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Rights of the Child
in ETHIOPIA





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**The aim of OMCT country reports
are to prevent torture**

In its reports on children’s rights, OMCT aims to analyse national law in terms of the international commitments that a government has made. For example, in some countries families are not informed when their child is detained and this removes a precious safeguard against abuse. The absence of such safeguards facilitates situations where the torture of children can and does occur.

In other words, the reports aim to point out where, often unknowingly, legislation facilitates grave abuses against children.

The legal analysis is supported, where possible, by urgent appeals on the torture of children documented by OMCT. These urgent appeals (OMCT intervenes almost daily on such cases) are the foundation of all our work.

The reports are not legal semantics for their own sake, but represent, in addition to the urgent actions, another side of our strategy to end torture. The reports include meaningful and feasible recommendations for legal reform aimed at reducing the incidence of child torture.

The reports are presented to the United Nations Committee on the Rights of the Child who use them to analyse how well a country is fulfilling its international commitments with regards to children. Their recommendations on the issue of torture, drawing from OMCT’s reports, send a strong message from the international community on the need for action to end the torture of children.

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COMMITTEE ON THE RIGHTS OF THE CHILD
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Report Concerning the Application
of the Convention on the Rights
of the Child
by the Federal Democratic Republic of
Ethiopia

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Preliminary Observations

Ethiopia submitted its periodic report to the Committee on the Rights of the Child (hereafter referred to as the Committee) in accordance with the provisions of article 44.1(b) of the Convention on the Rights of the Child (hereafter the Convention). OMCT appreciates the submission of the periodic report but notes that the recommendations made by the Committee during the previous session¹ have been overlooked by the Ethiopian Government².

In 1997, OMCT submitted an alternative report on Ethiopia to the Committee in which it raised several concerns and made a number of recommendations. In particular, it recommended the adoption of a clear definition of torture in the legislation, to increase the severity of torturers' punishments to match the gravity of the crime, to amend legislation establishing the possibility of sentencing children of 15 years of age and above to life imprisonment and corporal punishment, and to separate child detainees from adults³. In its concluding observation to the Ethiopian Government, the Committee expressed its

deep concern about "the current system of juvenile justice which is not in conformity with articles 37, 39 and 40 of the Convention"⁴.

OMCT appreciates the current drafting of a new Family Code and a new Criminal Code and recommends that the Ethiopian Government take into account the observations of the Committee in order to ensure that children are sufficiently protected from violence in general, from torture, degrading treatment and deprivation of liberty, and that an adequate juvenile justice system is put in place soon.

Ethiopia ratified the Convention on 14 May 1991 and it came into force on 13 June 1991. Ethiopia is also party to other international

1 - CRC/C/15/Add.67

2 - The Ethiopian Government states in the periodic report that '(...) with certain *minor* changes, the major Ethiopian laws and other policy instruments are by and large sufficient to implement the Convention, (...)' (CRC/C/70/Add.7, para. 7, emphasis added). As it is shown below, the Ethiopian legislation is still in need of relevant amendment to comply with the Convention.

3 - OMCT, Rights of the Child in Ethiopia, 1997. The report is available at OMCT headquarters.

4 - CRC/C/15/Add.67, para. 20.

instruments related to human rights condemning the practice of torture against children, in particular the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights. According to article 9 of the Ethiopian Constitution, as international treaties, they constitute an integral part of the law of the land. Several obligations arise from these treaties and OMCT recognises the will of Ethiopia to carry out these obligations. OMCT nevertheless requests that the Ethiopian Government provides more information on the status of international treaties in relation to the national legislation, and calls for the ratification of the African Charter on the Rights and the Welfare of the Child.

OMCT welcomes the adoption of the Constitution of the Federal Republic of Ethiopia in 1994, which contains several provisions aimed at giving special protection to children and, in particular, article 36, which specifically addresses some of the fundamental rights of children. Furthermore, article 55 (14, 15) gives the Houses of People's Representatives the power to establish a Human Rights Commission and the institution of the Ombudsman. Article 18 prohibits inhuman treatment and articles 19, 20 and

21, recognising the rights of persons under arrest, the rights of accused persons and the rights of persons held in custody, respectively. Finally, article 37 provides for the right of access to justice. OMCT appreciates the process of consultation with MPs, NGOs and international organisations that the Ethiopian Government has put in place towards the establishment of the Human Rights Commission and the Institution of Ombudsman's Office⁵. However, according to some sources of information, the selection of NGOs entitled to participate in the different symposia appeared to be arbitrary as major national human rights NGOs were not invited. The Ethiopian Human Rights Council, a member of the OMCT SOS-Torture network, was belatedly invited to attend one of these symposia, depriving it of the opportunity to make carefully considered suggestions. Recommendations aimed at ensuring the independence of the two proposed institutions adopted at most of these symposia have not been incorporated into the final draft of the legislation to establish the Human Rights Commission and Ombudsman. OMCT recommends that the Ethiopian Government hasten the process and promptly establish the Human Rights Commission and the Ombudsman and guarantee their transparent and impartial functioning.

OMCT observes that Ethiopian legislation still contains provisions which appear not to be in compliance with the Convention and other international instruments ratified by Ethiopia, and loopholes which could represent an obstacle to the effective protection of the rights of the child.

OMCT regrets that the Ethiopian authorities have failed to supply information of impor-

tance in their report, particularly concerning the de facto ill-treatment or torture of children and *de jure* protection from torture and penalties applied to officials or agents of the State responsible for violations perpetrated against children, conditions under which children are detained, programmes of rehabilitation of those children and the impact of the armed conflict on children.

II. General Observations on the Situation of Children in Ethiopia

2.1 Overall situation of children in Ethiopia

The situation of children is one of general malnutrition, poor hygiene, lack or shortage of proper clothing, essential social services (such as health, education, and recreation) and displacement due to natural and man-made disasters. The problems of homelessness (including those of street children), child labour and addiction to *khat* and perhaps other drugs are quite common. With regard to girls, early marriage (in the Amhara regions) and abduction (in Somali and

many southern and western regions), harmful traditional practices such as female genital mutilation, incisions, cutting the tonsils/uvula and child prostitution are still widespread. In short, the poverty and ignorance that pervades the society is nowhere more overtly observed than in the condition of children in the country.

While children are valued, their needs and rights do not seem to be given the appropriate attention. Traditional and cultural beliefs, attitudes, and practices of parents and society in general appear to have inadvertently

deprived children of their basic rights for protection against oppression, exploitation, and harmful practices.

2.2 Children and the armed conflicts

Since the independence of Eritrea from Ethiopia, which occurred in 1991 after 30 years of fighting, relations with Eritrea have been swiftly normalised, but disputes remain over some border areas. In May 1998, after an incident between Ethiopian and Eritrean soldiers in the Badme region, the conflict between the two states broke out again. Besides several diplomatic efforts to resolve the crisis⁶, the war has continued and

led to the killing, wounding and displacement of thousands of civilians, many of which are children. On 18 June 2000, an agreement was reached on a cease-fire, and to date, talks aiming at the adoption of a final peace agreement, continue⁷.

In the spring of 2000, the complex emergency situation of Ethiopia has been further exacerbated by the drought which primarily affected the southern and south-eastern areas of the country and has left over ten million people in need of emergency food assistance, including over 1.4 million children under five years of age⁸.

In addition to the conflict with Eritrea, Ethiopia is also confronted with internal armed opposition groups, the Oromo Liberation Front (OLF) in the Oromo region, the Ogaden National Liberation Front (ONLF) and the Ethiopian Unity Front in the Somali region. Before 1995, it was alleged that OLF recruited children and peasants by force but no information on the current recruitment methods are available to OMCT.

Although the Ethiopian national recruitment legislation sets the minimum age for recruitment into the armed forces at 18 years old, over the past few years, there have been

reliable reports that thousands of teenage boys have been forcibly recruited into the Ethiopian army, particularly during the build-up to the major offensive launched by Ethiopia in May 2000⁹. According to the same source of information, the recruitment drive was initially conducted nationwide, but increasingly focused on Oromos and Somalis, ethnic groups that have traditionally been a major source of army recruits, as well as political opposition to the government. The recruitment drive reportedly focused on Grade 9 to 12 of secondary schools, but there have been reports of children being press-ganged from market places and villages¹⁰. OMCT notes that the Government report fails to produce information on the effects of the armed conflicts on children and recommends that the Ethiopian authorities ensure the demobilisation, rehabilitation and reintegration of child soldiers as a matter of priority. OMCT also urges the Government to sign and ratify the Optional Protocol to the Convention on the Involvement of Children in Armed Conflict without reservations.

According to different sources, civilians directly affected by the war included some hundred thousand villagers displaced or evacuated to Eritrea from the border areas in cruel, inhuman and degrading conditions.

Those considered of military age were sent to detention camps without charge or trial. Others were trucked, after brief detentions, to remote border posts and ordered to cross into Eritrea on foot. Deported people, the majority of which are Eritreans or Ethiopians of Eritrean origin, allegedly included children and elderly people. Many families were separated during the deportations from underage children who were not allowed to leave with them, or, in a few cases, from children who were deported unaccompanied¹¹. OMCT welcomes the establishment of a national committee to co-ordinate and oversee the assistance and rehabilitation of those displaced by the war. The Government report acknowledges the problem of displaced children and explains it as one of the consequences of the war with Eritrea. Nevertheless, OMCT expresses its grave concern about the lack of information regarding the number of people and, especially, children affected, as well as about the ethnic-based deportations, and recommends the Ethiopian authorities provide the Committee with further information on these issues. Furthermore, OMCT urges the Ethiopian Government to follow the Guiding Principles on Internal Displacement,

6 - In January 1999 the UN Secretary-General assigned Mohamed Sahnoun as Special Envoy to support diplomatic efforts to resolve the crisis. On 10 February 1999, UN Security Council Resolution 1227 condemned the use of force and demanded an immediate halt to hostilities (S/RES/1227 (1999)). A delegation of the European Union visited Ethiopia and Eritrea in February 1999 in order to push the Organisation of African Unity (OAU) to arbitrate the border dispute. Several Security Council recommendations were adopted urging Ethiopia and Eritrea to cease all military actions and withdraw their forces from military engagement. Amongst them, resolution 1321, on 31 July 2000, authorised the deployment of the United Nations Mission in Ethiopia and Eritrea (UNMEE)

7 - On 18 June 2000 both parts signed an Agreement on the Cessation of Hostilities, which foresaw the establishment of a Temporary Security Zone (TSZ) to be monitored by UNMEE. On 23 October 2000, Ethiopia and Eritrea met in Algeria under the auspices of the (OAU) to hold indirect talks aimed at a final peace accord. Nevertheless, the talks ended without any breakthrough.

