

Statement

by

Ambassador Fisseha Yimer,

Special Advisor to the Minister of Foreign Affairs

Presentation of the Initial Extended Report of the Federal
Democratic Republic of Ethiopia under Article 19 of the
Convention against Torture and Other Cruel, Inhuman and
Degrading Treatment or Punishment

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Thank you Mr Chairperson!

Mr Chairperson ,

Distinguished members of the Committee,

Allow me first to express my delegation's greetings at this historic dialogue with distinguished members of the Committee during Ethiopia's presentation of its initial implementation report under the Convention against torture, other cruel, inhuman and degrading treatment or punishment.

My delegation takes this opportunity to express its gratitude and appreciation to the Secretariat of the Committee for providing the necessary support and information which has greatly facilitated the preparation by our delegation for today's important dialogue. I would also like to express the appreciation of my government to the Office of the High Commissioner for Human Rights for the technical and financial support it has so generously provided both in the preparation of the report and in facilitating the participation of some of the members of my delegation in this meeting :

Ethiopia's delegation is composed of officials from the Ministry of Foreign Affairs, Ministry of Justice, Federal Police Commission and the Federal Prison Administration Commission. I am confident that the composition of our delegation and the unique expertise and skill of each member will allow us undertaken a fruitful discussion on a range of policy and technical issues pertaining to the implementation of the Convention.

Mr Chairperson,

Ethiopia's initial report under the Convention against torture, other cruel, inhuman and degrading treatment or punishment has been long overdue indeed. Since the

fall of the military junta in 1991, Ethiopia has made major strides in the promotion and protection of human rights through the consolidation of its new constitutional dispensation and democratic governance. While numerous achievements have been registered in several sectors in the past two decades in helping the country to move closer to the fullest realization of the provisions of the Convention, the problem associated with capacity and financial constraints stood in the way of Ethiopia's ability to present its report within the one year period following its accession to the Convention on 14 March 1994, as required under the relevant provision of the Convention.

The Government of Ethiopia has taken several positive steps to address its lack of capacity in meeting its international human rights reporting obligations. It has done so including by fostering and promoting closer cooperation with relevant local and international institutions. One such key institution has been the Office of the High Commissioner for Human Rights (OHCHR) with which the Government of Ethiopia has enjoyed a very effective and exemplary relationship and cooperation.

This exemplary cooperation between the Government and the OHCHR has positioned Ethiopia to complete and present its overdue reports under a number of key international human rights instruments, namely, the International Covenant on Civil and Political Rights, the International Covenant on Social, Economic and Cultural Rights, the International Convention on the Elimination of all forms of Discrimination against women, the Convention against Racial Discrimination and the Convention on the Rights of the Child. While the reports for CERD, CEDAW and CRC represent Ethiopia's periodic reports, the reports for the two international covenants, like the report presented to this Committee, are presented for the first time. Moreover, Ethiopia had also gone through what was a very successful assessment of its human rights performance under the Universal Periodic Review

of the United Nations Human Rights Council. During the UPR review, a compilation of documents from a range of treaty bodies on the country's human rights performance has been considered by members and observers of the Council. Ethiopia accepted a great many of the UPR recommendations, a considerable number of which have direct and indirect bearing on the implementation of the Convention.

A Memorandum of Understanding has been signed between the Government and the OHCHR office for Eastern and Horn of Africa based in Addis Ababa that facilitates not only the aforementioned cooperation on report preparation but on a range of key activities which also include strengthening of the capacity of national human rights institutions, human rights education and awareness creation and training for law enforcement officers and prison administration. Beyond its relations with the OHCHR, the government also encourages the participation of Civic Society Organizations.

Mr Chairperson,

The methodology used for the preparation of this report has been both participatory and comprehensive. It has scrupulously followed the Guidelines for CAT. Federal and regional government institutions, national human rights Commissions, CSOs, academic institutions participated in the process. A national inter-ministerial platform had been established with members drawn from a number of key government institutions. This body was supported by an expert committee. The various consultations held prior to the preparation and finalization of the report helped create wider awareness and garner broader participation from all those concerned.

The report is complemented with the Common Core document which I believe the distinguished members of this Committee had the opportunity to consider. The core document, which has been prepared based on the International Human Rights' Treaties' Monitoring Bodies (HRI/MC/2006/3), outlines the general constitutional framework and institutional process for the implementation of human rights both at the federal and regional level. Ethiopia is a federal state which has constitutions both at the federal and regional level. There are nine regional states established based on linguistic, cultural and geographical settlement patterns of the various nations, nationalities and peoples. Ethiopia's unique federalism allows greater freedom and recognition of the rights and diversity of its various groups which in the past were victims of abuse and neglected.

