



child rights connect
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STATE PARTY EXAMINATION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA'S FOURTH TO FIFTH PERIODIC REPORT

69TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

18 MAY – 5 JUNE 2015

Content

Opening Comments	1
General Measures of Implementation	2
Definition of the Child	3
General Principles.....	3
Civil Rights and Freedoms	4
Family Environment and Alternative Care	5
Disabilities, Basic Health and Welfare	5
Education, Leisure and Cultural Activities	7
Special Protection Measures.....	7
Concluding Remarks.....	8

The Federal Democratic Republic of Ethiopia ratified the Convention on the Rights of the Child (CRC) on 14 May 1991. On the 22 May 2015, the Committee on the Rights of the Child (the Committee) examined the fourth to fifth report of the Federal Democratic Republic of Ethiopia. It was last examined on 12 September 2006.

Opening Comments

The delegation of the Federal Democratic Republic of Ethiopia was led by H.E. Ms. Zenebu Tadesse, Minister of Women, Children and Youth Affairs. Ms. Tadesse was supported by a delegation consisting of the Mr. Almaw M. Ambaye, State Minister of the Minister of Women, Children and Youth Affairs, Mr. Negash K. Batora, Ambassador at the Permanent Mission of Ethiopia to the UN, Ms. Yayesh Kiflay, Director of Child Right Protection at the Ministry of Women, Children and Youth Affairs, Mr. Tayachew A. Tegegne, Director of Mother Tongue and English Language Development, Ministry of Education, Ms. Firdosa A. Ibrahim, Director of International Law Affairs, Mr. Ephrem Bouzayhue, Minister Counsellor at the Permanent Mission of Ethiopia to the UN, Mr. Yibekal G. Agonafir, Head of the office of the National Human Rights Plan at the Ministry of Justice, Dr. Helina K. Demesie, Child Health Team Coordinator at the Ministry of Health, Mr. Tadios T. Tegegn, Mr. Kibri H. Abay and Mr. Yilkal A. Moges, Child Rights Protection Senior Experts, Ministry of Women, Children and Youth Affairs.

Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at 1

www.childrightsconnect.org/index.php/publications-resources/crc#countrysum

Ms. Zenebu Tadesse stated that the State party made progress in the areas of under 5 years of age mortality rate, child health and education.

Ms. Zenebu Tadesse said that corporal punishment was prohibited and that measures had been taken to prohibit it also in family settings through awareness raising campaigns.

Ms. Zenebu Tadesse further stated that the government expanded equitable access to education and improved the quality of education through the school improvement programme.

Mr. Bernanrd Gastaud, Mr. Hatem Kotrane and Ms. Ayoubi Idrissi, the Country Task Force, welcomed the delegation of the Federal Democratic Republic of Ethiopia (the delegation).

General Measures of Implementation

Legislation

The Committee asked about intentions of the State party to ratify the third Optional Protocol to the CRC on a communications procedure. The delegation did not answer to this question.

The Committee asked whether international treaties were directly applicable or whether they needed to be adapted through national legislation. The delegation answered that international treaties were part of the national legislation and that they could thus be directly invoked by courts. The Committee further inquired on the status of international treaties, asking if they were considered to be superior to national law. The delegation explained that the constitution recognised these treaties on an equal basis with the national legislation.

Coordination and monitoring

The Committee welcomed the measures taken by the government to align the work of the national human rights commission to the Paris' principles and asked about the complaint mechanisms made available to children within national human rights institutions. The Committee further asked whether the government intended to establish a specific body for children's rights. The delegation answered that the Ministry of Women, Children and Youth Affairs (MOWCYA) was the coordinating body for issues related to children's rights. It also added that MOWCYA was working in both a horizontal and vertical way. The horizontal approach was concerned with the development of guidelines for the mainstreaming of children's rights in policies. The vertical way consisted in the quarterly based meetings between different regional bureaus to share experiences and lessons learnt. The delegation further stated that there were 8 branches of the national human rights institution working closely with regional governments in different regions in charge of examining the complaints received.

