



**COMPLEMENTARY REPORT BY THE ETHIOPIAN HUMAN RIGHTS COMMISSION**

**ON THE COMBINED SIXTH AND SEVENTH REPORT OF THE GOVERNMENT OF  
ETHIOPIA**

**TO THE UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD ON THE  
IMPLEMENTATION OF THE PROVISIONS OF THE CONVENTION ON THE RIGHTS  
OF THE CHILD**

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## **Acronym**

ACERWC - African Committee of Experts on the Rights and Welfare of the Child

ACHPR - African Commission on Human and Peoples' Rights

EHRC – Ethiopian Human Rights Commission

FGM – Female Genital Mutilation

GANHRI - Global Alliance of National Human Rights Institutions

GBV – Gender Based Violence

SGBV – Sexual and Gender Based Violence

HTP – Harmful Traditional Practices

IDP – Internally Displaced Persons

IOM - International Organization for Migration

TPLF – Tigray People's Liberation Front

UNICEF - United Nations International Children's Emergency Fund

USD – United States Dollar

## **Introduction**

1. The Ethiopian Human Rights Commission (hereafter ‘EHRC’ or ‘the Commission’) is an independent Federal state body as per the Constitution of the Federal Democratic Republic of Ethiopia (the Constitution) and reporting to the House of Peoples’ Representatives (the Parliament), in accordance with Proclamation No.210/2000 (as amended by Proclamation No.1224/2020) as a national human rights institution with the mandate to promote and protect human rights.
2. Human rights promotion, monitoring and investigation are among the core functions of EHRC. Accordingly, EHRC has conducted various monitoring and investigation of alleged human rights violations, including during election periods, state of emergency, as well as unannounced visits to places of detention. It issues and forwards concrete recommendations for relevant stakeholders to take remedial actions. The Commission conducts advocacy work and follows up on the implementation of its recommendations.
3. The Commission has a dedicated thematic department on Women and Children’s Rights led by a Commissioner.
4. EHRC attained an ‘A’ status accreditation from the Global Alliance of National Human Rights Institutions (GANHRI) in October 2021 and has affiliate status with the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) and the African Commission on Human and Peoples’ Rights (ACHPR).
5. The information presented in this report is based on the Commission’s own monitoring and investigation work, as well as research and the findings of individual complaints handling service it provides.

## **General measures of implementation (Arts. 4, 42, 44(6))**

6. EHRC welcomes the combined sixth and seventh report of Ethiopia under Article 44 of the Convention on the Rights of the Child (the Convention).

## **Policy and legislative measures**

7. In 2018, Ethiopia ratified the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol) and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (also known as the Kampala Convention) through Proclamation No. 1187/2020. However, Ethiopia has still not ratified the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the ILO Convention No. 189 concerning Decent Work for Domestic Workers.

8. During the reporting period, the government of Ethiopia took some measures to align its laws and policies with international child rights standards by revising existing laws and adopting policies, strategies, and action plans. Notably, in 2019 Ethiopia revised the Labor Proclamation No. 1156/2019 and enacted the Refugees Proclamation No. 1110/2019 providing for improved standards in relation to child labor and refugee children respectively. Furthermore, Ethiopia has adopted a national costed roadmap to end child marriage, female genital mutilation (FGM) and other harmful practices and has revised the child parliament establishment guideline. As per Article 3 (2) (a) of the Kampala Convention, the Government has also prepared a draft national implementation legislation on the protection and assistance of internally displaced persons (IDPs), although it is still pending adoption. The Government has also prepared a draft Migration Policy pending adoption. Considering the ever-increasing problem of internal displacement, internal and cross-border migration in Ethiopia, the unregulated domestic work and the disproportionate impact on children, the adoption of these human rights standards could fill in the gaps that stem from lack of policy, legal and institutional framework for the protection of displaced children, child migrants and child domestic workers. In addition, there are still national laws, such as the Criminal Code and Criminal Procedure Code in relation to administration of juvenile justice, that are yet to be fully reviewed in compliance with the Convention. Nevertheless, it is important to note that recent initiatives are underway to recommence the process of formulating a comprehensive child rights legislation.

***Recommendations: Government should:***

- **Ratify international and regional human rights instruments, including the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the ILO Convention No. 189 concerning Decent Work for Domestic Workers.**
- **Expedite harmonization of national laws to ensure enforcement of children's rights in conformity with the Convention. Government should also expedite the adoption of draft policies and legislations that have been reviewed in compliance with regional and international human rights laws, including the migration policy and national legislation on the protection and assistance of IDPs.**

**Data collection**

9. Reliable, regularly updated and easily accessible data is crucial for influencing the decision-making process, ensuring effective policy making, and developing appropriate strategies and action plans for the promotion and protection of children's rights. EHRC identified gaps in the availability and accessibility of data that is disaggregated by age, sex, disability, geographic location, ethnic origin, and socioeconomic background during its monitoring and investigation works. This includes lack of disaggregated and regularly

updated data on victims of child trafficking and violence against children that pass through the criminal justice system, on children with disabilities, and internally displaced children. This poses a challenge in identifying gaps in the implementation of child rights, comprehensively understanding the prevalence of violence against children, implementing preventive measures, and devising systematic solutions to ensure timely and effective interventions.

***Recommendations:*** Government should strengthen its data collection and management system by establishing a data management system that captures disaggregated and relevant data in relation to the rights and wellbeing of children. The data should be used for budget allocation, priority setting, and policy formulation to ensure the effective promotion and protection of children’s rights.