8 - UN Security Council, *Report of the Secretary-General on Ethiopia and Eritrea*, (18 September 2000), S/2000/879

9 - Coalition To Stop the Use of Child Soldiers, (July 2000), *Appeal to the Governments of Ethiopia and Eritrea. A Peace Dividend for Child Soldiers?*

10 - *Ibid.*

11 - Human Rights Watch, (1999), *Federal Democratic Republic of Ethiopia*, World Report 1999.

adopted in September 1998 by the UN General Assembly.

2.3 Refugee children

Owing to its geographical position, several hundred thousand refugees fleeing civil conflicts, ethnic fighting and harsh living conditions in Somalia, Sudan, Djibouti and Kenya, have made their way to Ethiopia. The majority of refugees have been settled in 12 camps and, in some cases, in urban areas¹². According to the latest data from UNHCR in January 2000, there were about 240,000 refugees (if one only counts those falling under the UNHCR status), out of which 172,000 are from Somalia and 70,000 from Sudan. Children from birth to 18 years old constitute about 50% of the refugee population. Recently, a new influx of Sudanese asylum-seekers, numbering about 5,000 persons, crossed into Ethiopia mainly from the Blue Nile region, fleeing occupation of their villages by the Sudan People's Liberation Army (SPLA)¹³.

The government report states that the Administration for Refugee-Returnee

Affairs has arranged for the education of school-age child and youth refugees, including attendance at higher education institutions and vocational training centres¹⁴. Nevertheless, OMCT expresses its concern about the alleged practice of arresting refugees, their detention without charge or trial for long periods and ill-treatment by the police and requests that the Ethiopian authorities provide information to the Committee on the issue.

2.4. Discrimination

OMCT believes that discrimination is one of the causes of torture and welcomes the fact that the principle of non-discrimination is foreseen in the Ethiopian Constitution (art. 25) in compliance with article 2 of the Convention. Nevertheless, OMCT is concerned about the fact that the Constitution does not mention non-discrimination based on the ground of disability and recommends that the Ethiopian authorities ensure that the disabled child enjoy his or her rights without discrimination of any kind and the prevention and elimination of discriminatory attitudes against him or her according to article 23 of the Convention.

Furthermore, children with non-Ethiopian origin do not seem to enjoy the same rights as nationals. As already seen above, it is mainly children of Oromo and Somali origin who are more likely to be forcibly recruited in the army and it is mainly children of Eritrean origin who face deportation and separation from their family. OMCT recalls that the Convention is applicable to any child under the jurisdiction of the State, irrespective of national or ethnic origin, and urges the Ethiopian authorities to ensure the strict implementation of existing national legislation.

OMCT is also concerned about the *de jure* and *de facto* discrimination against girls compared to boys. Numerous laws in Ethiopia still discriminate against women and girls. Family law, for example, designates the husband as head of the family with the right to 'discipline' his wife, while penal law legitimises the marriage of abducted and raped girls to their violators, guaranteeing the exemption of their punishment¹⁵. OMCT raises its deep concern about these provisions, which open the door to abuse and violate the rights of the girl-child, and all the more so given that the minimum age of marriage for girls is still 15 (see below), and calls the Ethiopian Government to amend these provisions.

OMCT would like to encourage the Ethiopian Government to ensure that the rights of children recognised in the Convention are understood by all concerned as the rights of all children, irrespective of the children's or their parents'/guardians' race, religion, sex, age, ethnic, or linguistic background.

2.5. Female Genital Mutilation (FGM)

The practice of Female Genital Mutilation (FGM) is still widespread in Ethiopia. Depending on the ethnic group, FGM in Ethiopia ranges from partial to complete excision of the external genitalia, which are then stitched nearly closed in many cases. The ritual is practised on girls between the ages of seven days and 16 years old. It is often performed in unsanitary settings by a community 'specialist' using nothing more than an unclean blade¹⁶. FGM has terrible effects on the child or young girl's state of health, both at the time and in the future. Apart from potentially fatal haemorrhages, there is a risk of tetanus or septicaemia from the very basic instruments used and neighbouring organs are often damaged due to the girl's distress.

12 - UNHCR, (1997), *Countries Profile: Ethiopia*, UNHCR Web site.

13 - UNHCR, (2000), *MID-Year Report 2000, Country Operation: Ethiopia*, UNHCR Web site.

14 - CRC/C/70/Add.7, para. 70.

15 - UNIFEM, *UNIFEM Trust Fund: telling the story*, UNIFEM web site.

16 - UNICEF, *Information UNICEF Feature*, UNICEF web site.

The Government report acknowledges that FGM is deeply-rooted and widely prevalent in the country. OMCT appreciates the commitment of Ethiopian authorities towards its eradication through the organisation of awareness-raising campaigns and sensitisation programme for junior high school and

high school students. Nevertheless, OMCT notes that the practice is not forbidden by law and recommends the Ethiopian Government reinforce its commitment towards the eradication of such practice, while at the same time putting in place legal measures to abolish it.

III. Definition of the Child

Article 198 of the Civil Code of 1960 defines a child as every individual of either sex who has not attained the full age of 18, in accordance with article 1 of the Convention. Nevertheless, articles 329 and 330 of the Civil Code state that for specific purposes a child may be emancipated at an earlier age. Emancipation takes place either by marriage or upon authorisation of the family council. This legislation might open the door to distinctions that withdraw the protection of the Convention from certain children below the age of 18, and especially from girls. In fact, Article 581(1) of the Civil Code sets the minimum age of marriage for girls at 15, and at 18 for boys. OMCT welcomes the consultation that took place between the Ethiopian Government and regional

women's organisations in the light of amending such a provision¹⁷. Nevertheless, the article has not been amended yet, as was also recommended by the Committee¹⁸. OMCT would like to call upon the Ethiopian Government to (a) speed up the adoption of the foreseen measure in order to put an end to the discrimination of girls in relation to boys, (b) establish 18 as the minimum age for marriage for both boys and girls, and (c) in general, harmonise Ethiopian legislation and customary practices with the provisions of the Convention.

Furthermore, in Ethiopia there is still no effective registration of births and deaths even in the big cities and this is one of the areas that concerned the Committee when it

examined the initial report on Ethiopia. The Committee urged the Government to take appropriate measures to establish an effective registration mechanism¹⁹. OMCT recalls that the issue of registration is intimately tied with

civil rights and freedom, and especially with identity and nationality, and therefore urges that all necessary measures be put in place, including an efficient birth registration system both in rural and urban communities.

IV. Protection against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Committee has on several occasions pointed out that art. 37 of the Convention is connected to art. 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment²⁰. Furthermore, the Committee, in its examination of States Parties' reports, and other commentaries, has indicated that it regards the United Nations rules and guidelines relating to juvenile justice as providing relevant detailed standards for the implementation of article 37²¹. These rules and guidelines are namely: the Beijing Rules²², the Riyadh Guidelines²³ and the Rules for the Protection of Juveniles Deprived of their Liberty²⁴.

OMCT believes that the Government report's handling of the issues of torture and other

forms of ill-treatment is insufficient. The report provides very little information on *de facto* ill-treatment or torture of children and *de jure* protection and thus, OMCT believes that the Committee should be provided with more information.

17 - CRC/C/70/Add.7, para. 8.

18 - CRC/C/15/Add.67, para. 27.

19 - CRC/C/15/add.67, para. 29.

20 - Art. 1 of the Convention against Torture defines torture as: "(...) any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

21 - See for example Report on the tenth session, October - November 1995, CRC/C/46, para. 214. Or see Report on the ninth session, May - June 1995, CRC/C/43, Annex VIII, p. 64.

22 - General Assembly resolution 40/33.

23 - General Assembly resolution 45/112.

24 - General Assembly resolution 45/113.

4.1. Ethiopia's legal frame

Protection from torture could be deduced from article 18 of the Constitution, part 1, which states that 'Everyone has the right to protection against cruel, inhuman or degrading treatment or punishment'. This article appears to correspond with the duties that arise from article 37 of the Convention. However, there would appear to be no definition of torture within Ethiopian law. Nor is such a definition found in the Penal Code. Furthermore, the existing legislation makes no reference to psychological torture, nor does it make mention of penalties mentioned in connection with the act or complicity with such acts. OMCT recommends that Ethiopia enact a law defining the crime of torture in terms of article 1 of the Convention against Torture.

Article 417 of the Penal Code foresees penalties when violence is inflicted by a State agent: 'Any public servant charged with the arrest, custody, supervision, escort or interrogation of a person who is under suspicion, under arrest, summoned to appear before a court of justice, detained or interned, who in the performance of his duties treats the per-

son concerned in an improper or brutal manner, or in a manner which is incompatible with human dignity or with the dignity of his office, especially the use of blows, cruelty or physical or mental torture, be it to obtain a statement or a confession, or to any similar end, is punishable with a fine or simple imprisonment, except where his act may justify the application of more severe punitive provisions'.

