

ETHIOPIA

CRC A/53/41 (1998)

14. Concluding observations:

487. The Committee considered the initial report of Ethiopia (CRC/C/8/Add.27) at its 349th to 351st meetings, on 9 and 10 January 1997 (CRC/C/SR.349-351), and, at its 371st meeting, on 24 January 1997, adopted the following concluding observations.

(a) Introduction

488. The Committee expresses its appreciation to the State party for engaging in an open and constructive dialogue with the Committee. It welcomes the submission of the initial report of Ethiopia, which follows the Committee's guidelines for the preparation of States parties' initial reports, as well as written answers to its list of issues (CRC/C/Q/ETH.1), although it notes that a number of the questions asked were not answered. The Committee particularly wishes to express its satisfaction at the self-critical approach of the report in identifying a number of areas of concern, and it welcomes the willingness expressed by the delegation that the suggestions and recommendations made during the discussion would be duly taken into account by the Ethiopian authorities.

(b) Positive factors

489. The Committee notes with appreciation the steps taken since 1991 to set up democratic institutions in the country. It welcomes the adoption of a new Constitution, which incorporates international standards in the field of human rights, including, in its article 36, a specific reference to some of the rights enshrined in the Convention on the Rights of the Child.

490. The Committee notes with satisfaction that the Convention, as well as other international treaties dealing with human rights, are incorporated into domestic law, and that article 13 of the Constitution states that human rights provisions of the Constitution are to be interpreted in line with international human rights instruments ratified by Ethiopia.

491. The Committee also welcomes the political commitment within the country to improve the situation of children, which finds expression notably through the setting up of an Inter-ministerial Legal Committee to review national legislation and its compatibility with the provisions of the Convention, through the establishment of committees on the rights of the child at the national, regional, zonal and woreda levels, as well as through the adoption of a National Plan of Action and the establishment of a ministerial committee to monitor its implementation.

492. The Committee is encouraged by the combined efforts undertaken by the Government and international or non-governmental organizations to protect and promote children's rights, in particular in the field of information on HIV/AIDS and information campaigns on harmful

traditional practices affecting children. With regard to the latter, the Committee welcomes the establishment of the National Committee on Traditional Practices to develop information and sensitization campaigns on all forms of harmful traditional practices affecting the health of women and children, with a particular emphasis on female genital mutilation.

493. The Committee notes with appreciation that primary education has been made free, although it regrets that it has not yet been made compulsory.

(c) Factors and difficulties impeding the implementation of the Convention

494. The Committee acknowledges that the State party has had to face, during the past few years, economic, social and political challenges, owing, *inter alia*, to years of civil war and the transition to democracy. It notes the existence of interregional and urban/rural disparities, in particular with regard to the availability of resources and infrastructure, which may lead to discrimination in the enjoyment of the rights provided for in the Convention. Furthermore, the Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the provisions of the Convention, especially with regard to the girl child.

(d) Principal subjects of concern

495. The Committee notes that, although the notification of the ratification of the Convention by Ethiopia was published in the official gazette, the full text of the Convention has to date not been published in the gazette, thus making it difficult for law enforcement officials, judicial personnel and other professionals working with and for children to have access to and an understanding of its provisions.

496. The Committee also notes that there is a lack of awareness and understanding in the State party of the principles and provisions of the Convention. In this regard, the Committee is concerned at the lack of adequate and systematic training provided to law enforcement officials, judicial personnel, teachers, social workers and medical personnel. The Committee further notes that insufficient attention has been paid in practice as well as in the legislation to the principles of the best interests of the child, respect for the child's views and the child's participation in family, social and school life.

497. The Committee notes with concern the lack of adequate mechanisms for the collection of reliable quantitative and qualitative data on the situation of children throughout the country, which hinders the effective assessment by the authorities of the situation of each and every group of children in all parts of the country, and thus makes the adoption of targeted policies in the field of the protection of the rights of children difficult.

498. The Committee expresses its concern about the negative effects of poverty on the situation of children in Ethiopia, as illustrated by the high levels of infant and under-five mortality rates and malnutrition, and at the low levels of school enrolment, education, immunization coverage and health services in general.

499. The Committee notes with concern the non-compatibility of certain provisions of domestic law

with the principles and rights enshrined in the Convention, such as the provision for a different minimum age of marriage for girls (15 years of age) and boys (18 years of age), the provision in the Penal Code of the possibility to sentence children to corporal punishment, the provision in the Civil Code for "light bodily punishment" as an educative measure within the family and the limitation of the right to counsel when the child may be represented by his or her parents or legal guardian during legal proceedings.