### **Definition of the child (Art. 1)**

10. While the minimum age of employment has been raised from 14 to 15 in line with international standards as per the revised Labor Proclamation No. 1156/2019, the Constitution and other legislations do not clearly define the age of a “child”, which creates a risk of abuse, violations and exploitation across various sectors.
11. Moreover, the minimum age of criminal responsibility is still set at 9 years old. The 2004 Criminal Code provides special measures only for children aged between 9 – 15 and categorizes children between 15 – 18 years as adults. Additionally, the revised Federal Family Code provides for the possible emancipation of children at the age of 16 years for marriage who are treated as adults upon the authorization of the Ministry of Justice. In a country where early marriage is still practiced, this might increase risk of undue pressure on girls to marry at a young age, which will further affect girls on many levels including interruption of their education, early pregnancy and health complications, psycho-social injuries.

***Recommendations:*** Government should

- **Adopt a law that clearly define ‘a child’ as a person below the age of 18.**
- **Raise the minimum age of criminal responsibility to 12 years in line with the recommendations of the Committee on the Rights of the Child.**
- **Remove the exception on the age of marriage to prevent child marriage.**

### **Civil rights and freedoms (Arts. 7, 8, and 13–17)**

#### **Birth registration**

12. EHRC welcomes the amendment of the Vital Events and Nationality Proclamation (Proclamation No. 1049/2017), which extends the right to birth registration for children of foreigners including refugees, and mandates health facilities to assist by providing notification paper declaring the birth of the child.
13. Nevertheless, the amended Proclamation still imposes a financial barrier on the right to birth registration as it requires payment of a service fee for issuing certificate of birth, which may exclude people living in poverty. Attaching a service fee to birth registration may expose the child to refutation of his/ her right to birth registration, identity, and nationality. Further, EHRC observed civil registries are inaccessible for children residing in remote areas and the lack of a uniform system to provide birth certificates for children in vulnerable situations including children in orphanage centers, internally displaced children, refugee children, children in street situation and children incarcerated with their mothers. This directly impacts the children's right to education, provision of support including food and health services, and family resettlement in case of refugee children.

***Recommendations: Government should amend the law to include provision of mobile and accessible birth registration systems for children in street situation, children living in remote areas, orphanages, refugee camps and IDP sites where health facilities or civil registry are not available within a short distance. Additionally, registration of birth within Ethiopia should be free and easily accessible, including to displaced children and refugee children.***

### **Freedom of association and of peaceful assembly**

14. EHRC recognizes the establishment of a child parliament at the federal level and in all regional states, as well as the revision of the child parliament establishment guideline. During the Commission's engagement with child parliamentarians, several challenges were highlighted such as insufficient budget allocation, tokenistic participation, and lack of meaningful efforts and mechanisms to accommodate children's views in decision-making processes. Additionally, community and cultural attitudes put barriers on effective and meaningful child participation.
15. Moreover, lack of legal and policy framework outlining children's right to participation and freedom of association is another gap in ensuring the right to association, peaceful assembly, and freedom of expression of children. For example, EHRC's investigation into the students protest in Addis Ababa in 2023 showed that protesting students faced physical abuse, were unlawfully detained, and held in police stations with adult detainees up to four days. Furthermore, in Somali Regional State, in December 2022, more than 67 girls aged 11 -16 were detained while protesting for their basic rights to education and healthcare.

### ***Recommendations: Government should***

- **Adopt laws and polices recognizing the rights to participation and association of children and allocate adequate budget.**
- **Empower child parliamentarians by supporting their activities and ensuring that the views and recommendations of children are considered in policies, laws, and other decisions. Refrain from arresting and detaining children for expressing their views, and respect and protect children’s rights to peaceful assembly.**

### **Violence against children (Arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

#### **Sexual exploitation and abuse**

16. EHRC commends the initiative to amend the Criminal Procedure Code of Ethiopia which has been in effect since 1961. The Commission proposed amendments to incorporate ‘the best interests of the child’ as a guiding principle; and introduce mechanisms to protect child victims of violence. EHRC, as well as, women and children-led civil society organizations (CSOs) were consulted during the drafting and review process of the draft law, which is yet to be adopted.
17. The Commission notes that sixty-nine (69) one-stop-centers have been established throughout the country as of 2023. EHRC also recognizes the development of a draft policy on gender-based violence (GBV), the adoption of which should be expedited to effectively address GBV cases. EHRC welcomes the establishment of child friendly benches in some parts of the country. However, it is concerned of gaps in accessibility of these benches and barriers in guaranteeing children’s right to be heard.
18. The Commission’s monitoring findings on the response of the criminal justice system to child victims of violence revealed significant gaps, which result in violation of their rights to access to justice. These include lack of a detailed legal framework to ensure children victims’ safety; inconsistencies in ensuring accountability; secondary victimization and ineffective protective measures against harm, intimidation, and retaliation. Additionally, one-stop-centers, which were mainly established to provide holistic response to victims of sexual violence are not widely accessible, do not operate optimally and in line with their purpose. Furthermore, there is lack of confidentiality in complaint and investigation units for child victims of sexual abuse within the police and public prosecutor offices. There is also lack of child-friendly investigation rooms and courts; inadequate training for police, public prosecutors, and judges on children’s rights in general and rights of child victims of violence in particular; lack of specific strategies for investigating and assisting child victims of violence to prevent further victimization; and lack of effective coordination among different stakeholders.



19. Internally displaced girls are exposed to sexual and gender-based violence (SGBV) due to the living conditions at IDP sites. This is aggravated by the lack of protection schemes in the IDP sites and the inaccessibility of SGBV response mechanisms. EHRC's monitoring further revealed that inadequate provision of humanitarian assistance to IDPs are forcing displaced students to drop out of school and take-up work that expose them to labor and sexual exploitation. Some are forced to adopt negative coping mechanisms. Female students were found to be more vulnerable to exploitation.
20. EHRC has identified widespread and systematic sexual violence against children in situations of conflict, particularly in the Tigray, Afar, and Amhara regional states, in violation of international human rights and humanitarian laws and which may amount to war crimes. Moreover, there is a legal gap under Ethiopia's criminal law in comprehensively criminalizing sexual crimes in the context of armed conflict. Article 270 (f) of the Criminal Code only recognizes "prostitution, debauchery, or rape" as war crimes against civilians.

