, people with disabilities & children. The EHRC mandate includes these groups, but the degree to which the branch offices work with them varies sometimes due to the specific interpretation of the mandate by the respective branch offices. This seems to create some confusion, also between the offices. The Assosa branch office for instance does not seem to monitor the conditions of vulnerable groups in prisons.

The challenges identified by the head and branch offices are summarised in table 3.

**TABLE 3**

Office Issues	
Headquarters	<ul style="list-style-type: none"> <li>• Generally cooperative authorities, yet they often lack capacity to deal with issues, sometimes leading to authorities fearing the EHRC due to lack of understanding of EHRCs mandate.</li> <li>• Recommendations are not followed up on</li> <li>• Ethnic divides within local administration are a challenge in some investigations.</li> </ul>
Assosa	<ul style="list-style-type: none"> <li>• Cooperation with CSOs is constructive, but most regional govt. offices are not constructive and uncooperative.</li> <li>• There seems to be agreement on problems with prison authorities, yet there is no implementation of recommendations.</li> <li>• There seems to be misunderstanding about the mandate on vulnerable groups – the branch office doesn't monitor police, prisons and detention centres on vulnerable group's issues.</li> </ul>
Bahir Dar	<ul style="list-style-type: none"> <li>• Implementation problems with police and prisons: missing capacity or noncompliance.</li> <li>• Lack of monitoring of the implementation of recommendations, partially due to lacking capacity of the branch office</li> <li>• Unresponsive “higher level authorities”</li> <li>• Cooperation with govt. org. is unconstructive</li> <li>• Forbidden direct contact with NGOs by headquarters</li> </ul>
Hawassa	<ul style="list-style-type: none"> <li>• Authorities show reluctance to accept and implement recommendations</li> <li>• The branch office does not have the capacity to follow up on implementation of recommendations.</li> <li>• There is a large geographical area to cover – there is a lack of logistical capacity to cover the area.</li> <li>• Perhaps there is a misunderstanding of the mandate on the area of women and children.</li> <li>• Communication with headquarters and between branch directorates is not clear and transparent</li> </ul>
Jimma	<ul style="list-style-type: none"> <li>• There is no monitoring and accountability mechanism to make sure recommendations are followed.</li> <li>• Weak relationship with many stakeholders, especially regional bureaus and zonal offices, due to remote location. Also, weak relation to CSOs.</li> </ul>

As a concluding observation it should be mentioned that the EHRC since mid-2019 when the leadership was changed initiated a reform process to address these and other challenges. The reform was supported by external stakeholders including DIHR since early 2020 and included initiatives such as organisational restructuring, establishing of IT infrastructures and assistance to conduct investigations of critical human rights violations.

This has resulted in immediate initiatives by EHRC to investigate the unrest and violence following the killing in June 2020 of Haacaaluu Hundeessaa, the famous singer and activist. As another example EHRC carried out a field mission to Maikadra in the Northern Ethiopia to investigate and propose recommendations concerning the massacre which took place in connection with the conflict between the federal and Tigray governments in November 2020. The efforts to reform EHRC

to create a strong and fully independent Commission were expanded into in a long-term collaboration between EHRC and a number of donor agencies starting in the fall of 2020. In the process of formulating interventions for the long term project guided by the goal of EHRC become independent, the findings from this analysis of EHRC provides excellent directions and insights into the weaknesses, challenges and opportunities EHRC is facing.

## CHAPTER 9

# JUSTICE AND LAW ENFORCEMENT OPPORTUNITIES

### 9.1 FUNDING AND IMPLICATIONS FOR DIHR

Over the years there has been quite a lot of support for justice and human rights in Ethiopia. Main donors include the EU, GiZ, SIDA and USAID as well the embassies of Denmark, the Netherlands and Norway. In 2019-20, it appears that some programmes ended<sup>100</sup> and that others were re-programmed to support the mitigation of the impact of COVID-19.<sup>101</sup>

The EU mainly provides direct support to local actors, yet in 2020 it issued a Call for Technical Assistance Unit - Support to Criminal Justice Reform in Ethiopia' that resulted in a shortlist of seven consortia that can apply for the tender.

- DIHR should map funding opportunities for justice and law enforcement initiatives (2021-24) and assess whether there are areas of justice or law enforcement where it can add value.
- DIHR should follow the work of **Technical Assistance Unit - Support to Criminal Justice Reform in Ethiopia (EU)** and look into potential provision technical assistance in areas of DIHR expertise.

### 9.2 GENDER, AGE AND ETHNICITY: A FEW COMMENTS

- As regional states are broadly defined along ethnic and language 'lines' there could be implications for the structure/organisation of **justice and law enforcement services**.
- Studies of **traditional justice** indicate the potential disregard of the interests of women, children and minorities.
- Studies of **community policing** focus on 'young boys', whereas (young) women appear to be absent from the community policing fora.
- Domestic abuse and violence against women<sup>102</sup> require improved **investigation, prevention** and gender-sensitive procedures<sup>103</sup>.

### 9.3 AREAS/QUESTIONS FOR CONSIDERATION

#### JUSTICE:

- There is a need to explore and learn more about the justice sector (and more than criminal justice)
- Reach out to HILL to enquire about their current Access to Justice activities, incl. their justice sector analysis initiative (funded by the Embassy of the Netherlands).

- Is there potential for coordination across the justice sector in civil or administrative justice? With a concrete example from a regional state/local area?
- Formal – informal justice:
  - Explore the relation or the continuum of formal and informal institutions in a specific area/regional state?
  - Study human rights (incl. gender) and traditional justice/local law enforcement/ community policing
  - Look into the recognition of the customary institutions and legal processes; explore whether such recognition could have an effect on collaboration with the state judicial system in the provision of access to justice.

### LEGAL AID

- Look into the role of government in disseminating legal information or providing legal advice to members of the public on entitlements.
- Identify civil society organisations (capital/regional state) , that are actively involved in legal service delivery (also in relation to formal-informal justice).
- Explore the role of paralegals in Ethiopia: although there is no recognition in law, there might be paralegal functions that are carried out in practice in rural and urban settings.
- Explore potential for cooperation with
  - a) the EHRC (in its capacity as an active supporter of legal aid programmes),
  - b) one or more of the university legal aid clinics in Ethiopia, and
  - c) the human right centres established at universities, such as the University of Addis Ababa.

### LAW ENFORCEMENT

- Look into the results of **Ethiopia's Growth and Transformation Plan for 2015/16-2019/20** on the rule of law and the capacity of institutions and persons to carry out 'democratic policing'.
- Learn more about the organisation and communication structure between community – regional state and federal police.
- Explore the results of the process to demilitarise the police and create a police service incl.:
  - The status of various law enforcement actors and their main challenges.
  - The potential for new forms of policing<sup>104</sup>
- Study the police academies/schools/research institutions and their role in supporting a new organisational culture ('from force to service') and their potential for developing approaches and curricula based on human rights. (Foreseen in 2022/23)
- Follow the monitoring of places of detention by EHRC.

## CHAPTER 10

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