The Committee noted the reluctance of the government to collaborate with international agencies and civil society actors. The delegation explained that the government promulgated a law on civil society organisations and stated that these actors only needed to be transparent in the spending of their budget to be able to freely exercise.

Dissemination and training

The Committee asked whether the CRC had been officially translated in all the languages spoken in the country and whether the Convention had been made accessible to all children, including those with special needs. The delegation said that the CRC had been translated into 5 local languages spoken by 80% of the population and that the Convention was also

available in brail. It also said that human rights education was included at the primary education level.

The Committee further inquired about the dissemination of the CRC among children living in refugee camps. The delegation insisted on the long tradition of hospitality of the country and stated that refugee children received community education, training on human and children's rights and that were also assisted with vocational training programmes.

The Committee pointed out that the media played a major role in the dissemination and promotion of children's rights and asked whether people working in this field received some training. The delegation replied that journalists working on children's issues received training.

Budget

The Committee commended the increase in budget but noted that there were no specific budget lines in place for children's rights. The delegation stated that the budget allocated to children's rights increased and stated that the budget allocated to education constituted 25% of the national budget.

Data

The Committee posed questions about measures taken to improve data collection on birth registration throughout the country. The delegation responded that the government was aware of the challenge of data collection and that it was working with agencies to increase the number of data available on children's rights issues.

Definition of the Child

The Committee noted the persistence of early marriages in the rural areas and asked if the people were aware of the provisions set out in the Convention. The delegation measures had been taken to increase awareness in schools and communities.

General Principles

Non – discrimination

The Committee asked about the status of discrimination against girls, children with disabilities and children belonging to national minorities. The delegation did not address this question.

Best interest of the child

The Committee expressed concerns about the lack of consideration of the best interest of the child in cases of custody and adoption. The delegation said that the national legal framework required judges to take into consideration children's opinions in matters related to custody and to take into due account the best interest of the child. The Committee reminded the delegation that children had to be heard in all cases and not only in those related to custody.

The Committee also posed questions on how the best interest of the child was taken into consideration in cases of children living in prison with their mothers. The delegation stated that under the national law children were not supposed to be in prisons with adults.

Respect for the views of the child

The Committee acknowledged the existence of media programmes for children and asked the delegation to provide more details on what they consisted. The delegation said that through

newspapers and school mini media children could express their views on children's rights issues.

The Committee further inquired on the minimum age at which children could receive information regarding their nationality, origin or to consult a doctor without previously asking for his/her parents' authorisation. The delegation explained that there was no specific age limit for children to be able to consult a doctor.

The Committee further inquired about the age when a child could express his or her opinion on the adoption process. The delegation answered that children could give their views above the age of ten.

Civil Rights and Freedoms

Corporal punishment

The Committee acknowledged that corporal punishment was prohibited in the country but noted that it was still practiced in family settings and institutions dealing with children and asked about measures taken to combat this form of violence. The delegation said that the government was trying to raise awareness amongst the public and families with the aim of eliminating this practice.

The delegation also informed the Committee that the government developed guidelines for teachers, students and general staff for the prohibition of corporal punishment and violence in school settings.

Birth registration

The Committee asked whether the national legislation covered the birth registration of refugee children. The delegation replied that the legislation did not cover such a case but that the national agency responsible for birth registration recognised the gap to be a problem and worked to find a solution.

Freedom of conscience, thought and religion

The Committee asked questions about the position of the state in regard to violent clashes between different religious communities. The delegation stated that there was a great level of religious tolerance in the country and that the government was very careful in the implementation of anti-terrorism laws to avoid the involvement of innocent people.

Freedom of association

The Committee inquired about the election system in children's parliaments and asked how the government considered the recommendations passed by these bodies. The delegation explained that children were chosen on the basis of equal representation in terms of gender, disabilities, rotation and with the age limit for being elected set at 16. It also said that views were taken into account by the government when developing policies.