***Recommendations - Government should:***

- **Allocate adequate budget for the effective planning and implementation of research, training and awareness raising activities in connection to sexual exploitation and abuse.**
- **Allocate sufficient resources to the justice sector to improve its response to child victims of violence.**
- **Establish a body responsible for rehabilitating and reintegrating children who have been victims of violence.**
- **Expedite the adoption of the GBV policy and adequately criminalise sexual crimes in the context of conflict.**
- **Ensure one-stop-centres provide holistic support and are accessible for all, including to IDPs.**
- **should work with local and international non-governmental organizations to enhance the accessibility of comprehensive services for children, including in the context of conflict.**
- **Ensure accountability for crimes of sexual violence committed against children, including in the context of conflict; and ensure effective coordination among different stakeholders.**

**Harmful traditional practices**

21. EHRC acknowledges the positive measures taken by the government in combating harmful traditional practices (HTP), notably, through the adoption of a national costed roadmap to end child marriage and FGM following Ethiopia's commitment to end child marriage and

FGM by 2025 at the London Summit in 2014. Additionally, the establishment of a national alliance to end child marriage and FGM comprising of both governmental and non-governmental organizations, are indicative of the efforts towards ending child marriage and FGM.

22. However, assessments, consultations and monitoring conducted by the Commission indicate the recent increase in HTPs in different parts of the country and regression of preventative actions of different forms of HTPs, especially early marriage and FGM. The reasons for regression include the COVID-19 pandemic, conflict, and displacement. FGM, child marriage, and abduction involving rape are increasingly practiced in different parts of the country having a devastating impact on the lives of girls, causing physical, sexual, and emotional harm.
23. In South-West Ethiopia Regional State, HTPs such as leaving women outside the house during menstruation, labor, and childbirth; abandoning children with epilepsy; abandoning or killing a child who has an inverted order of tooth eruption (upper teeth coming out before lower teeth) known as ‘Mingi child’; and ‘Asha’ (providing women as compensation for murder cases) are still practiced with severe detrimental impact on the life, development, and survival of children. Furthermore, the rise of multiple FGM (FGM inflicted on women and girls of various ages (twice or multiple times in some cases) under the false notion of treating a ‘disease’) in Hadiya Zone in the Central Ethiopia Regional State is of concern.
24. EHRC has also identified systemic challenges to ending HTP including limited awareness at the local administration level, limited budget allocation to address HTP, cultural barriers, and lack of coordination among different stakeholders. Legal gaps in the Criminal Code such as inadequate penalty for FGM, absence of provisions criminalizing failure to report instances of FGM, and failure to specifically address all forms of HTP that are widely practiced in the country, undermine efforts to combat HTP effectively.

***Recommendations: Government should***

- **Strengthen measures to implement national plans which aim to eliminate HTP and establish a strong accountability framework for all forms of HTP.**
- **Implement comprehensive and long-lasting awareness raising program to address the root causes of HTP, mainly deep-rooted stereotypes against women and children.**

**Family environment and alternative care (Arts. 5, 9–11, 18 (1–2), 20–21, 25 and 27 (4))**

**Separation from parents and family reunification**

25. EHRC acknowledges the positive developments aimed at safeguarding the rights of children separated from their parents and facilitating family reunification. The drafting of

a Child Maintenance Guideline is a step towards ensuring the best interest of the child in situations of separation. Additionally, the Refugee Proclamation No. 110/2019 allows family members of an asylum seeker to enter Ethiopia and stay until their case is decided, and enjoy the rights and privileges provided under the law.

26. The consistent rise of internal displacement and refugees has profoundly impacted children's rights; 53% of the displaced people are under 18 years of age, many of whom are unaccompanied by their legal guardians or parents. For instance, in Amaro special district (now renamed as Kore Zone), in Southern regional state, there has been an increase in the number of children separated from their parents. Refugee children face similar issues, for instance children residing in the Berhale refugee shelter in the Afar regional state have been separated from their parents due to conflict and have not been duly registered or provided with basic services.
27. Child abandonment is a serious concern in Ethiopia. EHRC's assessment in Afar regional state indicates that physical abandonment of infants occurs in various areas within the Region. In addition, lack of alternative care facilities in the Region is impacting the welfare of these children. The inadequate protection mechanisms in the implementation of local adoption process for children, particularly following the prohibition of international adoption, has persistently negatively affected children who require alternative care.
28. Family reunification initiatives for child victims of trafficking pose a multifaceted challenge, especially for those who have been forced into irregular migration by their own families. Failure to conduct a comprehensive assessment on the best interests of the child before reunification, coupled with insufficient post-reunification monitoring has led to a cycle of child irregular migration, in different parts of the Southern regional state. Moreover, the absence of a clearly defined mandate and monitoring mechanism for the reintegration of child victims of trafficking further challenges family reunification for children separated from their parents.