OMCT is gravely concerned for several reasons:

- a. Torture can be interpreted by definition as not a very serious crime within existing legislation. In addition to a fine, the perpetrator of the crime of torture can be punished with simple imprisonment. Crimes for which simple imprisonment can be imposed, are defined in article 105 of the Penal Code as 'of a not very serious nature committed by persons who are not a danger to society'. The designated sentence runs from 'ten days to three years'. OMCT is concerned about the fact that these punishments are in no way appropriate for the committed violation and not in compliance with article 4.2 of the Convention against Torture²⁵.

- b. Aggravation of sanctions occur only when the court feels that 'the act may justify' it. The stipulation is undefined and this might lead to the likelihood that lesser acts of torture are treated with the same penalty as extreme cases.
- c. There is no minimum penalty. The perpetrator of torture of a child could theoretically look forward to an unstipulated minimal fine. OMCT does not consider under any circumstances that the imposition of a fine for the practice of torture is acceptable.
- d. The article does not contemplate cases of violence against children perpetrated in situations other than arrests, custody, supervision or interrogation. This might lead, for instance, to the impunity of state agents who inflict violence on street children.

In addition to the inappropriate punishment foreseen, OMCT is deeply concerned about certain exceptions applicable to state agents responsible for torture. Article 69 of the Penal Code states that 'An offence under this Code committed on the express order of a person of higher rank, be it administrative or military to a subordinate, the person who gave the

order is responsible for the act performed by his subordinate and is liable for punishment insofar as the subordinate's act did not exceed the order given'. Therefore, it would appear that the state agent will be held responsible only to the extent that he or she is seen to have exceeded the orders of his or her superior officer.

Furthermore, article 70 of the Penal Code foresees the responsibility of the subordinate who carries out an order to commit an offence. '(1) The subordinate who has carried out an order to commit an offence under this Code shall be liable for punishment if he was aware of the illegal nature of the order or knew that the order was given without authority or knew the criminal nature of the act ordered, such as in the case of homicide, arson or any other grave offence against persons or property, essential public interests or international law. The Court may, without restriction, reduce the penalty when the person who performed the act ordered was moved by a sense of duty dictated by discipline and obedience; the Court shall take into account the compelling nature of the duty. (2) The Court may impose no punishment where, with regard to all the circumstances and in particular to the stringent exigencies of State or military discipline, the person concerned could not argue against the

25 - 'Each State Party shall make these offences [torture] punishable by appropriate penalties which take into account their grave nature'.

order received and act in any other way than he did’.

The above stipulations would appear to contravene article 2.3 of the Convention against Torture which clearly requires that an order from a superior not be invoked as an excuse for torture²⁶.

OMCT notes with concern that the sanction foreseen for common crimes of violence appears to be more serious than that of acts of torture. Article 538 of the Penal Code sets out general protection measures: ‘Whosoever intentionally: (a) wounds a person so as to endanger his life or permanently jeopardise his physical or mental health; or (b) maims his body or one of his essential limbs or organs, or disables them, or gravely and conspicuously disfigures him; or (c) in any other way inflicts upon another an injury or disease of a serious nature, is punishable, according to the circumstances and the gravity of the injury, with rigorous imprisonment not exceeding ten years, or with simple imprisonment of not less than one year’. Rigorous imprisonment is the punishment as defined in Article 107 of the Penal Code for offences of a very grave nature.

Given that torture often provokes the kind of outcome defined in the above-mentioned article, OMCT would urge the Ethiopian Government to provide supplementary information to the Committee, defining how an act of torture would be treated under such circumstances. Secondly, OMCT considers it vital that torture be treated as an extremely serious crime which must be punished with a severity equivalent to that of the crime, and therefore recommends that the Government amend the relevant sections of the Penal Code, and especially articles 69 and 70, which appear to be in contradiction with both the Convention on the Rights of the Child and the Convention against Torture.

4.2. Death penalty and life imprisonment

Article 37 of the Convention states that both the death penalty and life imprisonment are considered as torture for children. Article 118 of the Penal Code establishes that the death penalty may never be imposed on children. Nevertheless, according to articles 56, 107 and 173.1 of the Penal Code, juvenile offenders of the age group between 15 and 18 who commit particularly grave crimes and who are therefore considered to be dangerous

to society could face a penal sanction for life. OMCT is deeply concerned with this provision and recommends the Ethiopian Government to amend it as soon as possible as to bring the national legislation in line with article 37(a) of the Convention.

4.3 Factual information

According to different sources, the practice of imprisonment for political reasons is still widespread in Ethiopia. Political dissidents are often detained without charge or trial and some in secret. This practice of arbitrary

detentions, forced disappearances, torture, extra-judicial killings is reported to be frequent and, often includes children. In January 1996, OMCT was informed by one of its members that a group of 62 Ogaden Somalis were allegedly detained, ill treated or killed for supporting the Ogaden National Liberation Front (ONLF). This group of people included four children aged from five to 13 years old who were reported wounded and taken hostage by the Ethiopian Militia²⁷. Similar ill-treatment of alleged members or supporters of the Oromo Liberation Front (OLF) are reported.

V. Protection from all forms of violence

Article 19 of the Convention requires children’s protection from “(...)all forms of physical or mental violence’ while in the care of parents or others”. Thus, article 19 asserts children’s equal human right to physical and personal integrity.

Article 36/1(e) of the Ethiopian Constitution states that every child has the right “to be free from corporal punishment or cruel and inhuman treatment in schools

and other institutions responsible for the care of children”. While welcoming that this provision has been given a constitutional rank, OMCT is concerned by the absence of explicit protection for children in both family and penal environments.

Throughout both the Penal and the Code of Criminal Procedure, the use of corporal punishment is referred to as a right. For example, article 64 of the Penal Code refers to this right

26 - Article 2.3 of the Convention against Torture reads: ‘An order from a superior officer or public authority may not be invoked as a justification of torture’.

27 - OMCT, (1999), *The Hidden Crimes – Children: Torture, Summary Executions, Disappearances*, pp. 107-108.

stating: '(b) acts reasonably done in exercising the right of correction or discipline'. OMCT welcomes the adoption of a directive issued by the Ministry of Education forbidding corporal punishment in schools but would ask to the Committee to request information to the Ethiopian Government on what kind of punishment the directive foresees for the perpetrators of such crimes. OMCT also calls for the Ethiopian Government to take legislative measures to extend the prohibition of corporal punishment to child-care institutions, to pre-trial detention and detention centres and to the family environment.

Furthermore, article 548, part 1 of the Penal Code sets further limitations on the protection of children from corporal punishment by defining corporal punishment as a crime of a not very serious nature. The article reads 'Whosoever (...) deliberately neglects, ill-treats, over-tasks or beats him in such a way as *to affect or gravely endanger his physical or mental development or his health*, is punishable with simple imprisonment for not less than one month' (emphasis added). Clearly, a punishment which results in grave damage to the physical and psychological integrity of a child, as article 548 foresees, is an extremely serious crime.

However, the Ethiopian Penal Code foresees a punishment of simple imprisonment, which, as set up in article 105 of the Penal Code, appears to be imposed for crimes of a not very serious nature.

In addition, article 548 is further weakened by a number of exceptions. Part 2 of Article 548 states: 'the right to administer lawful and reasonable chastisement is not subject to these provisions'. Thus, in conclusion, acts reasonably done in exercising the right of correction of discipline (art. 64) which gravely endanger his physical or mental development or his health (art. 548) can be regarded as lawful and reasonable chastisement (art. 548) in the state of Ethiopia. By consequence, the perpetrator of such a crime would appear to be subject to no sanction.

OMCT would recommend to the Ethiopian Government to amend the current legislation as soon as possible for it to comply with the requirement of the Convention to guarantee adequate protection of the physical and psychological integrity of the child.

VI. Children in conflict with the law

6.1. Age of criminal responsibility

Paragraph 28 of the Government report discussing the Penal Code, lays out three ages of criminal responsibility. Article 52 of the Penal Code sets the minimum age of criminal responsibility at nine: 'The provisions of this Code shall not apply to infants not having attained the age of nine years. Such infants are not deemed to be responsible for their acts under the law. Where an offence is committed by an infant, appropriate steps may be taken by the family, school or guardianship authority'.

Article 53 defines the ages of limited responsibility as between nine and 15. Children between the ages of nine and 15 inclusive are addressed as 'young persons' in the Penal Code. The Penal Code provides special punishments upon conviction for them, and they are not subject to the ordinary penalties applicable to adults, nor shall they be kept in custody with adult offenders.

The final group of juveniles aged between 15 and 18 are considered to be fully responsible for their actions and, with the

exception of death penalty, face full penal responsibility.

OMCT believes that the age of criminal responsibility is too low. Furthermore, juveniles who are 15-18 years old can be subjected to life imprisonment, contravening article 37(a) of the Convention (see above). OMCT recommends that the Ethiopian Government raises the age of criminal responsibility to conform with the constantly referred prescription by the Committee of the desirability of setting the highest possible minimum age.

6.2. Police custody

Of all phases of the juvenile justice procedure, it is on arrest and immediately thereafter, while in police custody, that an accused juvenile is most likely to become the victim of torture and other forms of cruel treatment. It is also at this stage that the juvenile is likely to be denied the presence of those – parents, social worker, legal representative – who might best provide protection against such acts.

Article 471(1) of the Penal Code seems to give enormous powers of arrest to the authorities. The article defines vagrancy and mendicancy as threats to law and order. Therefore, anyone who does not have a fixed place of residence or occupation and no regular or visible means of support is punishable with restriction of personal liberty or with simple imprisonment up to six months²⁸. It is clear that in a country where the majority of its people live in absolute poverty, the wording 'having no fixed abode or occupation and no regular or visible means of support, and being able-bodied, habitually and of set purpose leads a life of vagrancy or disorderly behaviour, or lives by his wits' can be applied extremely widely. This may increase the chances of arbitrary arrest and abuse of socially and economically disadvantaged groups and particularly street children. These legislative measures do not seem to comply with the provisions of article 37(b) of the Convention which lays down that the arrest, detention or imprisonment of a child shall only be used as a measure of last

resort and for the shortest appropriate period of time.