500. The Committee remains concerned at prevailing traditional attitudes and harmful practices, such as female genital mutilation, early marriages and teenage pregnancies, and at the persistence of discriminatory social attitudes against vulnerable groups of children, such as the girl child, disabled children, children born out of wedlock and children affected by or infected with HIV/AIDS, including orphans.

501. The Committee is concerned that insufficient steps have been taken to ensure the registration of children after birth and that the State registration procedure is hampered in practice by the lack of registration desks, especially in rural areas. The Committee also expresses its concern about the lack of adequate means available for the registration of refugee children.

502. The Committee is concerned that, since children are able to lodge complaints only through their parents or legal guardians, the right to adequate recourse and complaint procedures for children victims of abuse, including sexual abuse, neglect or ill-treatment within their families, does not seem to be secured. The Committee is also concerned that the enjoyment by children of their right to participate actively in the promotion of their own rights does not seem to be guaranteed.

503. The Committee is concerned at the low levels of school enrolment and at the high drop-out rates, especially among girls, at the lack of learning and teaching facilities and at the shortage of trained teachers, in particular in rural areas. It shares the concerns expressed in the State party's report that the school curricula are divorced from cultural and social realities, and regrets that they do not yet include a programme of education on human rights and children's rights. Moreover, the Committee expresses the concern, as mentioned above, that primary education has not yet been made compulsory.

504. The Committee expresses the concern that the systems of national and intercountry adoptions are not fully in conformity with the provisions of article 21 of the Convention, in particular article 21 (a), and with the principles of the best interests of the child and respect for his or her views.

505. The Committee is also concerned at the situation of children in especially difficult circumstances, including children living and/or working in the street, and at the incidence of child labour, in particular in the informal sector.

506. The Committee is deeply concerned at the present system of juvenile justice, which is not in conformity with articles 37, 39 and 40 of the Convention. It is particularly concerned about the setting of the age of criminal responsibility at nine years and that as from the age of 15 years, children are treated as adults. In this regard, the Committee regrets that it was not made clear during the discussion whether the latter means that children above 15 years of age may be sentenced to life imprisonment or detained together with adults. Furthermore, the Committee expresses concern at

the possibility, mentioned above, provided for in article 172 of the Penal Code to sentence children to corporal punishment at the sole discretion of the judge, in particular with regard to the "bad or good character" of the child in determining the penalty to be applied to the child, and at the possible limitations of the right to legal counsel.

507. In the light of article 39 of the Convention, the Committee is also concerned at the insufficient measures taken by the authorities for the physical and psychological recovery and social reintegration of children victims of war.

(e) Suggestions and recommendations

508. The Committee recommends that the full text of the Convention be published in the official gazette and that training manuals incorporating the text of the Convention be published for the professional groups working with or for children.

509. The Committee encourages the Government to continue its efforts aimed at promoting awareness and understanding of the principles and provisions of the Convention, in the light of article 42 of the Convention, in particular by ensuring the translation and publication of the text of the Convention in all national languages. Such measures would promote change in persisting negative attitudes towards children, particularly girls, disabled children, children born out of wedlock, children affected by or infected with HIV/AIDS, including orphans, and would contribute to abolishing traditional practices prejudicial to the health and well-being of children, such as female genital mutilation, early marriages and teenage pregnancies. Such efforts should be pursued in close cooperation with community and religious leaders and non-governmental organizations, at all levels of the State, that is, national, regional, zonal and woreda levels, and special emphasis should be placed on the need to coordinate the policies designed to implement the Convention between central and local authorities.

510. The Committee also encourages the State party to provide systematic training on the principles and rights enshrined in the Convention to the professional groups working with and for children, such as law enforcement officials, judicial personnel, personnel in child-care institutions, teachers, social workers and medical personnel, as well as to the personnel entrusted with the task of ensuring data collection in the areas covered by the Convention. Similarly, attention should be given to incorporating the Convention in school curricula, as recommended by the General Assembly in proclaiming the United Nations Decade for Human Rights Education, and by the 1993 World Conference on Human Rights.

511. The Committee also recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention in the country. It further recommends that the setting up of an independent mechanism, such as an ombudsperson on the rights of the child or a human rights commission, to ensure observance of children's rights, be considered.

512. The Committee recommends that the system of data collection be improved at the central and local levels of the State, and that it comprise all the areas covered by the Convention. Such a system

should include all groups of children, with particular emphasis on vulnerable groups of children and on children in especially difficult circumstances, and adequate disaggregated data should be identified with a view to assessing progress achieved in the realization of children's rights and defining the policies to be adopted to better implement the provisions of the Convention. With regard to the latter, the Committee suggests that further studies and follow-up surveys on vulnerable groups of children be initiated and it recommends that the State party consider requesting technical assistance from the United Nations Children's Fund to address this question.