***Recommendations - Government should:***

- **Finalize the development of child maintenance guidelines that ensure the best interest of the child. Moreover, separation of children should be taken as a last resort, and government should provide training for social workers and other professionals who can determine the separation, reunification, and reintegration of children.**
- **Assess and prevent the root causes of child abandonment and separation and promote family-like alternative care options with a special focus on domestic adoption.**
- **Conduct thorough assessments on the child's best interests pre and post reunification to prevent irregular migration and ensure the well-being and safety of children by providing necessary assistance to discourage future irregular migration attempts.**

## **Children deprived of a family environment**

29. EHRC commends the amendment of the Alternative Childcare and Support Directive No. 976/2023. The Directive consolidates the previously scattered childcare rules and guidelines into a comprehensive document, providing a unified approach to alternative childcare. Particularly, the Directive states all interactions, actions, plans and decisions must adhere to the four principles of children's rights in compliance with the Convention.
30. To ensure de-institutionalization of children and provide a family like environment, orphanages provide various alternative care options, including adoption, family-like care, kinship care, child-headed households, and foster family care to children.
31. EHRC has monitored twenty-five orphanages located in four regional states and two city administrations. Some orphanages do not provide adequate food, clothing, educational materials, and healthcare services for the children. There are also challenges in relation to access to information, as well as the overcrowding and unhygienic conditions of slipping areas. Moreover, there is discriminatory admission criteria, where most of the orphanages do not accept children with disabilities. Orphanages, which accept children with disabilities do not have accessible services and procedural arrangements, further marginalizing them. The majority of the orphanages have protection and safeguard gaps in relation to disciplinary measures, resulting in physical and psychological abuse of some children. Moreover, there is no access to complaint mechanisms. Additionally, there was a shortcoming in the supervision and monitoring of orphanages by the government regulatory authority.

### ***Recommendations - Government should:***

- **Ensure the availability of a wide range of alternative care measures and that the decision of placement is made on a case-by-case basis with the best interest of the child as the primary consideration.**
- **Simultaneously strengthen its supervision and monitoring of all forms of alternative childcare, including orphanages, to ensure the rights and wellbeing of children.**
- **Prohibit any discriminatory admission criteria in orphanages and enforce accountability measures against discriminatory practices.**

## **Children living with their imprisoned mothers**

32. EHRC is concerned about the lack of non-custodial and protection measures in accordance with the best interest of the child for offending mothers. In its regular monitoring of detention centers, the Commission has observed that children detained with their mothers

do not receive adequate support leading to food and water scarcity, limited education, and preventable health-related problems. Moreover, children born inside prisons do not receive a birth certificate. In the Oromia regional state, police stations have raised budget constraints as a reason for not considering the best interest of children in detention with their mothers.

33. On the other hand, EHRC has observed good practices in Benishangul-Gumuz and Afar regional states, where there are special procedures that allow for mothers detained with their children to be released on bail. In addition, at Kaliti High Security Detention Center, children detained with their mothers are provided day care service within the prison.

***Recommendations: Government should***

- **Adhere to the best interest of the child and provide alternative care for children of incarcerated care givers by placing them in foster care, or other alternative family settings.**
- **Where children are incarcerated with their parents as a last resort, adequate food, water, and access to health and education facilities should be provided.**
- **Register and provide birth certificate to children born in detention centres.**

**Disability, basic health, and welfare (Arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33)**

**Children with disabilities**

34. EHRC recognizes the submission of the combined second and third State Report on the implementation of the Convention on the Rights of Persons with Disabilities to the Committee on the Rights of Persons with Disabilities and the submission of a request for the ratification of the African Protocol on the Rights of Persons with Disabilities to the Council of Ministers of Ethiopia.
35. The establishment of the Ethiopian Prosthetic and Orthotic Service under the Ministry of Health and the development of a curriculum on Community-Based Rehabilitation for service providers are also positive developments. Additionally, the reopening of the physical rehabilitation center at Black Lion Hospital in Addis Ababa.
36. Major challenges in the promotion and protection of the rights of children with disabilities include: the absence of a comprehensive legal and institutional framework, particularly the delay in enacting the proposed comprehensive disability law designed to address this issue; limited accessibility and quality of physical rehabilitation services and assistive devices (the situation has worsened when combined with the ongoing conflict in different parts of the country); and the inaccessibility of public buildings and services among other issues. EHRC's monitoring on access to justice in different parts of the country has identified

physical, communication, institutional, and attitudinal barriers. Furthermore, the utilization of derogatory language in speeches, legal documents, and media content, coupled with the prevailing negative perception of persons with disabilities, contributes to perpetuating stigma and undermine the dignity of children with disabilities.

37. EHRC acknowledges efforts to revise the Building Proclamation (Proclamation No. 624/2009) and to solicit inputs from multiple stakeholders including on improving the physical accessibility of public buildings for persons with disabilities. However, the physical accessibility of public facilities remains to be among the most serious concerns for children with disabilities across the country. This is partly due to the absence of a binding accessibility standard and weak regulatory framework.
38. The Commission's monitoring of IDP sites found that common areas and sanitary facilities are inaccessible, and the distance between schools and the IDP sites is usually far presenting a significant barrier to children with disabilities. EHRC's monitoring of refugee camps also found that despite some efforts, assistance provided to refugee children with disabilities do not take into account their specific needs. Similarly, EHRC's monitoring of orphanage centers revealed that most institutions were not suitable for children with physical disabilities, due to slippery floors, stairs without supports, lack of accessible toilets and ramps, and entrance doors which are incompatible for wheelchairs. Furthermore, EHRC found the exclusion of children with disabilities from recreational activities; failure to allocate specific budget to children with disabilities; limited measures to ensure inclusivity; the unavailability of special needs care givers that cater to children with disabilities; and the widespread refusal of orphanages to accept children with disabilities.
39. While EHRC welcomes the Master Plan for Inclusive Education in Ethiopia 2016 -2025, it remains concerned about the gaps in its implementation. For instance, cases of children with disabilities being denied admission to schools and the lack of reasonable accommodation for children with disabilities persists. Moreover, the disruption and destruction of educational facilities resulting from conflict has disproportionately impacted children with disabilities. This is further exacerbated for internally displaced and refugee children with disabilities creating multifaceted issues. The challenges faced by children with disabilities in education include absence of accessible learning environment, absence of sign language education and service, lack of hearing aid and braille, lack of awareness about disabilities among teachers and staff in schools, lack of educational methodology that accommodates the specific needs of students with disabilities, and educational materials for students with visual and hearing impairments.
40. Furthermore, EHRC identified problems in the health sector concerning the provision of adequate treatment, medical follow-up, and case handling based on the type of disability children have and their specific needs.