The problem of street and/or homeless children, estimated to be in the hundreds of thousands, has become a national concern. These children live in and around bus stations, taxi stops, bars and hotels, etc of cities and towns in the country. They either "build" their own plastic shelters or use covered bus stops as their "homes".

According to different sources, street children, newspaper and *kolo* (grilled barley) vendors are victims of raids organised by the police. Children are often detained for long periods, without a warrant²⁹. OMCT believes that street children, because they live in an exceptionally difficult situation, are in need of protection and cannot be deprived of their liberty on the basis of their social status. The Committee has recommended to the Ethiopian Government that special measures be adopted and implemented for children living and/or working on the streets³⁰. OMCT would therefore recommend the Ethiopian Government to amend the provisions foreseen in article 471 and to take all necessary measures to protect street children from arbitrary arrest.

28 - The full text of article 471(1) reads: 'Whosoever, having no fixed abode or occupation and no regular or visible means of support, and being able-bodied, habitually and of set purpose leads a life of vagrancy or disorderly behaviour, or lives by his wits or by mendicancy, refusing to take honest, paid work which he is capable of doing, thereby constituting a threat to law an order is punishable with restriction of personal liberty or with simple imprisonment not exceeding 6 months'.

29 - Observatoire International Des Prisons, (1998), *Enfants en Prisons*, p. 163.

30 - CRC/C/15/Add.67, para. 35.

Article 172 of the Criminal Procedure Code refers to the need to bring the child 'immediately' before the court. However, according to various national sources, this is not applied. De facto, it would appear that the legislation used is that which applies to adults, and namely the provisions laid out in articles 58 and 29 of the Criminal Procedure Code.

Article 58(1) reads 'Where an arrest is made, the person making the arrest shall *without unnecessary delay* hand over the arrested person to the nearest police station' (emphasis added). Article 29(1) sets out the procedure after the arrest: 'Where the accused has been arrested by the police or a private person and handed over to the police, the police shall bring him before the nearest court within 48 hours of his arrest or so soon thereafter as local circumstances and communications permit. The time taken in the journey shall not be included'.

OMCT has several concerns. With regards to Article 58 'without unnecessary delay' is left undefined and, as such, presents the arresting officer without clear guidelines. It would seem appropriate that the Government of Ethiopia provide the Committee with further information on the issue.

With regard to Article 29(1), OMCT is concerned that 48 hours is considerably longer than provided for in other legislation systems, which mostly provide for 24 hours. In addition, this stipulation sets out that additional time may be permissible 'as local circumstances and communications allow for' and therefore there seems to be no limits or restrictions on this stipulation. Furthermore, the time does not include the journey time taken. These measures would appear to give enormous scope to the authorities to detain children for a great length of time. However, the report does not mention how long police custody usually is. The practice suggests that children are often detained for long periods without a warrant. OMCT would recommend that the Ethiopian Government take appropriate steps to assure that article 172 is applied.

In addition to these extensive discretionary powers of detention, additional powers are granted to the authorities when investigating crimes. Article 59 of the Criminal Procedure Code states: '(2) Where the police investigation is not complete, the investigating police officer may apply for a remand for sufficient time to enable the investigation to be completed. (3) A remand may be granted in writing. No remand shall be granted for more

than 14 days on each occasion'. OMCT is concerned by the fact that the law does not place any limits on the number of times that a remand can be granted. Furthermore, there do not seem to be any other measures available other than detention. The legislation would appear to be open to abuse, permitting long periods of detention even if there is no sentence.

The problem seems to extend to practice too. According to information from different sources, the provisions set up by article 59 are regularly abused by the police and Woreda Courts³¹. Police repeatedly apply for remand which Woreda judges grant repeatedly without asking questions even in cases where further investigation is not required.

OMCT recommends that the Ethiopian Government amend the legislation in order to avoid that children be arbitrarily deprived of their liberty and that the period spent in police custody be as short as possible. OMCT also recommends that the Ethiopian Government make regular and unexpected examinations of police stations in order to prevent lengthy periods of police custody. Furthermore, it is desirable that NGOs be

granted extensive access to police stations and detention cells. All police stations should make up-to-date reports on the identities of prisoners in the station and the length of their detentions.

6.3. Pre-trial detention

The pre-trial detention period is established by the court and cannot exceed 14 days, but it can be renewed. The reality is different as children can wait up to one year or longer in pre-trial detention³².

The legislative provisions regarding bail and pre-trial detention are set by articles 63(1) and 67 of the Criminal Procedure Code. According to article 63(1) 'bail is not allowed in murder cases where the punishment provided by law is death or rigorous imprisonment for more than 15 years and where the victim died or is likely to die'. Bail will only be refused under the circumstances laid out in article 67, where '(a) The applicant is of such nature that it is unlikely that he will comply with the condition laid down in the bond. (b) The applicant, if set at liberty, is likely to cause another offence. (c) The applicant is likely to interfere with the witnesses or tamper with the evidence'.

Information on the de facto situation suggests that the granting of bail, under all circumstances is subject to long delay. The public prosecutor does not usually respond promptly, the court seems unwilling to consider the issue with any great haste, and in some cases granting bail has been delayed up to a month. Furthermore, bail is often subject to exorbitant monetary demand.

OMCT is concerned that a recidivist child would seem to stand little chance of bail under such circumstances. Furthermore, given current arrangements, he/she would be detained with adults and consequently, face a threat to his/her physical integrity. OMCT regrets that the government report fails to include information on children's deprivation of liberty as a measure of last resort and for the shortest period of time.

OMCT welcomes the establishment of a remand home for juvenile offenders at Bihar Dar, which according to the state report has already been built, and of two more remand homes for boys and girls which should have been built in two towns by the year 2000³³. OMCT recommends that the Ethiopian Government provide the Committee with information on the number of children kept at the Bahir Dar remand

home and their living conditions there, and secondly, on the location of the other two remand homes and progress made with their construction.

6.4. Procedure

a) Effectiveness of complaints

OMCT believes that the procedural restrictions that withdraw a certain right from a child can lead to torture and therefore attaches great importance to the provision of complaint procedures for children, especially children whose liberty is restricted. The Committee itself, in its concluding observations, recommended that a system of complaints aimed at child victims of any form of violence, abuse, including sexual abuse, neglect, maltreatment or exploitation, even while in care of their parents, be established, as a means to ensure protection of and respect for their rights³⁴. OMCT regrets that the state report fails to mention the opportunities available for lodging complaints available to children who are victims of torture or cruel, inhuman or degrading forms of treatment, from an official or agent of the state.

31 - Woreda constitutes the lowest administrative units.

32 - Observatoire International Des Prisons, (1998), *Enfants en Prisons*, p. 163.

33 CRC/C/70/Add.7, para 75.

34 CRC/C/15/Add.67 para. 31.

b) The Right to Legal Representation

OMCT welcomes article 20(5) of the Constitution of the Federal Republic of Ethiopia which foresees that “Accused persons have the right to be represented by legal counsel of their choice, and, if they do not have sufficient means to pay for it and miscarriage of justice would result, to be provided with legal representation at state expense”. Nevertheless, article 195 of the Criminal Procedure Code establishes certain conditions under which a child would not have the right to legal representation: “According to this article, therefore, a juvenile has the right to representation by State-appointed counsel whenever he and his parents are too poor to hire one privately. But this right might be restricted where the offence is very serious and, regardless of the seriousness of the offence, where he is represented by his parent, guardian or other person in loco parentis”. OMCT recommends that the Committee ask the Ethiopian Government to provide further information on this issue and state under what exact circumstances the right to legal representation can be restricted.

c) Children’s Courts

OMCT strongly believes in the necessity of establishing a separate set of courts specifically for juveniles which would take full account of their age, circumstances and needs. The Ethiopian government’s report states that cases of child offenders are heard both in regular courts and in a juvenile court that was established in Addis Ababa in 1959, prior to the issuance of the Criminal Procedure Code of 1961. Juvenile cases outside the capital city are handled by Woreda courts³⁵. OMCT, while welcoming the establishment of the juvenile court, regrets that the Government fails to indicate whether it has any specific plans to set up a more comprehensive and decentralised juvenile system in the near future in compliance with article 40(3) of the Convention.

d) Separation from Adults in Detention

One of the fundamental principles for OMCT is that detained children be held separate from adults. The risks for children detained with adults, both to their physical and psychological integrity, are enormous. Article 36(3) of the Ethiopian Constitution conforms with the provisions of article 37(c) of the

Convention: ‘Juvenile offenders admitted to corrective or rehabilitative institutions, and juveniles who become wards of the State or who are placed in public or private orphanages, shall be kept separately from adults’.

Under certain conditions, legislation allows for the detention of certain children in adult penal institutions. Article 173 of the Penal Code deals with such provisions: ‘When a young offender has committed a serious offence which is normally punishable with a term of rigorous imprisonment of ten years or more or with capital punishment, the Court may order him to be sent: (a) either to a corrective institution (art. 166) where special measure for safety, segregation or discipline can be applied to him in the general interest; or (b) to penitentiary detention institution, by which is meant an ordinary prison, if he is incorrigible and is likely to be a cause or trouble, insecurity or corruption to others. The principle of segregation shall be applied in this case (art. 109(2))’.

According to different sources, there is only one corrective institution based in Addis Ababa, which can host up to 300 children. Conditions of detention in this centre are totally inadequate and disrespectful of human

dignity: 12 children are held per cell, which is provided with a single window. Children are normally allowed to wash themselves once a week and the health service and treatment are insufficient³⁶. OMCT calls on the Ethiopian Government to urgently take all necessary measures to improve conditions of detention and to ensure that children are treated in a manner consistent with the promotion of the child’s sense of dignity and worth, according to article 40 of the Convention.