513. The Committee recommends that the Government pursue the process of bringing existing legislation into line with the provisions of the Convention and that the best interests of the child be fully taken into account in the drafting of new legislation. In this regard, the Committee recommends in particular that the provisions for the minimum age of marriage for girls at 15 years, the sentencing of children to corporal punishment, the "light bodily punishment" as an educational measure within the family, and the limitation of the right to legal counsel of children be abolished as a matter of priority.

514. The Committee recommends that with respect to the implementation of article 4 of the Convention, budget allocations should be made to the maximum extent of the State party's available resources and priority be given to the realization of the economic, social and cultural rights of children, including the rights to health, education and rehabilitation, and that particular attention should be paid to children belonging to the most disadvantaged groups, such as girls, disabled children, children living in rural areas, children living and/or working on the street, children involved in the administration of the juvenile justice system and children affected by or infected with HIV/AIDS, including orphans. In this regard, and with a view to contributing to the maximum use of scarce resources, the Committee recommends that the State party accord greater attention to the development of a primary health-care system, which would develop a culture of nutrition, hygiene and sanitation.

515. The Committee recommends that special efforts be developed to guarantee an effective system of birth registration, in the light of article 7 of the Convention, to ensure the full enjoyment of their fundamental rights by all children. Such a system would serve as a tool in the collection of statistical data, in the assessment of prevailing difficulties and in the promotion of progress in the implementation of the Convention. Similarly, the Committee recommends that an adequate system of registration of refugee children be established to ensure that their rights are protected.

516. The Committee also recommends that greater efforts be made to promote the participation of children in family, school and social life, and the effective enjoyment of their fundamental freedoms, including the freedom of opinion, expression and association.

517. With reference to the implementation of article 19 of the Convention, the Committee recommends that a system of complaints aimed at children victims of any form of violence, abuse, including sexual abuse, neglect, maltreatment or exploitation, even while in the care of their parents, be established, as a means to ensure protection of and respect for their rights. It further recommends that cases of abuse be properly investigated, sanctions applied to the perpetrators and publicity given to the sanctions applied to such crimes. The Committee also recommends that a comprehensive and integrated public information campaign be elaborated with a view to preventing and combating all

forms of abuse of children and that all necessary measures be taken to ensure the physical and psychological recovery and the social reintegration of children victims of war, in the light of article 39 of the Convention.

518. The Committee recommends that appropriate legislative measures be adopted and implemented with regard to adoption of children, in the light of the principles of the best interests of the child and respect for his or her views and articles 20 and 21 of the Convention. Furthermore, the Committee recommends that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

519. In the area of child labour, the Committee recommends that appropriate measures be adopted with a view to reflecting fully the Convention, in particular article 32, in legislation and practice, and suggests that consideration be given by the State party to ratifying International Labour Organization Convention No. 138 on minimum age for admission to employment. The Committee also suggests that the State party consider seeking cooperation with the International Labour Organization in this area.

520. With regard to the administration of juvenile justice, the Committee recommends that legal reform be pursued and that the State party take fully into account the provisions of the Convention, in particular articles 37, 39 and 40, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. The Committee also recommends that the State party avail itself of the technical assistance programmes of the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat.

521. The Committee recommends that special protection measures be adopted and implemented in relation to children living and/or working on the street, children in conflict with the law, in particular those deprived of liberty, children affected by or infected with HIV/AIDS, including orphans, abused and exploited children and children involved with child labour.

522. The Committee recommends that a meeting be organized, gathering international organizations working in the country, including agencies and organizations of the United Nations system and non-governmental organizations, and competent national authorities, with a view to assessing the needs for further international assistance with regard to the promotion and protection of the rights of the child.

523. The Committee recommends that the State party's next periodic report incorporate information on the measures taken and progress achieved in the implementation of the suggestions and recommendations made by the Committee in the present concluding observations.

524. Finally, the Committee recommends that in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by Ethiopia 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 the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, Parliament and the general public,

including concerned non-governmental organizations.

CRC CRC/C/103 (2001)

117. At its 675th and 676th meetings (see CRC/C/SR. 675-676), held on 11 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 28 September 1998, and adopted*** the following concluding observations.

A. Introduction

118. 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 provided. The Committee notes with appreciation the useful statistical information included in the report and the frank and constructive 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 the State party

119. The Committee notes the establishment of the Justice and Legal Systems Research Institute, which is contributing to the review of existing national legislation in the light of 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 Convention No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

120. 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, for example, in the context of discrimination against women and girls.