### ***Recommendations: Government should***

- **Adopt the draft disability law to provide a comprehensive framework for the protection of the rights of persons with disabilities.**
- **Allocate sufficient resources to ensure inclusion of children with disabilities in different sectors; raise public awareness about the rights of persons with disabilities.**
- **Establish sufficient standards on physical accessibility for public and private institutions and come up with a strong legal and regulatory framework.**

### **Health and health services**

41. EHRC welcomes the Child Survival Strategy; Roadmap for Child Health, Growth, and Development; and Ethiopia's Conflict Impact Assessment and Recovery and Rehabilitation Planning prepared by the Ministry of Health. However, EHRC is concerned by the compound effect COVID-19, drought, flood, and conflict had on the right to health of children. The disruption of health services, including interruption of immunization programs due to COVID-19 and conflict have resulted in infants missing immunization.
42. EHRC's post conflict monitoring in Tigray and Afar regional states, as well as monitoring in Benishangul-Gumuz regional state shows the alarming consequences of interruptions in vaccination, including the resurgence of several illnesses and occurrence of preventable deaths. Additionally, malnutrition continues to be a severe challenge, leading to an increase in infant mortality rate and causing medical complications particularly in areas affected by conflict, flood, and drought. Furthermore, EHRC observed that conflict has severely impacted children's right to healthcare due to the destruction and looting of health facilities, loss of ambulances, the shortage of incubators and inadequate vaccines for newborns, as well as food and nutritional supplements for pregnant women and children, and the displacement of trained health service providers. During its monitoring in Tigray Region post-Pretoria Peace Agreement, EHRC received information from health professionals indicating that the lack of medication and lifesaving nutritional supplies led to the deaths of children. For example, since February 2023, it is reported that 6 children in Dengolat and 7 children in Mehoni may have died as a result of malnutrition and hunger in Dengolat Health Centre and at Mehoni Primary Hospital respectively.
43. Moreover, in the newly established regional states, there has been disruption of healthcare services due to health facilities being partially or entirely non-functional, and health care providers facing delay in receiving their salary. Children are forced to travel to neighboring regions in search of healthcare provision, increasing the hardship faced by vulnerable children.

44. EHRC's monitoring of IDP sites revealed that some IDPs, including displaced children are not able to access medical treatment because health facilities do not have adequate supplies, pharmaceuticals, and equipment.

***Recommendations: Government should***

- **Increase efforts to reconstruct or establish health facilities, resume vaccination, and scale up humanitarian assistance in conflict affected areas and IDP sites.**
- **Ensure effective functioning and accessibility of healthcare facilities and the timely payment of salaries to health service providers in the newly established regional administrations.**

**Standard of living and measures**

45. EHRC acknowledges positive efforts to commence community feeding and school feeding programs in different parts of the country. Other positive steps include the reopening of schools in post-conflict areas in Tigray and Afar regional states, as well as in Benishangul-Gumuz regional state, and the school feeding programs in drought-affected areas in Oromia regional state to mitigate the impact of drought on students.

46. However, conflicts and natural disasters have negatively affected children's right to an adequate standard of living. EHRC's monitoring of drought and conflict affected areas in Oromia, Somali, Southern region (South Omo zone, Burji woreda and Konzo zones), Tigray, and Amhara regional states found that drought and conflict have severe consequences on the right to food, health, and education of children. EHRC found that hundreds of thousands of children are malnourished in these areas due to food shortages and inadequate humanitarian assistance in conflict affected areas, with some cases posing a direct threat to their right to life. For example, in Borena zone in Oromia regional state, 111,422 children do not have food security. Furthermore, according to baseline surveys conducted by the Ministry of Health and United Nations International Children's Emergency Fund (UNICEF), 39% of children under five years old are stunted and 11% wasted.

47. EHRC's investigation into the right to housing found the demolition of houses and forced evictions of more than 100,000 households in the newly founded 'Sheger' city, which is on the outskirts of the capital city Addis Ababa, leading to a rise in children's dropout rate from school, displacement to other cities, and poor living conditions which threaten their wellbeing. Similarly, internally displaced children's right to housing is violated due to gaps in provision of suitable shelter in IDP sites. Inflation, large scale displacement, and unavailability of affordable housing, as well as limited means to acquire housing are factors aggravating the problem of access to housing for children.



### ***Recommendations: Government should***

- **Prioritize the peaceful resolution of conflicts and the provision of all necessary support to ensure adequate standard of living for children in conflict and drought affected areas.**
- **Facilitate proper and legitimate means to provide access to affordable housing and ensure that development projects, which could result in evictions and demolition of houses, consider the wellbeing of children, with a special focus on vulnerable children.**

### **Education, leisure, and cultural activities (Arts. 28, 29, 30 and 31)**

#### **The right to education**

48. EHRC recognizes that primary education is free and there are efforts to provide additional support for students through school feeding programs, as well as availing free school uniforms and educational materials to students in government owned primary schools. In 2023, Ethiopia has also revised its Early Childhood Development Education Policy to enhance high quality early childhood development and education services. However, this effort is yet to be applied uniformly and consistently throughout the country. Although the Committee on the Rights of the Child stated its concern about the absence of national legislation on free and compulsory education in Ethiopia in its last concluding observations, legislative measures are yet to be taken to ensure that primary education is compulsory.
49. There have been positive developments, such as the signing of a memorandum of understanding between the Ministry of Education and EHRC to include and strengthen human rights education in the formal and informal education system. EHRC further welcomes the revision of primary and secondary education curriculums, which increasingly incorporate human rights education in moral and citizenship education. This would significantly contribute to instilling a culture of human rights in schools. EHRC also appreciates the introduction and provision of an accelerated education service in IDP sites in Oromia and Somali regional states, which aims to address the problem of school dropout rates due to drought in those areas. The accelerated education program is also being implemented in Tigray region to compensate for the lost school years during the northern conflict.
50. EHRC's research shows a significant gap in the right to education for children with disabilities during the COVID-19 pandemic. Twenty-four percent (24.79%) of children with disabilities interviewed reported dropping out of school due to pandemic related challenges including difficulty adhering to the preventive measures and accessing learning materials. Though different alternatives were used to continue the classes, most children

with disabilities were unable to continue with their schooling because they lacked access to assistive technologies and electronic devices. Children with hearing impairments faced more difficulties during the pandemic and post pandemic educational setting because learning templates were not suitable for them.