The Committee further asked for more information on the violent repression of a student gathering in the capital of the country that took place in 2014. The delegation said that these events were not peaceful but that the protests were carried out by terrorist groups with a terrorist agenda. The Committee explained that the establishment of an independent commission of inquiry was the best and most credible way to deal with these cases and asked whether the government intended to set up such a body. The delegation did not respond to this point but informed the Committee that no children were killed during these events.

Age of marriage

The Committee asked about measures to combat early marriages in the state. The delegation explained that this practice was based on a deep rooted culture but that specialised community committees were monitoring the situation at the local level and that they were working with schools to prevent early marriages.

The Committee posed questions about the occurrence of early marriages in refugee camps. The delegation said that the government was working with international agencies in refugee camps to overcome this challenge.

Access to the internet

The Committee asked questions about the access to the internet for children and about the monitoring of its use in schools. The delegation explained that all secondary schools have internet connection and that access to information was a right granted by the constitution of the country.

Family Environment and Alternative Care

Adoption

The Committee welcomed the intention of the government to ratify the Hague Convention on inter-country adoption but expressed concerns about a provision contained in article 187 of the family code giving the possibility to adopt a child while in the uterus. The delegation explained that the rationale behind such a provision was to provide the mother with an alternative to abortion. The Committee recommended the delegation to eliminate such a provision and to consider anonymous birth measures at its place.

The Committee welcomed the intention of the government to ratify the Hague Convention on inter-country adoption and asked the delegation to provide more information on the relationship between private agencies and the government in these matters. The delegation confirmed that the government was considering ratifying the Hague Convention on Adoption and that there was a central authority in charge of monitoring the procedures of the agencies. It explained that this authority controlled the whole adoption process, from the local level to the national level, and that it explored all the solutions before approving inter-country adoption. It also stated that number of inter-country adoptions decreased from 4269 in 2011 to 398 in 2015.

Disabilities, Basic Health and Welfare

Health services

The Committee asked the delegation to provide more information and practical examples of the measures taken to combat child mortality. It referred in particular to a possible increase of the budget allocated to child healthcare and to an increase of human resources. The delegation replied that the budget had been increased and that more 30.000 personnel had been deployed to train other personnel themselves on new-borns health.

The Committee further inquired on the measures taken to combat child malnutrition in the country. The delegation recognised the problem but stated that it had been reduced by screening and nutrition services for children under the age of two at the local level.

The Committee posed questions about measures taken to make sure that all the healthcare facilities could address cases of fistula. The delegation said that there were facilities that could deal with fistula in all the regions of the country and that the government was constructing maternity waiting homes in each healthcare centre to reduce cases of maternal mortality. The Committee further inquired about the malaria prevention measures that were in place for pregnant women. The delegation did not respond to this question.

Female Genital Mutilation

The Committee acknowledged that female genital mutilation (FGM) was prohibited in the country but raised concerns about its continuity. It asked questions about prosecutions and cases of conviction. The delegation answered that the root cause of the practice had to be found in poverty and cultural traditions. It informed the Committee that the government organised so called “women development armies” led by model women that can facilitate the dialogue on these issues among communities.

The Committee asked for more information and data on the criminal procedures undertaken against prosecutors and asked about efforts to reach out girls in refugee camps. The delegation said that there were no disaggregated data on the issue but that there had been 14 recent cases of FGM in the southern part of the country.

Child pregnancy and Adolescent health

The Committee raised concerns about the high number of pregnant girls and about the following school drop outs. It posed questions about preventive and abortion measures. The delegation responded that prevention included raising awareness within communities and schools and informed the Committee about the existence of youth friendly services in some health facilities.

The Committee also asked for more information on the measures taken against HIV/AIDS in 2015. The delegation stated that 60.6% of pregnant women with HIV/AIDS received treatment to prevent mother-to-child transmission. It further added that the government was trying to improve access to healthcare facilities for mothers to give birth.

Breastfeeding

The Committee expressed concerns about the low rates of breastfeeding in the country and pointed out that the measures taken by the government were still not sufficient. The delegation did not address these points.