121. 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.

122. 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 childcare and protection units in 10 police stations in Addis Ababa.

123. 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.

*** At the 697th meeting, held on 26 January 2001.

124. The Committee welcomes the translation, by the State party and NGOs, of the Convention into 11 local languages and other efforts made to publicize 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.

125. 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 impeding the implementation of the Convention

126. 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.

127. 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

1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

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

129. The Committee urges the State party to make every effort to address those of the recommendations contained in concluding observations on the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.

Legislation

130. The Committee is concerned at the failure to enforce legislation which would serve to protect the rights of children, including: 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 on the State party's initial report.

131. 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 the adoption stage 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 infringe children's rights. The Committee also recommends that the State party publish the Convention in the Official Gazette.

Coordination mechanisms

132. The Committee notes the absence of a government body with the necessary capacity and profile to coordinate 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.

133. The Committee recommends that the State party strengthen its institutional capacity to coordinate and implement children's rights policies effectively. The Committee recommends, in particular, that the national-level mechanism with responsibility for coordination and implementation of children's rights policy, 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 children's rights committees at the regional, "zonal" and "Woreda" levels be strengthened.

Implementation of studies and policies/allocation of budgetary resources

134. The Committee is concerned that the State party has insufficiently implemented the many recommendations of studies, plans of action and policies focussing on children and their rights. The Committee is concerned, in particular, that the State party has not made adequate budgetary resources available for implementation of the Convention 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.

135. 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 the light of article 4, the Committee urges the State party to allocate the maximum amount of available resources to implementation of the Convention.

Monitoring mechanisms

136. While noting that the State party has the position of 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.

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

Data collection

138. 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 in implementing the recommendations contained in paragraph 26 of its concluding observations on the State party's initial report.

139. The Committee recommends that the State party pursue its efforts to establish a database project, with a view to collecting data relevant to the implementation of the Convention across the country. The Committee recommends, in addition, that data collected cover all children up to the age of 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

140. The Committee is preoccupied that, in spite of the State party's efforts, the concerns expressed in paragraph 10 of the Committee's concluding observations on 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.

141. In the light of article 42, the Committee urges the State party to make additional efforts to provide training on the Convention's provisions for professionals, 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, in schools, through public information campaigns and through the use of traditional methods and structures at the Woreda level, giving particular attention to persons with low literacy skills and those 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.

Cooperation with NGOs

142. The Committee is concerned that the legislation providing a framework for the activities of NGOs is outdated and that cooperation with NGOs is insufficient.

143. Recognizing the progress already made, the Committee recommends that the State party update

the legislative framework within which NGOs are registered and function. The Committee also recommends that the State party make greater efforts to strengthen its cooperation with NGOs.

2. Definition of the child (art. 1)

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

145. 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.

3. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

146. 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 against adults with disabilities limits the opportunities for girls and for children with disabilities to achieve full respect for their rights.

147. The Committee recommends that the State party make appropriate additional efforts to strengthen implementation of the non-discrimination provisions of the Constitution, giving particular attention to the situation 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

148. The Committee joins the State party in expressing concern at the insufficient respect for children's rights to life, survival and development in the State party (see paragraph 39 of the State party's report).

149. 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.

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

Birth registration

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

151. 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, in order to ensure 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

152. While noting recent changes to the Family Code providing children with the right to be heard in divorce cases, and the creation of the Children's Forum, the Committee is concerned that children's right to be heard is insufficiently respected, particularly in rural areas. The Committee is concerned, further, that young children and adolescents are not always permitted to express their opinions freely. While noting substantial improvements over the past 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.

153. 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 recommendations of the Children's Forum. The Committee recommends, further, that the State party make additional efforts to guarantee general respect for the human rights of adults. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Corporal punishment

154. 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.

155. In the light of article 28.2 of the Convention, the Committee recommends that the State party permanently prohibit all forms of corporal punishment, including in the context of school and the family, inter alia, through the enforcement of appropriate legislation, through awareness raising activities for parents, teachers and other relevant groups and through the training of teachers in alternative disciplinary sanctions which are not harmful to children. The Committee recommends that, for this purpose, the State party consider taking advantage of the current drafting of a new penal code. The Committee recommends, in addition, that children be provided with mechanisms through which they can report and complain of corporal punishment practices.

5. 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

156. While recognizing the State party's ongoing poverty alleviation efforts, the Committee remains concerned that many families are under pressure as a result 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 of girls in particular.