51. Recurring conflicts coupled with violence perpetrated by armed groups and the destruction of educational infrastructure, have resulted in a significant number of children being deprived of their right to education. Furthermore, the use of schools as IDP shelters and military bases has further disrupted educational activity both for host communities and internally displaced children. For instance, according to a recent data from the Amhara regional state Bureau of Education, 3000 schools are closed in Amhara region due to security concerns. On the other hand, in Oromia regional state, displaced children in Didesa and Yembero camps in Didesa woreda, Buno Bedele Zone, have had no access to schooling since joining the camp five years ago. Children who attended school pre-displacement and those who reached school-going age while in the camp have no access to education, although there are schools nearby. Moreover, lack of adequate support for educational materials, accessibility (distance) of schools, food insecurity, and household obligations have led to a rise in the dropout rate of displaced children and child trafficking victim returnees.

***Recommendations - Government should:***

- **Increase its efforts of reconstruction, take legislative and procedural measures to ensure primary education is compulsory and avoid related and indirect costs of education.**
- **Take concrete measures to deter the use of schools for military purposes and as IDP shelter camps.**
- **Implement programs to support and prioritize education for vulnerable children, providing the necessary materials, addressing economic and social constraints and food insecurity, as well as develop a long-term inclusive strategy designed and implemented for the benefit of children with disabilities in the education sector.**
- **Strengthen human rights education in schools, including extra-curricular activities, such as human rights clubs and outreach programs to entrench human right principles in classrooms.**

**Special protection measures (Arts. 22, 30, 32–33, 35–36, 37 (b)–(d), 38, 39 and 40)**

**Economic exploitation, including child labor, with specific reference to applicable minimum ages**

52. EHRC welcomes the positive step taken by the State in revising the Labor Law Proclamation No. 1156/2019. However, the legal framework does not align the age of employment with the end of compulsory education, which results in school dropout for employment purposes. EHRC also recognizes the adoption of the National Action Plan to address the Worst Forms of Child Labor and a 5-year Strategy to Prevent and Eliminate Child Labor 2020 - 2025.
53. Nevertheless, EHRC's monitoring and investigation of four farms under two investment groups in Oromia regional state revealed gravely concerning situations of child labor. The findings show that twenty-three (23) primary schools near the farms forced students aged from 8 to 14 to work on the farms during regular school days. Coercive measures such as monetary penalties and expulsion from school are taken on students who refuse to work on the farms. The schools are paid around 0.1 cents in USD by the plantations for every kilogram of harvest by the students. While working in the farms, the students are exposed to physical, sexual, and psychological harm.
54. Moreover, the findings indicate that the farms employ other children under the age of 15 from different areas during the harvesting season. Young workers aged 15 - 18 experience inhumane working conditions, including the absence of protective equipment, inadequate food and water, lack of health services, substandard living accommodation which is not separated by gender, and long working hours. The findings also indicated the lack of proper and efficient monitoring including supervision of the farms by the relevant government authority to prevent child labor and ensure the rights and welfare of young workers.

***Recommendations - Government should:***

- **Strengthen state institutional structures and mechanisms to protect children from economic exploitation, including the worst forms of child labour.**
- **Increase labour inspections and ensure accountability of those responsible for child labour.**
- **Design and implement awareness-raising initiatives to educate school communities, elders, religious leaders, and parents about child labour, its exploitative nature, and consequences.**

**Children in street situation**

55. In Ethiopia, poverty, drought, conflict, migration, broken family and the death of parents or guardians, addiction, domestic violence, and discrimination are among the major factors that push children to the streets. The increasing complexity of these factors has contributed to a rise in the number of children in street situation, moreover, there is no organized, disaggregated, and up-to-date statistical data regarding children in street situation.

56. The absence of an organized data poses challenges for implementing measures of protection and increased the vulnerability of children in street situation to a wide range of violations. Moreover, there is limited provision of essential services including health, education, food, shelter, birth registration, and implementation of protection measures for children in street situation. The Commission's monitoring in Addis Ababa, Harar, Arbaminch, and Wolaita Sodo showed that children in street situation are exposed to physical violence, inadequate food, and narcotic and substance abuse. Migrants and trafficked children living on the streets are particularly vulnerable to labor and sexual exploitation and forced begging.
57. EHRC's monitoring indicated a concerning pattern of arbitrary and forceful round up and detention of children in street situation in times of religious, cultural, and public holidays or the hosting of international and continental conferences only to release them a few days after the conclusion of the events.
58. Many of these children were detained with adults in cramped and unsanitary rooms exposing them to serious health problems, psychological trauma, and in some instances disease outbreak leading to deaths. Although there were separate rooms for female detainees, the fact that the rooms do not have locks leave them exposed to possible sexual violence.