Ethiopia emerged from a cruel past where the state and its institutions were used by the Government itself to perpetrate egregious forms of abuses and acts of torture in a massive scale. After coming to power in 1991, the Transitional Government and the government of the Federal Democratic Republic of Ethiopia ran one of Africa's extensive accountability and trial processes which brought to justice officials of the former military regime who were directly involved in mass murder, torture and other serious crimes. A new federal constitution has also been adopted which came in to effect in 1996. The Ethiopian Federal Constitution recognizes almost all the key human rights and freedoms recognized under the relevant international and regional human rights instruments and bar the application of statute of limitation for crimes of genocide, war crimes and crimes against humanity.

The constitution importantly recognizes the supremacy of international human rights instruments to which Ethiopia is a party as sources of interpretation of those provisions of the Constitution which are relevant to human rights. Everyone,

whether citizen, foreigner or refugee, enjoys constitutionally guaranteed rights without any forms of discrimination and distinction.

The Constitution contains a number of important provisions directly and indirectly relevant for the protection of persons from torture, cruel, inhuman and degrading treatment and punishment. It has also specific provisions dealing with women and children providing them with protection from harmful and cruel traditional practices, customs and laws. The Constitution also prohibits corporal punishment against children. The significance of this to a country which had, in its recent past, witnessed a wide spread practice of torture and terror against innocent civilians cannot be underestimated. Specifically, the Constitution prohibits all forms of torture, cruel, inhuman and degrading treatment and provides for humane treatment of persons held in custody. No exception can be made to the protection against torture. Similar provisions have also been incorporated in all regional constitutions.

Mr Chairperson,

In the field of legislative reform, the country has undertaken several positive measures which have ensured the compatibility of its relevant domestic laws both with the FDRE Constitution and the provisions of the Convention. A revised federal criminal code has been adopted in 2004 which has greatly improved the 1957 Criminal Code and ensured its compatibility with the provisions of the Convention. One can mention specifically its comprehensive definition of the concept and crime of torture and the criminalization of the commission of any act that may be considered cruel, degrading and inhuman including by law enforcement officials such as the police and prison warden. The code provides for severe forms of punishment for crimes involving torture, cruel, inhuman and

degrading treatment. In addition to the Federal Revised Criminal Code, specific legislations and instruments have also been issued regulating the conduct of police, prosecutors, prison administrators and members of security establishments. Ethiopia's criminal procedure code provides a detailed, fair and balanced procedures for investigating and prosecuting individuals suspected of being involved in torture.

Like many other states, Ethiopia retains death penalty in statutes. In a manner that can be considered as a *de facto* moratorium, actual implementation of the sentence of death penalty rarely occurs. In a move that has been widely lauded, the Federal Criminal Code also criminalizes inflicting bodily and psychological harm through harmful traditional practices such as female genital mutilation and child marriage.

Legislations such as the Federal Police Commission Proclamation No. 313/2003 and Federal Prosecutor Administration Council of Ministers Regulations 44/1998 have been enacted with the purpose of facilitating the monitoring of conduct of law enforcement officials. Any breaches of these provisions will entail disciplinary measures, dismissal or criminal prosecutions.

Concerning prison conditions and administration, the country now has a system that allows free access by individuals and institutions to visit prisons without any conditions. Prisoners enjoy access to their family and friends, lawyers and religious counselors. They are also provided with sufficient food, medication, sanitation and other services. This is provided under the Federal Wardens Administration, Council of Ministers Regulations No. 137/2007, and the Treatment of Federal Prisoners, Council of Ministers Regulations No. 138/2007. The protection of their persons and dignity and freedom to practice their religion is fully guaranteed. Specific directives and regulations have also been issued that provide guidance to

officers and wardens. Allegations of lack of access by prisoners to family and others are often found to be unsubstantiated. Mechanisms for complaints and remedy exist if and when these allegations are found to be correct and credible. In addition to the aforementioned legislations, the Criminal Procedure Code also provides additional rules and standards for the treatment of prisoners.

Mr Chairperson,

Important institutional and administrative measures have been taken with the view to strengthening the capacity of law enforcement institutions both at the federal and regional level. Emerging from decades of neglect and manipulation by the state for government's sponsored abuse and terror, effective reform and renewal of these institutions required considerable resource and attention. As has been already mentioned, the first aspect of the reform process was legislative. This means that concerted action had to be taken to ensure that these institutions operate under the law. The government is happy to inform the Committee that Ethiopia does not have undisclosed detention facilities.

Further administrative and management reform projects have been implemented across relevant sectors, including through the country's Business Process Reengineering Program, to guarantee the professionalization of relevant institutions. For example, regular assessment and evaluation is regularly held to ensure that law enforcement officers and officials scrupulously implement the relevant legislations, directives and codes of conduct. There have been many documented instances both at the federal and regional levels where, for instance, such breaches led to the dismissal of members of the police.