157. 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 displaced populations and to very poor communities in particular. The Committee also recommends that every effort be made to ensure that provisions in the new Family Code which raise the minimum age for marriage of both girls and boys to 18 are respected in practice and that forced marriages are prevented.

Family reunification

158. 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.

159. The Committee recommends that the State party continue and strengthen its efforts to ensure family reunification, and that assistance be sought from UNICEF and the Office of the United Nations High Commissioner for Refugees in this regard.

Adoption

160. The Committee is concerned that children in the State party may be vulnerable to abuses of their rights in the context of adoption, including intercountry adoption.

161. In the 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 acceding to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

Violence against women; child abuse

162. 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.

163. 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

164. While noting the very positive changes made to the Family Code, 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.

165. 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 and respected and implemented in practice, and that structures are put in place to empower parents and children to claim child maintenance payments.

Alternative care

166. The Committee is concerned at 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 the age of 18, are not given the educational and vocational skills necessary for them to make an independent living once they leave the institution.

167. While urging the State party to avoid recourse to the institutionalization 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, including an education and suitable vocational training, to enable them to establish a life for themselves after leaving the institution.

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

Health standards

168. The Committee is deeply concerned at the extremely high infant mortality rates and low life expectancy in the State party. The Committee is concerned, in particular, at the high incidence of malaria and tuberculosis and their effects upon children, at 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 that only limited progress has been achieved in this area.

169. 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 the World Health Organization, UNICEF and the United Nations Development Programme in this regard.

Social services

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

171. 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 take into account current circumstances.

Children with disabilities

172. The Committee is concerned at 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.

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

HIV/AIDS

174. The Committee is concerned at the large number of children with HIV/AIDS or who are affected by the HIV/AIDS-related illness or death of their parents and other family members, and at the need for concerted action by the State party.

175. The Committee urges the State party to make efforts to remain informed of the scale of the HIV/AIDS problem in 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 educational measures, inter alia.

Adolescent health

176. The Committee is concerned at the insufficient provision for adolescent health care and at the high incidence of early pregnancy in the State party. The Committee is concerned, in addition, at the incidence of sexually transmitted diseases.

177. The Committee recommends that the State party make every effort to improve adolescent health services, to lower the incidence of early pregnancy and to lower the incidence of sexually transmitted diseases through, inter alia, improved reproductive health education and child-friendly counselling services.

Mental health

178. The Committee is concerned that there is inadequate information on mental health related

problems, and insufficient mental health care facilities, in the State party.

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

Harmful traditional practices

180. Recognizing that there has been some improvement, the Committee, nevertheless, remains deeply concerned at reports from the National Committee on Traditional Practices in Ethiopia (NCTPE) (September 1998) indicating that 72.7 per cent of the female population undergoes some form of female genital mutilation. The Committee is concerned, further, at other practices reported by the NCTPE, including uvulectomy, milk-teeth extraction and forced marriage.

181. 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.

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

Access to education

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

183. The Committee recommends that the State party pursue its efforts to increase enrolment, build additional schools, supply better school equipment, improve teacher training and recruit more teachers in order to improve 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, inter alia, school uniforms and fees, for those children with insufficient means. The Committee urges the State party to make every effort to increase the 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.

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

Children in armed conflict

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

185. 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 are continued. The Committee recommends that the State party seek assistance from UNICEF and the United Nations Mission to Ethiopia and Eritrea (UNMEE) in this regard.

Internally displaced and refugee children

186. 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.

187. 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 reinstallation. The Committee recommends that the State party continue its cooperation with UNHCR in this regard.

Sexual exploitation, rape, abduction and prostitution

188. The Committee is deeply concerned at reports of sexual exploitation, prostitution, rape and other sexual abuse of children.

189. The Committee urges the State party to address urgently practices of sexual exploitation, rape and other sexual abuse of children through, inter alia, the provision of care to and the rehabilitation and social reintegration of victims, the enforcement of criminal law, the prosecution of 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

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

191. 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 International Labour Organization (ILO)

Convention No. 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

192. The Committee joins with the State party in expressing concern at weaknesses in the administrative and judicial infrastructure (see paragraph 35 of the State party's 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 by international juvenile justice standards may not be fully available 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's report) and that children aged 15 to 18 may not benefit from all the protections afforded by relevant juvenile justice standards and may, under the current legislation, be sentenced to the death penalty or to life imprisonment.

193. 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 and 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 also recommends 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 in order to meet 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 sentenced to the death penalty or to life imprisonment. 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 two Optional Protocols

194. The Committee recommends that the State party consider ratifying 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 and concluding observations

195. Finally, in the 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 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.