***Recommendations - Government should:***

- **Cease the practice of rounding up or arbitrarily removing children and their families from the streets or public spaces regardless of events and ensure accountability for those involved.**
- **Provide a national updated data showing the overall situation and context of children in street situation across the country organized by sex, age, and disability.**
- **Adopt holistic and long-term strategies and allocate adequate resource to address the needs of children in street situations.**
- **Ensure access to basic services such as health and education, justice, culture, sport, and information.**
- **Take measures to address the use of children for begging including holding those responsible accountable and provide holistic social services for children who are forced to beg.**

**Children outside their country of origin seeking refugee protection, unaccompanied asylum seekers, internally displaced children, migrant children.**

59. EHRC welcomes the adoption of the Refugee Proclamation No. 1110/2019, which provides for access to primary education, health services, and birth registration for refugee children;

the right to choose place of living; the right to work for the parents of refugee children; and the right of family members to join a refugee in Ethiopia.

60. EHRC notes that in certain IDP sites, displaced children suffering from malnutrition receive supplementary nutrition, and educational resources and clothing assistance are provided with the coordination of government and non-governmental entities.
61. Ethiopia is a host to a large number of refugees and has an ever-increasing number of IDPs due to conflict, drought, as well as political and social tensions in different parts of the country. According to data published by the International Organization for Migration (IOM) in January 2024, over 3.45 million people were internally displaced across twelve regions in the country. This number does not include IDPs in areas that could not be accessed due to security concerns and other reasons during the assessment. Displaced and returnee children face numerous challenges, such as inadequate supply of food and non-food items; inadequate access to medical care, shelter, water, and sanitation services; lack of education; labor exploitation; psychosocial trauma; and lack of protection. EHRC identified gaps in the effective implementation of the Vulnerability Identification Procedure in delivery of humanitarian aid, consequently impeding access to essential items and services to children. Additionally, IDPs and returnees face various safety and security concerns due to the presence of explosive war remnants, particularly in Tigray, Amhara and Afar regions resulting in deaths and injuries of children.

***Recommendations - Government should:***

- **Ensure the effective execution of the Vulnerability Identification Procedure in the distribution of humanitarian assistance.**
- **Prioritize the needs of displaced children by ensuring that they receive adequate protection and support, including access to food, education, and protection from exploitation and psychosocial trauma.**
- **Take the necessary protection and safeguarding measures to ensure the safety and well-being of children, including proper clearance of war remnants and sensitization of the community on the same.**

**Sale, trafficking, and abduction**

62. EHRC recognizes the enactment of the ‘Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No. 1178/2020 as amended by Corrigendum 11/2013 of December 2020. The Proclamation is an important step to implement the ‘Protocol to Prevent, Suppress, and Punish Trafficking in Persons especially Women and Children’ (also known as Palermo Protocol) and the ‘Protocol Against the Smuggling of Migrants by Land, Sea, and Air’ which has been ratified by Ethiopia.

Moreover, a National Council chaired by the Deputy Prime Minister of Ethiopia is established at the federal level, and National and regional partnership coalitions have been established at the federal and regional levels under the Proclamation for the effective implementation of the Proclamation. Even though ‘trafficking in persons’ was not defined in line with the Palermo Protocol, Corrigendum 11/2023 was adopted in December 2020 to correct that. However, Corrigendum 11/2013 is published under Excise Tax (Amendment) Proclamation No. 1229/2020, making it difficult to locate it easily.

63. Despite efforts to tackle trafficking in persons in Ethiopia, internal human trafficking continues to be a growing problem, disproportionately affecting children. Children are recruited, transported, transferred, and moved from one place to another within Ethiopia, mostly from rural to urban areas, for the purpose of exploitation, exposing them to severe physical, sexual, and psychological harm. Moreover, children are relocated from their homes, local communities, support structures, and safety nets to unfamiliar environments exposing them to exploitation and violation of their human rights. For instance, in the Gamo and Wolaita Zone, children are frequently transported to Addis Ababa or Arba Minch cities by brokers/traffickers, with the intention of exploiting them in traditional cloth weaving, domestic work, commercial sex work and various small vending and trading activities. Ethiopia also experiences high levels of cross-border irregular child migration, including child trafficking. Children who are involved in cross-border migration are particularly vulnerable to various human rights violations, including trafficking along the migration route and at their destinations.
64. Despite some efforts, resource constraints are hindering prevention activities, such as research, awareness raising in source areas, and follow-up activities regarding child returnees. Return and reintegration services are also inadequate for child returnees. EHRC’s monitoring revealed that child returnees continue to be subjected to detention like treatment due to shortage of safe houses. Medical and psychosocial support system is also inadequate compared to the different forms and magnitude of exploitation, abuse and trauma child migrants and victims of child trafficking suffer. There are significant gaps in protection, rehabilitation, support programs, job opportunities, credit services, and training programs for child survivors of internal trafficking. Despite the prevalence of child trafficking, both internal and cross-border, the number of cases being investigated and prosecuted is very low. In the rare case where suspects are arrested, they are released on minimal bail payments, which lead in non-appearance in court. Victim and witness protection is also weak, resulting in victims and witnesses not wanting to report the case and testify in court. Coordination and partnership both at national and transnational level is weak.
65. IDPs face heightened susceptibility to human trafficking and irregular migration due to insufficient sustainable development initiatives aimed at enhancing their living standards. Internally displaced children are exposed to begging, labor exploitation, commercial sex

work, and early marriage as means of survival. Concurrently, exacerbated by food scarcity issues, parents in dire circumstances have resorted to entrusting their children to third parties, to work as laborers in exchange for food.