The Government has facilitated an independent monitoring of law enforcement organs and prison administrations including by a special procedure of the African

Commission on Human and Peoples' Rights, the National Human Rights (ACHPR) and several CSOs. In 2004, the ACHPR Special Rapporteur on Prison Conditions in Africa visited Ethiopia which resulted in a comprehensive report that assessed the conditions of federal and regional prisons in Ethiopia and treatment of prisoners. Some of the recommendations of the report were instrumental for further reform. For instance, the Government since then individually and jointly with others including with Prison Fellowship has worked on several projects that sought to improve the living conditions of prisoners in detention facilities and prisons

Following allegations of abuses and excesses by members of the police, security forces and defense, the government has encouraged the establishment of independent inquiry to investigate the incidents. For example, independent inquiries have been undertaken with respect to the crises involving Addis Ababa University students in the 90s , the conflict in the regional state of Gambella in 2003 and the post May 2005 election violence. The report of the inquiries regarding the Addis Ababa university students and the 2005 election related violence has fully cleared law enforcement officers from abuses, the report concerning the Gambella conflict indicated the participation of a number of members of defense forces in several breaches. This finding led to trial and conviction of more than 20 members of the defense forces.

The Government has allowed access to international community, National Human Rights Commission and several CSOs to look for themselves several of such unsubstantiated and frivolous allegations of torture and abuse to allegedly have occurred in regional states such as Oromia and Somali regional states. In 2007, the Human Rights Council dismissed confidential communication brought against the government of Ethiopia which alleged several breaches including torture in the Ogaden region in Somali national state. The findings of the Eritrea Ethiopia Claims

Commission has also clearly exonerated Ethiopia and members of Ethiopian law enforcement officers from systematic abuse and torture of Eritrea deportee during the war between Ethiopia and Eritrea in 1998 and 2000.

Mr Chairperson,

Ethiopia, like numerous other countries, faces grave challenges of terrorism. Several unfortunate terrorist acts were committed in different parts of the country which led to the loss of life and property. The government will take all the necessary and lawful measures to protect the safety of its citizens. It will also continue to work with others in addressing the challenges of terrorism at the regional and global level. My delegation wishes to reiterate to the distinguished members of the Committee that the government's anti-terrorism efforts are in compliance with international norms and standards. The arrest, detention and incarceration of those who are suspected of and convicted with crimes of terrorism is conducted in a manner which respects the dignity of the individuals concerned. The deportation and extradition of foreigners is also handled in accordance with the relevant national legislations of the country and extradition agreements the government has entered with other governments. These legislations are consistent with provisions of the Convention.

Mr Chairperson,

Education, awareness creation and training have been effectively embedded in Ethiopia's strategy of ensuring the prevention of torture; and empowering victims to seek remedies. As acknowledged in the 2007 report of the Independent Expert on Minority Issues, Ms Gay Macdougall, Ethiopia has one of the most comprehensive and exemplary human rights education programs. The civil and ethical education program is an integral component of the education curricula

starting from the primary school to the tertiary level. Now Ethiopia's school children learn the core tenets of human rights. With the current enrolment rate of over 90 percent for primary schools, the impact of this program cannot be underestimated.

The role of education specially in ensuring the responsibility of non-state actors in the protection of individuals from torture and other cruel, degrading and inhuman acts is considerable. As has been noted, the Constitution provides for the responsibility of religious institutions, traditional mechanisms, orphanages and other child care institutions to protect vulnerable groups such as women and children from harmful traditional practices and corporal punishment. The Government has setup a national coordination mechanism for the promotion of eradication of these harmful practices which works both with educational institutions and the traditional mechanisms. This further complements the effort by the government to tackle the problem through legislative and law enforcement means.

Training for police officers, prison administrators and staff, members of defense forces and security, prosecutors and judges is also important for empowering relevant institutions to effectively implement the Convention. The Federal Judicial Training Institute helps train prosecutors and judges including on human rights and freedoms. As recognized by the Eritrea Ethiopia Claims Commission, the Ethiopian defense forces have an excellent tradition of training on international human rights and humanitarian law including through solid cooperation programs with the International Committee of the Red Cross. By working with organizations such as the National Human Rights Commission, higher learning institutions and CSOs, several levels of trainings have been undertaken involving key institutions and sectors.

Mr Chairperson,

It will be a remiss of me not to state despite our best efforts the many challenges and shortcomings the country still faces in the fullest realizations of rights and freedoms enshrined in the Convention. These challenges lay bare the fact that the fulfillment of the Convention is a process. Lack of awareness, necessary skill and technology are significant hurdles. The traditional view which fosters belief by some that using a reasonable degree of coercion proportionate to the situation at hand is necessary to secure the truth while interrogating a hostile accused under criminal investigation need to be confronted with determination and continued educational and capacity building efforts.

In conclusion, Mr Chairperson, on behalf of my delegation once again I would like to thank the distinguished members of the Committee for this opportunity to present Ethiopia's report and I look forward to a fruitful discussion.

I thank you!