Drug and substance abuse

The Committee raised concerns about the abuse of Khat drugs among youngsters in the state and asked about measures taken to eradicate such a phenomenon. The delegation recognised that this was a critical challenge and said that the government developed a mainstream prevention programme on drug abuse in high schools.

Children with disabilities

The Committee asked more information about the number of inclusive schools and inquired about measures taken to eradicate discrimination against children with disabilities, especially in rural areas. The delegation said that the government revised the Special Needs Education Strategy to expand inclusive education and that teachers had been trained on how to provide education to these children. The delegation further responded that the state ratified the

Convention on the Rights of Persons with Disabilities and that this was translated into the local languages to disseminate it. It stated that children with disabilities could participate in different sport activities such as the Special Olympics.

Education, Leisure and Cultural Activities

Early childhood education

The Committee posed questions about the education services available to children under the age of 4 in the country. The delegation replied that these services were provided in three modalities, of which the first consisted in the annexation of kindergartens to elementary schools, the second in private institutions and the third in early education services within villages.

Education

The Committee noted that there were no general laws on education in the country and asked whether education was compulsory and free. The delegation answered that education was free and that there had been an increase in the enrolment rate. The delegation also informed the Committee that 25% of the national budget was allocated to education.

The Committee further inquired about the quality of education and training programmes available to children in the country. The delegation explained that the government implemented a general education quality improvement programme and that teachers had been trained to provide better quality education to children.

The Committee asked whether children belonging to linguistic minorities could receive education in their own language. The delegation answered that children had the right to learn in a minority language and that there were currently 44 local languages used as a media of education.

Right to play

The Committee inquired on the time at children's disposal to play and asked about the availability of playgrounds in schools and public areas. The delegation said that these spaces were present in schools and public areas.

Special Protection Measures

Juvenile justice

The Committee expressed concerns about the age of criminal responsibility which was set at the age of 9. The delegation stated that juvenile offenders of 9 to 15 years of age were provided with education and rehabilitation and that detention was very rare. It also informed the Committee that adolescents between 15 and 18 had the same trials as adults but that they were not treated as adults and that death penalty was not applied to minors.

The Committee also raised concerns about minors not being separated from adults in detention centres and asked about disaggregated data of children in detention. The delegation said that according to the law of the country, children had to be separated from adults while in prison and that the government was working on this issue.

Child labour

The Committee welcomed the national plan against child labour but asked about its impact on the ground. The Committee also posed questions on the minimum age of work and on girls working as domestic workers. The delegation responded that the plan adopted by the government to eliminate the worst forms of child labour was based on preventive, rehabilitative and reintegration measures. It added that the government was implementing intensive awareness raising campaigns in the southern part of the country, where inspectors also made non-announced inspections in workplaces.

Sexual exploitation

The Committee asked what measures had been taken by the government to measure the phenomenon of sexual exploitation in the country and asked about efforts made to address its root causes. The delegation replied that the police was working with communities to prevent the phenomenon and to provide child victims with assistance. It added that police officers worked to make sure that every case was investigated.

Trafficking

The Committee expressed concerns about the lack of a proper legal framework dealing with cases of trafficking and prostitution. The delegation said that personnel at the borders of the country had been trained and that agreements with the neighbouring countries had been developed.

Children living on the street

The Committee raised concerns about the high number of street children and about the lack of a national strategy to address this issue. The delegation answered that the government tried to reunify more than 36000 children in the last four years and that it was currently trying to rehabilitate them.

Refugee children

The Committee asked for more information on the situation and on the education services available to children living in refugee camps. The delegation responded that 51.2% of refugee children received primary education and that some 40% was receiving secondary education. The delegation also added that refugee children were provided with education, food and health services on an equal footing.

Concluding Remarks

Mr. Bernard Gastaud, one of the Country Rapporteurs, thanked the delegation for the positive contribution and dialogue. He welcomed the progress made but also noted the challenges the country still had.

The delegation thanked the Committee for its comments and questions and assured the Committee that these would be given due consideration. The delegation further stated that the government was committed to take all the necessary measures for the protection of children's rights.