***Recommendations - Government should:***

- **Design and implement awareness raising activities to educate school communities, elders, religious leaders, and parents about the risks of irregular internal and cross-border child migration, and child trafficking, its exploitative nature, and consequences.**
- **Provide adequate access to child-friendly protection and reintegration services to child returnees and exploited children based on the best interest of the child principle.**
- **Implement sustainable development initiatives to improve living standards with a special focus on IDPs and migrants. Moreover, measures should be taken to strengthen community support structures and safety nets.**
- **Strengthen prosecution efforts by building the capacity of prosecutors and law enforcement agencies, and enhancing coordination both with other relevant national stakeholders, and with other transit and destination countries.**

**Children deprived of their liberty**

66. The Commission visited 49 detention/ correction facilities and 346 police stations from June 2022 – April 2023 across Ethiopia. There are marked improvements in acknowledging and implementing the Commission’s recommendations. Some of the positive developments include the slight increase in prisons budget for food supply taking into account current market prices; improvement in prison health facilities and services; increase in the number of detention cells and in some cases construction of new facilities to reduce overcrowding; and notable improvements in terms of visitation rights - access to family and friends, and legal and religion counsel.

67. Based on EHRC’s monitoring recommendations to eleven police stations, which are administered under the Addis Ababa Police Commission, children were detained separately from adults.

68. The Commission is concerned about the unavailability of adequate juvenile rehabilitation centers. Only one juvenile rehabilitation center is functioning, thus creating a barrier for children in conflict with the law to access rehabilitation and reintegration services. Moreover, EHRC’s regular monitoring of detention centers/ prison indicates that most federal and regional prisons and police stations detain children with adults, without special protection and safeguard measures. EHRC observed that children were detained with adults in 75 police stations in Sidama, South-West Ethiopia, and Southern regional states, as well

as in police stations and prisons in Amhara, Gambella, Somali, and Oromia regional states, and Addis Ababa City Administration.

69. EHRC's monitoring of the situation of children in conflict with the law in the Somali regional state, showed that children are subjected to solitary confinement, beating, threat, withholding of mosquito nets, and forced labor in detention centers.
70. Inadequate services, including medical services, education, vocational training, food, water, and recreational services further exacerbate the challenges faced by detained children.
71. EHRC observed serious violations of child rights during the state of emergency declared from October 23, 2022, to February 5, 2022. During this time, children were subjected to arbitrary detentions, detained in overcrowded and unhygienic facilities, and lacked access to adequate health services. Further, they were denied visitation rights by their parents and legal representatives, barred from appearing in court, and detained for a prolonged pre-trial period.

***Recommendations: Government should***

- **Use detention as a measure of the last resort.**
- **Allocate adequate budget to establish additional juvenile rehabilitation centers; and guarantee that the detention conditions of children respect human right principles and foster reintegration into society.**

**Children in armed conflict**

72. The cessation of hostilities and peace agreement between the Tigray People's Liberation Front (TPLF) and the Federal government of Ethiopia marked an important step towards lasting peace in Northern Ethiopia. EHRC welcomes the efforts of the government to implement a transitional justice process in line with the Peace Agreement, specifically the inclusion of children during the public consultations of the draft transitional justice policy options. The policy options document acknowledges the disproportionate impact of conflict on children and recognizes the importance of children's involvement in the transitional justice process, including in the design and implementation of the policy, and monitoring of process. Despite the end of the conflict in Tigray and Afar regional states, ongoing conflicts in Oromia and Amhara regional states is of great concern.
73. Numerous monitoring and investigations by EHRC into violations of human rights in the context of armed conflict have shown that children are subjected to a wide range of violations including SGBV, physical injuries and, in some cases, killings as a direct result of violence. Additionally, children have been exposed to traumatic experiences such as



witnessing the killing or rape of close family members by the parties to the conflict. The conflict in the Northern Ethiopia which affected Tigray, Amhara and Afar regional states, as well as conflict in Oromia and Benishangul Gumuz regional states have caused widespread destruction and looting of public and private facilities affecting children's right to health, education, as well as access to food and water. Moreover, recurring clashes and violence in Gambella and Southern regional states (Konso Zone) have impacted children's rights and caused the displacement of children.

***Recommendations - Government should:***

- **Ensure a holistic and effective remedy for child victims of SGBV and other physical and psychological harm due to conflict.**
- **Ensure that schools, health facilities, refugee camps and IDP sites, and other civilian areas are not targeted during conflict.**
- **Undertake measures to restore basic services in conflict affected areas such as electricity, banking services, and others; and rebuild destructed schools, health facilities, and other basic facilities.**

**Administration of juvenile justice**

74. EHRC welcomes the government's initiative to amend the Criminal Procedure Code of Ethiopia which has been in effect since 1961. The proposed amendments incorporate 'the best interests of the child principle' as a guiding principle; and dedicate a separate section for children in conflict with the law. The legislature consulted children-led organizations with the aim of protecting children's rights in the criminal justice system.
75. Nevertheless, EHRC is concerned about the lack of a comprehensive social policy to prevent juvenile delinquency and diversion programs to ensure children do not pass through the criminal justice system. Moreover, there is a significant gap in the implementation of special measures recognized under the Criminal Code and the Criminal Procedure Code for children in conflict with the law aged 9 - 15.
76. EHRC's monitoring of the situation of children in conflict with the law in the Somali regional state, indicated that children pass through the regular process in the criminal justice system and in most cases, the basic principles of a fair and just trial are not adhered to including the right to legal counsel or representative, the right to be heard, and the right to confront and cross-examine witnesses. Moreover, in Somali and Sidama regional states children face prolonged pre-trial detention.
77. EHRC is also concerned that the minimum age of criminal responsibility is still set at 9 years, and while the Criminal Code provides special measures for children aged between 9 - 15 it considers children between 15 - 18 as adults.

***Recommendations - Government should:***

- **Set the minimum age of criminal responsibility to 12 in line with the recommendations of the Committee on the Rights of the Child.**
- **Take urgent measures to develop and implement a comprehensive strategy for the administration of juvenile justice by focusing particularly on children aged 15-18 years.**
- **Provide continuous, and systemic training to professionals, including police officers, prosecutors, legal representatives of the child, judges, probation officers, and social workers.**
- **Establish/strengthen a specialized police unit and court benches to ensure a child-friendly justice system in the regional states.**