OMCT believes that a juvenile justice system should aim at encouraging a process of behavioural change in the child and at fostering integration rather than alienation. Therefore, defining a child as incorrigible seems to be both too vague and too definitive. OMCT therefore recommends that the Ethiopian government provide details on how the court arrives at such a definition and how the right of the child to be rehabilitated and re-integrated is guaranteed.

The government report admits that *de facto* children are not kept separated from adult prisoners, owing to lack of premises³⁷. OMCT urges that the government outline what measures it is planning to amend this

36 - Observatoire International Des Prisons, (1998), *Enfants en Prisons*, pp. 163–164.

37 - CRC/C/70/Add.7, para. 31.

intolerable situation, given that the situation has not improved from the one described in the initial report by the Ethiopian Government³⁸.

e) Solitary Confinement

The Convention is extremely explicit when discussing the conditions under which a child should be detained. Furthermore, the Human Rights Committee, in its General Comment on article 7 of the International Covenant on Civil and Political Rights, notes that prolonged solitary confinement of the detained or imprisoned person may amount to torture³⁹. Thus, placing a child in isolation or solitary confinement raises a further issue under article 37(a) of the Convention.

As such, OMCT has serious concerns over the following stipulation of the Penal Code which allows for the solitary confinement of a child, aged from 15 to 18 years, for up to three months at a time. According to article 111, ‘(...) the Director of Prisons may, whenever it appears to him necessary so to do, impose solitary confinement at the beginning or in the course or execution of the sentence. Such confinement shall in no case exceed three months at a time and before imposing

any period of confinement the Director shall consult a doctor and where it appears necessary, a psychiatrist (...)’.

OMCT considers that the legislation is extremely loosely defined and presents a grave threat to the psychological and physical integrity of children, which, under certain circumstances, could amount to torture. OMCT is concerned by the fact that there would appear to be no limit to the number of times that such a punishment could be imposed. Secondly, OMCT requests that the Ethiopian Government explain what circumstances and what behaviour, on the part of the child, would lead to such a measure. Thirdly, OMCT requests that the Government outline the means to recourse open to the child against the use of such a measure.

f) Physical Chastisement in Institutions

Article 172 of the Penal Code sets out the legislation concerning the use of corporal punishment and makes reference to the utility of corporal punishment as a reforming measure. It states that: ‘When a young offender is contumacious the Court may, if it considers corporal punishment is likely to

secure his reform, order corporal punishment. Corporal punishment shall be inflicted only with a cane and the number of strokes shall not exceed 12 to be administered to the buttocks. Only young offenders in good mental health shall be subjected to corporal punishment’.

The Committee expressed its grave concern at the possibility of sentencing children to corporal punishment at the sole discretion of the judge and recommended that the provision be abolished as a matter of priority⁴⁰. The recommendation does not seem to have been taken into account by the Ethiopian Government so far.

OMCT in no way considers, under any circumstances, that the practice of corporal punishment is likely to secure reform. The use of corporal punishment can be considered as a form of torture because it lies at odds with the spirit of the Convention and it is clearly in breach of article 37(a).

OMCT is deeply concerned about the view of corrective discipline as a right. It would appear to pervade the Penal Code and society at large. Particularly worrying are the measures open to the authorities when placing a child in a corrective institute. Article 173 of

the Penal Code states that ‘(...) Special measures for safety, segregation or discipline can be applied to him in the general interest’. OMCT is concerned by these special measures, in particular those that refer to discipline and calls on the Ethiopian Government to amend the current legislation as soon as possible to bring it in line with article 37 of the Convention.

g) The Right to Redress

OMCT expresses its concerns over the lack of details contained in the Government report with regard to the child obtaining redress and indemnity with particular reference to torture and other forms of ill-treatment. Furthermore, OMCT urges the Committee to press the Ethiopian Government to provide further clarification on administrative measures that exist for the provision of rehabilitation.

h) Training of Law Enforcement Personnel, Judges and Other Administration of Justice Officials

OMCT attaches particular importance to the training of judges and personnel involved

38 - CRC/C/8/Add.27, para. 43.

39 - Human Rights Committee, General Comment 20, HRI/GEN/1/Rev.2, p. 31.

with children in the juvenile justice system, as a way of preventing violations of their rights. The Committee has encouraged the Ethiopian Government to provide systematic training for the professional groups working with and for children, including law enforcement officials and judicial personnel⁴¹. The government report states that police officers and policemen have been sent to South Africa twice in 1997 to attend an experience-sharing and training workshop on handling juvenile offenders. Furthermore, a team composed of the Vice-President of the Supreme Court, the Registrar of the Court, the Deputy Commissioner of the Addis Ababa Police and representatives of the Ministry of Justice, Ministry of Labour and Social Affairs and Forum on Street Children – Ethiopia visited the Netherlands, Scotland and England in 1998 for experience sharing on criminal justice and the handling of young offenders. Finally, a three year child protection programme has been carried out, targeting police officers and other members of the police, and aiming at improving the treatment of children by the police in police stations, at ensuring the protection of children from various type of abuse and at involving the police in prevention programmes⁴².

OMCT welcomes the efforts made by the Ethiopian Government but is concerned about the sustainability of the training programme in the long run, given that the training workshops and the child protection programme were financed by external funding⁴³. OMCT would therefore recommend that the Committee ask the Ethiopian Government for further information on how it will guarantee that the training of law enforcement personnel, judges and other administration of justice officials constitutes a systematic and long-term government policy. OMCT also recommends the training programme be extended to lawyers.

i) Regular Medical Examinations

OMCT considers the right of children in custody and in detention to have regular medical examinations an important measure to prevent and abolish the practice of torture. Article 34 of the Criminal Procedure Code limits this right to the decision of the officer in charge: '(1) Notwithstanding the provisions of article 20 of the Civil Code, where an investigating police officer considers it necessary, having regard to the offence with which the accused is charged, that a physical examination of the accused should be

made, he may require him to record in writing the results of such examination. Examination under this article shall include the taking of a blood test'. The Committee should urge the authorities to ensure that any child placed in police custody and in detention is given a medical examination upon

arrival at the place of detention, and that this request be included in the appropriate file. The authorities should also be urged to ensure that a medical examination is not only performed at the sole request of the person concerned.

VII. Conclusions and Recommendations

The International Secretariat of OMCT wishes to express its concern over the existing conflict between Ethiopia and Eritrea and the internal confrontation with armed opposition groups and the consequences they have had on the full respect of the rights of the population concerned and particularly those of children.

OMCT believes that a large deal of legislative and administrative measures still need to be taken in order to guarantee the effective promotion and protection of the fundamental rights of the child. OMCT appreciates the current drafting of a new Family Code and a new Criminal Code and recommends that the Ethiopian Government take the observations of the Committee into account.

OMCT is concerned about what seems to be a too lengthy and arbitrary consultation process put in place by the government towards the establishment of the Human Rights Commission and the Ombudsman's Office. OMCT therefore recommends that the Ethiopian Government hasten the process and promptly establish the two bodies, guaranteeing their transparent and impartial functioning.

OMCT regrets that the Ethiopian authorities have failed to supply information of importance in their report, particularly concerning the de facto ill-treatment or torture of children and *de jure* protection and penalties applied to officials or agents of the State responsible for violations perpetrated against children, conditions in which children are detained,

41 - CRC/C/15/Add.67, para. 24.

42 - CRC/C/70/Add.7, paras. 76-80.

43 - CRC/C/70/Add.7, paras. 77-78.

programmes of rehabilitation of those children and the impact of armed conflicts on children and especially on refugee children.

OMCT recommends that Ethiopian authorities ensure the demobilisation, rehabilitation and reintegration of child soldiers as a matter of priority. OMCT also urges the Government to sign and ratify the Optional Protocol to the Convention on the Involvement of Children in Armed Conflict without reservations.

OMCT is concerned about the situation of refugee children and calls on the Ethiopian authorities to provide them with special assistance, especially for those traumatised by armed conflict, torture, abuse and other forms of exploitation.

As far as discrimination is concerned, OMCT would like to encourage the Ethiopian Government to ensure that the rights of children recognised in the Convention are understood by all concerned as the rights of all children, irrespective of the children's or their parents'/guardians' race, religion, sex, age, ethnic, or linguistic background. OMCT would particularly recommend that the Ethiopian Government guarantee and protect the rights of disabled

children and children of non-Ethiopian origins.

OMCT is deeply concerned about the *de jure* and *de facto* discrimination of girls in relation to boys and would like to call upon the Ethiopian Government to:

- Establish 18 years old as the minimum age for marriage for both boys and girls;
- Reinforce its commitment towards the eradication of FGM while at the same time put in place legal measures to abolish it;
- harmonise Ethiopian legislation and customary practices with the provisions of the Convention.

OMCT also calls the Government to put in place an efficient birth registration system both in rural and urban communities.

As for the issue of torture and other cruel, inhuman or degrading treatment or punishment, OMCT recommends that the Government :

- enact a law defining the crime of torture in terms of article 1 of the Convention against Torture;

- provide that torture is treated as an extremely serious crime punishable with a gravity matching that of the crime and amend the relevant sections of the Penal Code, especially articles 69 and 70;
- take legislative measures to abolish corporal punishment in child care institutions, pre-trial detention and detention centres and within the family environment;
- urgently amend articles 56, 107 and 173.1 of the Penal Code establishing the possibility of life imprisonment for children between 15 and 18.

OMCT urges the Ethiopian Government to raise the age of criminal responsibility to conform with the constantly referred prescription by the Committee to set it at the highest possible level.

As for police custody and pre-trial detention, OMCT calls upon the Ethiopian authorities to:

- amend the legislation, and especially article 471 of the Penal Code in order to avoid that children are arbitrary deprived of their liberty and that the period spent

in police custody is as short as possible and take all necessary measures to assure the article 172 is applied;

- limit the number of times that a remand can be granted during investigations;
- make regular and unexpected examinations of police stations in order to prevent lengthy periods of police custody. Furthermore, it is desirable that NGOs be granted wide access to police stations and brigade cells. All the police stations should make up-to-date reports on who they are holding as prisoners in the station and for how long;
- ensure that requests of bail are promptly treated;
- provide the Committee with information on the number of children kept at the Bahir Dar remand home and their living conditions, and equally on the location of the two planned remand homes, and progress made with their construction.

The Ethiopian authorities should provide the Committee with information on the opportunities of lodging a complaint available to children who are victims of torture and the

reasons behind the possible restriction of their rights to legal representation.

OMCT is gravely concerned about the current juvenile justice system and calls the Ethiopian Government to:

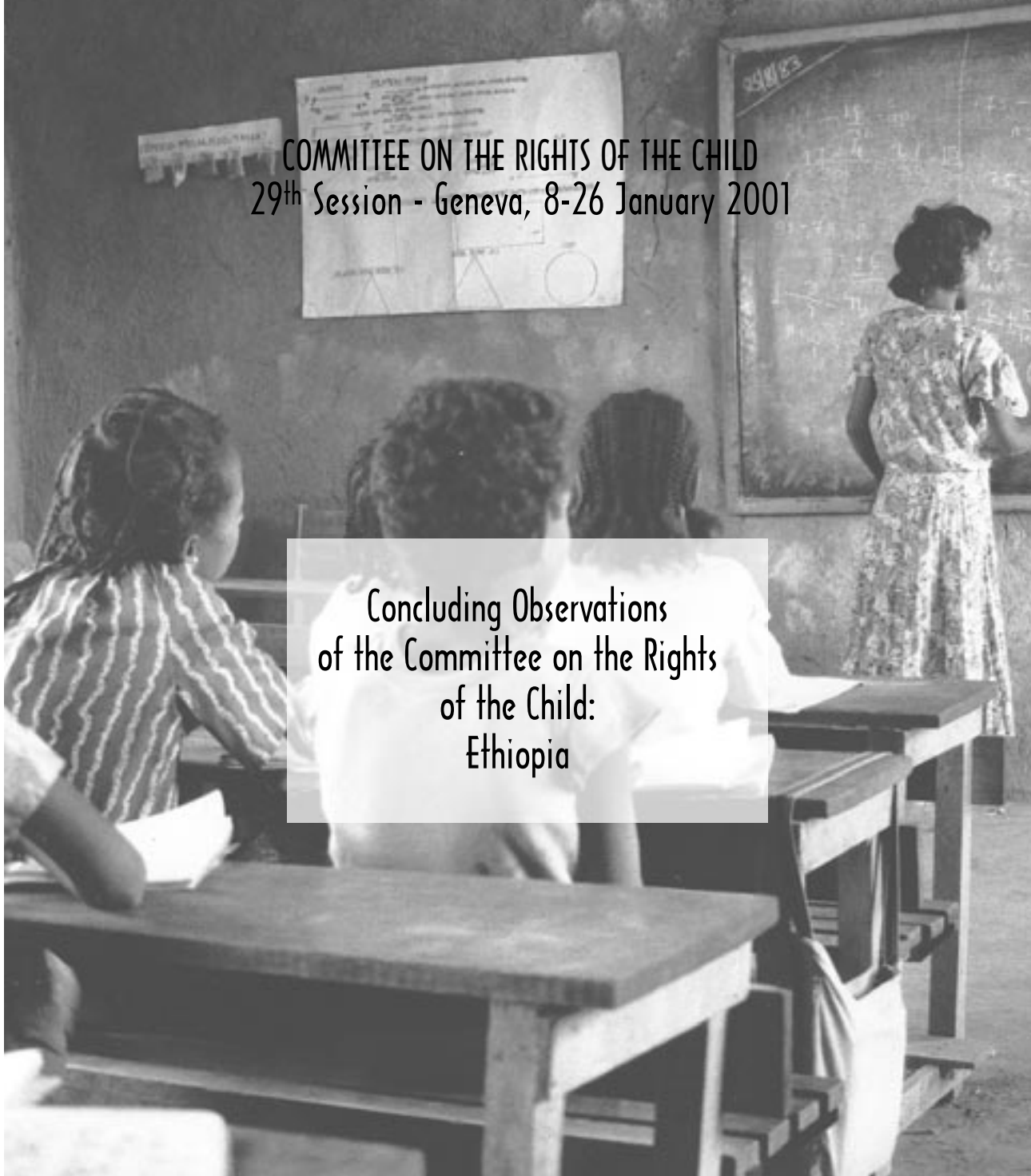
- establish a more comprehensive and decentralised juvenile system;
- improve the conditions of juveniles in detention;
- separate them from adults as a matter of urgency;
- abolish the provisions allowing for solitary confinement for children aged from 15 to 18 years;
- amend the current legislation which provides for corporal punishment for children;
- provide more information on how to guarantee redress and indemnity for a

child, with particular reference to torture and other forms of ill treatment;

- provide more information on how to guarantee sustainable training to law enforcement personnel, judges and other administrative officers;
- extend training to lawyers;
- install an effective medical examination for children both in prisons and in police custody.

Finally, OMCT insists on the need to implement all provisions of the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as they are the most relevant international instruments concerned with all forms of violence against children.

COMMITTEE ON THE RIGHTS OF THE CHILD
29th Session - Geneva, 8-26 January 2001



Concluding Observations
of the Committee on the Rights
of the Child:
Ethiopia

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

CONCLUDING OBSERVATIONS OF THE COMMITTEE ON THE RIGHTS OF THE CHILD: ETHIOPIA

1. At its 675th and 676th meetings (see CRC/C/SR. 675-676), held on 11th January 2001, the Committee on the Rights of the Child considered the second periodic report of Ethiopia (CRC/C/70/Add.7), which was received on 28th September 1998, and adopted at the 697st meeting, held on 26 January 2001. the following concluding observations.

A. INTRODUCTION

2. The Committee welcomes the prompt submission by the State party of its second periodic report, the written answers to the list of issues (CRC/C/Q/ETH/2) and the additional information. The Committee notes with appreciation the useful statistical information included in the report and the frank and con-

structive efforts made by the delegation, led by a high level representative, to provide additional information in the course of the high quality dialogue.

B. FOLLOW UP MEASURES UNDERTAKEN AND PROGRESS ACHIEVED BY STATE PARTY

3. The Committee notes the establishment of the Justice and Legal Systems Research Institute which is contributing to the review of existing national legislation according to the standards set by applicable international human rights instruments, including the Convention on the Rights of the Child. The Committee notes, in addition, the recent ratification of ILO Conventions 138 concerning the Minimum Age for Admission to Employment and 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

4. The Committee notes the State party's adoption of a new Family Code which incorporates many of the principles and provisions of the Convention and amends some aspects of existing legislation which are in contradiction with the Convention, including for example in the context of discrimination against women and girls.

5. The Committee congratulates the State party on its establishment of an independent Commission on Human Rights and the office of ombudsman, which will include children's rights within their responsibilities.

6. The Committee notes the interim prohibition by the Ministry of Education of the use of corporal punishment in schools. The Committee notes, also, the establishment of 'AIDS awareness clubs' in high schools. The Committee notes, in addition, the establishment of child care and protection units in 10 police stations in Addis Ababa.

7. The Committee notes the State party's efforts to introduce, as a general policy, a form of systematic child participatory education and that children's rights are included within the curricula of schools.

8. The Committee welcomes the translation,

by the State party and NGOs, of the Convention into 11 local languages and other efforts made to publicise the Convention. The Committee notes the many efforts made to raise awareness of the Convention, including through the training of police officers and the use of radio and print media.

9. The Committee notes with appreciation the significant efforts made by the State party to receive and assist large numbers of refugees from neighbouring countries. The Committee notes, further, the recent peace agreement between the State party and Eritrea.

C. FACTORS AND DIFFICULTIES IMPE- DING THE IMPLEMENTATION OF THE CONVENTION

10. The Committee notes the continuing incidence of natural disasters, including drought and floods, during the reporting period. The Committee notes also the negative impact upon respect for children's rights of the period of armed conflict with Eritrea.

11. The Committee notes, in addition, the State party's continuing serious socio-

economic problems and expresses its concern at the situation of human rights in general.

D. PRINCIPAL SUBJECTS OF CONCERN AND RECOMMENDATIONS

D1. General measures of implementa- tion (arts. 4, 42 and 44, paragraph 6 of the Convention)

12. The Committee expresses its deep concern that many of the concerns and recommendations (CRC/C/15/Add.67) it made upon consideration of the State party's Initial report (CRC/C/8/Add.27) have been insufficiently addressed. The Committee notes that many of the same concerns and recommendations are made in the present document.

13. The Committee urges the State party to make every effort to address those recommendations from the concluding observations to the Initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations to the 2nd periodic report.

Legislation

14. The Committee is concerned at a failure to enforce legislation which would serve to protect the rights of children including, *inter alia*, with regard to harmful traditional practices such as female genital mutilation, early and forced marriage and discrimination against children with disabilities. The Committee is concerned, further, that domestic law is not yet fully compatible with the provisions and principles of the Convention, that the process of drafting and adopting new legislation is slow and that, in addition, some customary practices which are prejudicial to children's rights may still be applied instead of modern domestic legal provisions. The Committee is concerned also that the Convention has yet to be published in the "Official Gazette", as recommended in the Committee's concluding observations to the State party's Initial report.

Initial report.

15. The Committee recommends that the State party strengthen its efforts to implement and enforce those aspects of domestic legislation which serve to protect children's rights, giving particular attention to problems of

harmful traditional practices, early and forced marriage and discrimination against children with disabilities. The Committee recommends, in addition, that the State party take steps, *inter alia* through amendment or enactment, to ensure that domestic legislation is fully compatible with the principles and provisions of the Convention and to ensure that new legislation reaches adoption rapidly.

The Committee recommends, further, that the State party make additional efforts to ensure that domestic law is applied in preference to customary practices which may contradict children's rights. The Committee also recommends that the State party publish the Convention in the Official Gazette.

Co-ordination mechanisms

16. The Committee notes the absence of a government body with the necessary capacity and profile to co-ordinate and develop State policy with regard to children's rights. The Committee notes, in particular, that the current Department for Children, Youth and Family Affairs, within the Ministry of Labour and Social Affairs, has insufficient financial and human resources to accomplish its task.

17. The Committee recommends that the State party strengthen its institutional capacity to effectively co-ordinate and implement children's rights policies.

The Committee recommends, in particular, that the national level mechanism with responsibility for co-ordination of child rights policy and implementation, currently the Department for Children, Youth and Family Affairs, within the Ministry of Labour and Social Affairs, be provided with adequate resources to perform its task. The Committee recommends, further, that regional, "zonal" and "Woreda" levels of child rights Committees be strengthened.

Implementation of studies and policies/allocation of budgetary resources

18. The Committee is concerned that the State party has insufficiently implemented the many recommendations of studies, plans of action and policies focusing on children and their rights. The Committee is concerned, in particular, that the State party has not made sufficient budgetary resources available for implementation of the Committee and that some relevant budgets have decreased

since the State party's submission of its Initial report. The Committee notes, for example, aspects of the State party's March 1994 Social Policy addressing the special protection requirements of, *inter alia*, children, which have yet to be implemented. The Committee notes, further, the State party's limited progress in implementing the national plan of action for women and children. In addition, and particularly in the context of high military expenditure, the Committee is deeply concerned that the State party has not sought to implement the Convention to the maximum extent of available resources.

19. The Committee urges the State party to implement recent and current study recommendations, plans of action and policies which reinforce the protection of children's rights. Further, and in light of article 4, the Committee urges the State party to allocate the maximum of available resources to implementation of the Convention's provisions.

Monitoring mechanisms

20. While noting that the State party has established an independent human rights commissioner with a deputy commissioner for

children and women's rights, and an office of ombudsperson for human rights, the Committee remains concerned that these mechanisms are not yet operational.

21. The Committee recommends that the State party proceed with the establishment of independent monitoring mechanisms, and that they be given competence and sufficient resources to address children's rights concerns. The Committee recommends, in particular, that the State party pursue its ongoing efforts to ensure the establishment of an independent human rights commissioner with a deputy commissioner for children's and women's rights, and an office of ombudsperson for human rights including a focus on children's rights.

Data collection

22. The Committee is concerned at the absence of essential data on the implementation of the Convention and the situation of children and that, in this regard, insufficient progress has been made towards implementing the recommendations contained in paragraph 26 of its concluding observations to the State party's Initial report.

23. The Committee recommends that the State party pursue its ongoing efforts to establish a database project, with a view to collecting and presenting data relevant to the implementation of the Convention across the country. The Committee recommends, in addition, that data collected cover all children up until age 18 and that the data be analysed and used in the elaboration of policies and programmes, as well as for follow-up and evaluation purposes.

Training on the Convention

24. In spite of the State party's efforts, the Committee remains concerned that its concern expressed in paragraph 10 of its concluding observations to the State party's Initial report have not been adequately addressed and that public officials working with or for children, and who have a role in their protection, are insufficiently trained in children's rights.

25. In light of article 42, the Committee urges the State party to make additional efforts to provide training on the Convention's provisions for professionals including, *inter alia*, law officials, teachers, civil servants in ministries with a significant impact on children,

child welfare and development professionals and health workers. The Committee recommends that the State party make further efforts to disseminate the Convention, *inter alia*, through the media, through schools through public information campaigns and through use of traditional methods and structures at the Woreda level, giving particular attention to those persons with low literacy skills and those persons who do not have access to radios. The Committee recommends that the State party consider seeking technical assistance from UNICEF and OHCHR in this regard.

Co-operation with NGOs

26. The Committee is concerned that the legislation providing a framework for the activities of NGOs is outdated and that co-operation with NGOs is insufficient.

27. Recognising the progress already made, the Committee recommends that the State party update the legislative framework under which NGOs are registered and through which they function. The Committee also recommends that the State party make greater efforts to strengthen its co-operation with NGOs.

D2. Definition of the child (article 1 of the Convention)

28. The Committee is concerned at the very low - 9 years - legal minimum age of criminal responsibility. The Committee is also concerned that children aged 15 to 18 are effectively considered to bear the same criminal responsibility as adults, albeit with the application of lesser penalties than those applied to adults.

29. The Committee urges the State party to raise the minimum age of criminal responsibility and to ensure that children aged 15 to 18 years are accorded the protection of juvenile justice provisions and are not treated as adults. The Committee recommends that the State party take advantage of the ongoing review of the penal code to introduce relevant changes to the law.

D3. General principles (Arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

30. While noting the State party's strong non-discrimination constitutional provisions, the Committee is concerned, nevertheless, that

children and their families who are members of ethnic groups which are in a minority in a particular region, or which are not in control of the region's administration, face discrimination. The Committee is concerned, in addition, that girls and children with disabilities face extensive discrimination, *inter alia*, in terms of their access to education. The Committee is concerned, further, that societal discrimination against women and adults with disabilities limits the opportunities for girls and children with disabilities to achieve full respect for their rights.

31. The Committee recommends that the State party make appropriate additional efforts to strengthen implementation of the non-discrimination provisions of the national constitution giving particular attention to the situations of children from ethnic groups which are a minority within a particular province, to girls, to children with disabilities and to discrimination against women. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Life, survival and development

32. The Committee joins the State party (see paragraph 39 of State party report) in

expressing concern at the insufficient respect for children's rights to life, survival and development in the State party.

33. The Committee urges the State party to continue to make every effort to achieve respect for children's rights to life, survival and development including through improved economic development, strengthening of social infrastructure and efforts to alleviate poverty. The Committee recommends that the State party give special attention to children living in rural areas and to refugee and internally displaced children.

D4. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a))

Birth registration

34. The Committee joins the State party in expressing deep concern at the very low levels of birth registration in the State party.

35. The Committee recommends that the State party continue and strengthen its ongoing efforts to establish institutional structures—for example through the use of mobile registration centres—towards ensuring full

birth registration throughout the country. The Committee recommends, in addition, that information campaigns be used to inform the population of birth registration requirements.

Right to be heard and freedom of expression

36. While noting recent changes to the Family code providing children with a right to be heard in divorce cases and the creation of a Children's Forum, the Committee is concerned that the right to be heard of children, particularly those, in rural areas is insufficiently respected. The Committee is concerned, further, that young children and adolescents are not always permitted to freely express their opinions. While noting substantial improvements over the last decade, the Committee remains concerned that a broad range of the human rights of adults are not thoroughly respected and that this situation may create an environment in which the civil rights and freedoms of children are also not fully respected.

37. The Committee recommends that the State party strengthen its efforts to ensure that children's right to be heard is respected. The

Committee recommends, in addition, that the State party make every effort to ensure that the right of children and adolescents to express opinions, including through peaceful demonstrations, is respected and that appropriate follow-up is given to the recommendations of the Children's Forum. The Committee recommends, further, that the State party make additional efforts to guarantee the general respect for human rights of adults. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Corporal punishment

38. While noting the Ministry of Education's interim measures prohibiting the use of corporal punishment in schools, the Committee remains concerned that, in practice, corporal punishment remains common in schools and in the context of the family.

39. In light of article 28.2 of the Convention, the Committee recommends that the State party adopt a permanent prohibition on all forms of corporal punishment, including in the context of both school and the family through, *inter alia*, the enforcement of appropriate legislation, through awareness

raising activities towards parents, teachers and other relevant groups and through the training of teachers in alternative disciplinary sanctions and which are not harmful to children. The Committee recommends that the State party consider taking the opportunity of the current drafting of a new penal code for this purpose. The Committee recommends, in addition, that children be provided with mechanisms through which they can report and complain of corporal punishment practices.

D5. Family environment and alternative care (arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39)

Family unity and standard of living

40. While recognising the State party's ongoing poverty alleviation efforts, the Committee remains concerned that many families are under pressure as a result, *inter alia*, of population displacement, armed conflict, drought, poverty and illness. The Committee is concerned, in addition, at the continuing practice of early and forced marriage of children and girls in particular.

41. The Committee recommends that the State party strengthen and fully implement its poverty alleviation programme and develop programmes to strengthen family unity providing assistance to, in particular, displaced populations and to very poor communities. The Committee, in addition, recommends that every effort is made to ensure that provisions in the new Family code which raise the minimum age for marriage of both girls and boys to age 18 are respected in practice and that forced marriages be prevented.

Family reunification

42. The Committee is concerned that, in the context of population displacement caused by natural disasters or armed conflict, many children have been separated from their families.

43. The Committee recommends that the State party continue and strengthen its efforts to ensure family reunification, and that assistance be sought from UNICEF and UNHCR in this regard.

Adoption

44. The Committee is concerned that children in the State party may be vulnerable to abuses of their rights in the context of adoption, including inter-country adoption.

45. In light of article 21 and other relevant provisions of the Convention, the Committee recommends that the State party take further steps, through domestic law and implementation procedures, to protect and promote the rights of children in the context of adoption and to consider adhering to the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption.

Violence against women - child abuse

46. The Committee is concerned that violence against women in the context of the family remains widespread and continues to have a negative impact on children.

The Committee is concerned, in particular, that domestic violence against women may lead to child abuse in the family.

47. The Committee recommends that the State party make further efforts to address and condemn violence against women, including in the context of the family. The Committee recommends that the State party take steps to monitor and address any incidence of violence and sexual or other abuse, against children.

Separation of parents - child custody and child maintenance payments

48. While noting the very positive changes made to the family code and which, *inter alia*, establish fathers and mothers on a more equal legal base in the context of family separation than was previously the case, the Committee remains concerned that traditional and discriminatory practices may continue in spite of the new legislation.

49. The Committee recommends that the State party make every effort to ensure that the provisions of the new Family Code are known by the population, respected and implemented in practice, and that structures are in place to empower parents and children to claim child maintenance payments.

Alternative care

50. The Committee is concerned by the predominant use of institutional responses to provide assistance to children in difficulty and that children who are cared for in institutions for many years and until age 18 are not given the educational and vocational skills necessary for them to make an independent living once they leave the institution.

51. While urging the State party to avoid recourse to the institutionalisation of children as a form of alternative care, the Committee recommends that the State party ensure that children cared for by State or private institutions are given all the assistance they need towards establishing a life for themselves after leaving the institution including, *inter alia*, the provision of an education and suitable vocational training.

D6. Basic health and welfare (arts. 6; 18, para. 3; 23; 24; 26; 27, paras 1-3)

Health standards

52. The Committee is deeply concerned by the extremely high infant mortality rates

and low life expectancy in the State party. The Committee is concerned, in particular, by high rates of Malaria and Tuberculosis and their effects upon children, by the fragile health infrastructure, limited health awareness among the public and the limited implementation of the 1993 Health Policy and the 1994 Social Policy. The Committee is deeply concerned that implementation of health policies has been slow and has seen only limited progress.

53. The Committee urges the State party to ensure that access to primary health care services is increased, that national health infrastructure is strengthened and that public health education programmes are used to lower infant mortality rates and raise life expectancy in the State party. The Committee recommends that the State party seek assistance from WHO, UNICEF and UNDP in this regard.

Social services

54. The Committee is concerned by the continuing absence of social welfare services, in spite of provisions contained in the 1994 Social Policy.

55. The Committee recommends that the State party make further efforts to implement the provisions of its 1994 Social Policy, and that the Policy be updated to account for current circumstances.

Children with disabilities

56. The Committee is concerned by the relative absence of information on the situation of children with disabilities in the State party and the absence of programmes in favour of children with disabilities.

57. The Committee recommends that the State party urgently gather disaggregated data on the numbers and situation of children with disabilities in the State party, and that greater efforts be made to ensure respect for their rights.

HIV/AIDS

58. The Committee is concerned by the high number of children with HIV/AIDS or who are otherwise affected through the HIV/AIDS related illness or death of parents and other family members, and by the need for concerted action to be taken by the State party.

59. The Committee urges the State party to make efforts to remain informed of the scale of the HIV/AIDS problem within the country, to reduce the spread of HIV/AIDS and to provide assistance to children with HIV/AIDS and to children whose parents and other family members have HIV/AIDS. The Committee further recommends that the State party give particular attention to HIV/AIDS orphans and to ensuring that children with HIV/AIDS are not discriminated against. The Committee recommends that the State party make use of, *inter alia*, educational measures.

Adolescent health

60. The Committee is concerned that by insufficient provision for adolescent health care and by the high incidence of early pregnancy among girls in the State party. The Committee is concerned, in addition, by the incidence of sexually transmitted diseases.

61. The Committee recommends that the State party make every effort to improve adolescent health services, to lower the incidence of early pregnancies and to lower the incidence of sexually transmitted diseases through, *inter alia*, improved reproductive

health education and child-friendly counselling services.

Mental health

62. The Committee is concerned that there is inadequate information on mental health related problems, and insufficient mental health care facilities, in the State party.

63. The Committee recommends that the State party make further efforts to gather information on the mental health situation in the State party, to improve mental health services and to increase the numbers of mental health personnel.

Harmful traditional practices

64. Recognising that there has been some improvement the Committee, nevertheless, remains deeply concerned by reports from the National Committee on Traditional Practices in Ethiopia (NCTPE - September 1998) indicating that 72.7% of the female population experience some form of female genital mutilation. The Committee is concerned, further, by other practices reported

by the NCTPE including uvulectomy - milk-teeth extraction - and forced marriage.

65. The Committee urges the State party to continue and strengthen its current efforts to end practices of female genital mutilation, early and forced marriage and other harmful traditional practices, and recommends that the State party take advantage of the experience gained by other countries.

D7. Education, leisure and cultural activities (arts. 28, 29, 31)

Access to education

66. The Committee is deeply concerned by the very low rates of primary and secondary school enrolment, by the especially low rate of enrolment among girls and by the very high drop out rate among those children who are initially enrolled. The Committee is concerned, in addition, that insufficient resources among education authorities, schools and parents are having a negative impact on children's enrolment and completion of primary and secondary school.

67. The Committee recommends that the

State party pursue its efforts to increase enrolment, to build additional schools, supply better school equipment, to improve teacher training and to recruit more teachers towards ensuring improvements in the quality of education, giving particular attention to those regions most in need of such assistance. The Committee recommends that the State party take action to assist with the costs of education, including *inter alia*, school uniforms and fees for those children with insufficient means. The Committee urges the State party to make every effort to increase enrolment of girls at both primary and secondary school levels and to ensure that all children enrolled are able to complete their education. The Committee recommends that the State party seek assistance from UNICEF and UNESCO in this regard.

D8. Special protection measures (arts. 22, 38, 39, 40, 37 (b)-(d), 32-36)

Children in armed conflict

68. The Committee is concerned by the effect of the recent armed conflict on children, and particularly those children living in the conflict region.

69. The Committee urges the State party to make every effort to ensure that the recent peace agreement leads to a lasting peace and that children are protected from the effects of armed conflict. The Committee recommends, in particular, that the State party ensure that relevant children's rights concerns are taken into consideration in peace related deliberations and other activities and that demining efforts be continued. The Committee recommends that the State party seek assistance from UNICEF and the United Nations Mission to Ethiopia and Eritrea (UN-MEE) in this regard.

Internally displaced and refugee children

70. The Committee is concerned at the difficult situation faced by refugee and internally displaced children and their families in the State party, including in terms of their access to education and health services and in terms of family reunification.

71. The Committee recommends that the State party continue and strengthen its efforts to provide assistance to refugee and internally displaced children and their families, including with regard to education and health services and family reunification and re-

installation. The Committee recommends that the State party continue its co-operation with UNHCR in this regard.

Sexual exploitation, rape, abduction and prostitution

72. The Committee is deeply concerned by reports of incidents of sexual exploitation, prostitution, rape and other sexual abuse of children.

73. The Committee urges the State party to urgently address practices of sexual exploitation, rape and other sexual abuse of children through, *inter alia*, provision of care, rehabilitation and social re-integration to victims, the enforcement of criminal law, the prosecution of the perpetrators of these acts and increased monitoring and reporting of such incidents. The Committee recommends, further, that the State party undertake grassroots awareness campaigns on sexual exploitation and other sexual abuse of children, including the translation of relevant terms into local languages. The Committee also recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial

Exploitation of Children, held in Stockholm in 1996.

Children living and/or working on the streets - child labour

74. The Committee is concerned by the large numbers of children living or working on the streets of main cities in the State party, and by their lack of access to education, health care, essential nutrition and housing. The Committee is also concerned by the numbers of children involved in child labour.

75. The Committee recommends that the State party make urgent efforts to protect the rights of children currently living and/or working on the streets including through the provision of education, health care, nutritional aid and alternative care assistance. The Committee recommends, in addition, that the State party address the causes of children falling into a situation of street life. The Committee recommends, further, that the State party make efforts to address the incidence of child labour and to respect and implement the provisions of the International Labour Organisation's Convention 182 Concerning the Prohibition and Immediate Action for the

Elimination of the Worst Forms of Child Labour (1999). The Committee recommends that the State party seek assistance from the ILO in this regard.

Juvenile justice

76. The Committee joins with the State party in expressing concern with weaknesses in administrative and judicial infrastructure (see paragraph 35 of the State party report). The Committee is concerned, in addition, that there is currently only one juvenile justice court in the country and only one Remand Home for child offenders, both in the capital city. The Committee notes that adult criminal courts are used to try juvenile cases and is concerned that the full range of protections provided under international juvenile justice standards may not be fully respected in such instances. The Committee is further concerned that children are not separated from adults while in detention (see paragraph 31 of the State party report). The Committee is also concerned that children aged 15 to 18 do not benefit from the all relevant juvenile justice standards and may, under current legislation, be given the death penalty or life imprisonment as a sentence.

77. The Committee recommends that the State party conduct a review of its juvenile justice practices with a view to ensuring compliance with the principles and provisions of the Convention as well as with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines on the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The Committee recommends, further, that the State party establish additional juvenile justice courts in different regions of the country. To the extent that adult criminal courts are used to try juveniles, the Committee recommends that judges and other relevant officials be provided with juvenile justice training. The Committee further recommends that the capacity of correctional facilities to provide for children be increased according to minimum standards defined in international instruments and that the State party implement measures to ensure that children are detained and imprisoned only as a measure of last resort, for the minimum time possible and in separate facilities from those used for adults. The Committee recommends that the penal

code be amended to ensure that all children, including those aged 15 to 18, benefit from the protections afforded by international juvenile justice standards and to ensure that children under 18 years of age cannot be given a death penalty or life imprisonment sentence. The Committee recommends that the State party seek assistance from, *inter alia*, the Office of the High Commissioner for Human rights, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Ratification of the 2 optional protocols

78. The Committee recommends that the State party consider ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts.

Dissemination of the report, written answers, concluding observations

79. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary

records and concluding observations adopted thereon by the Committee.

Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

