



Comité Africain d'Experts sur les Droits et le Bien-être de l'Enfant
Comit  Africano dos Direitos e Bem-Estar da Crian as
لجنة الخبراء الإفريقية المعنية بحقوق الطفل ورفاهه



**CONCLUDING RECOMMENDATIONS BY THE AFRICAN COMMITTEE OF
EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC) ON THE
FIRST PERIODIC REPORT OF THE FEDERAL DEMOCRATIC REPUBLIC OF
ETHIOPIA ON THE STATUS OF IMPLEMENTATION OF THE AFRICAN CHARTER
ON THE RIGHTS AND WELFARE OF THE CHILD**

February 2022

I. INTRODUCTION

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) extends its compliments to the Government of the Federal Democratic Republic of Ethiopia and expresses its appreciation for the submission of the first periodic report on the status of the implementation of the African Charter on the Rights and Welfare of the Child (the African Children's Charter/the Charter) which was submitted in accordance with the State Party's obligation under article 43 of the Charter. The Committee considered the second periodic report of the Federal Democratic Republic of Ethiopia during its 38th Ordinary Session, which was held virtually from 15 November to 26 November 2021.
2. The Committee congratulates and appreciates the Government of Ethiopia for availing its Delegation led by H.E. Dr Ergogie Tesfaye, Minister of Women and Social Affairs, with whom the Members of the Committee had a productive discussion. The dialogue indeed helped the Committee to better understand the measures that the State Party has undertaken towards the implementation of the Charter and the recommendations of the Committee on the State Party's initial report as well as the challenges it is facing. After a careful consideration of the facts in the Report and the information provided during the constructive dialogue, the Committee has developed and adopted the following concluding observations and recommendations, which in the Committee's view, provide guidance to better enhance the implementation of the provisions of the African Charter on the Rights and Welfare of the Child.

II. PROGRESS IN THE IMPLEMENTATION OF THE CHARTER

3. The Committee notes with appreciation the progress achieved by the State Party during the reporting period including:
 - a. The ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), as well as the two Optional Protocols to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and on the Involvement of Children in Armed Conflict;
 - b. The extensive legislative audit and review undertaken to harmonize laws with international and regional human rights standards;
 - c. The reform of the Ethiopian Human Rights Commission and its ranking upgrade in the Global Alliance of National Human Rights Institutions to Grade A;

- d. The revision of the child parliaments establishment guidelines and the setting up of child parliaments in all regions; and
- e. The review of the CSO law which has now created a conducive environment for CSOs to work on children's rights and engage with the Government.

III. AREAS OF CONCERN AND RECOMMENDATIONS

A. General measures of implementation

- 4. The Committee notes with appreciation the ratification of various international instruments, the review of laws, and the adoption of various policies, strategies, and action plans on issues of children's rights, such as the National Child Policy. The Committee also welcomes that the State Party has taken into consideration the recommendation of the Committee on the initial report to consider adopting a comprehensive child law and for initiating discussions in that regard. **While the current approach of reviewing existing laws to make them in line with the Charter is remarkable, the Committee reiterates its recommendation for the State Party to adopt a comprehensive child rights law which will domesticate the Charter and other child rights instruments ratified by the State Party. The Committee notes that children's matters are regional matters and hence the Committee recommends that the State Party adopts a federal child law and encourage regions to also adopt their own child law in line with its experience regarding laws on other issues that fall on the regional jurisdiction. The Committee strongly believes that a comprehensive child rights law which covers all aspects of children's rights and is in line with the Charter and other instruments offers a stronger legislative framework for the protection of children's right in the State Party and to ensure the justiciability and enforcement of the rights of children contained in the Charter at domestic level.**
- 5. The Committee notes that there has been an institutional reform and that Ministry of Women and Social Affairs is now in charge of children's rights issues. **The Committee recommends that the State Party provides sufficient financial and human resource for the children's Directorate and ensure that children's issues are mainstreamed in the works of the Ministry and sufficient budget is allocated for the Ministry to be able to undertake activities in its new mandate without compromising the issues of children's rights. The Committee also recommends that the State Party uses this opportunity to strengthen the coordination mandate of the Ministry to monitor and coordinate the implementation of children's rights across various sectors and at regional levels. The Committee recommends for the State Party to allocate budget for the Ministry to establish a permanent task force or committee composed of all relevant ministries, CSOs,**

UN Agencies and other stakeholders to monitor the implementation of children's rights across all sectors. While currently there are various committees and taskforces, they are focused on selected themes and hence the Committee recommends that a taskforce/committee with wider mandate is created to enable the Government to mainstream children's issues, to collect data, and ensure implementation of laws and policies in all sectors.

6. The Committee notes with appreciation the reform of the Ethiopian Human Rights Commission and the establishment of the Women and Children's Rights Department within the Commission. The Committee also welcomes the reform of the Ethiopian Institute of the Ombudsman. **The Committee recommends that the State Party allocates sufficient budget for the Human Rights Commission and the Ombudsman, further ensure their independence and institutional strengthen to monitor human rights issues in the State Party, give due consideration to their findings, decisions, and recommendations, and raise awareness about their mandates with regards to the protection of children's rights including their complaint mechanisms.**
7. The Committee while noting with appreciation the increase in the budget allocation for various sectors, notes that the total expenditure of the Government on pro-poor sectors has declined compared to the amount in 2012/2013 which was 69% and became 62% in 2016/2017 as per the State Party report. **The Committee recommends that the State Party develops budget tracking tools to assess the level of Government expenditure on children's issues and ensure that there is steady increase in Government's investment on children's issues given the high number of children and youth in the State Party. The Committee recommends that the State Party increases its budget allocation to all sectors benefiting children such as the health sector, education, and others and ensure that the increase is in terms of real expenditure of the Government in such sectors.**
8. The Committee commends the review of the CSO law and the conducive environment that the Government has created for CSOs to work on children's rights despite their source of funding. **The State Party is encouraged to further open the space for CSOs to work on children's rights, to collaborate with CSOs on the implementation of children's rights and programmes, to hear the views of CSOs and other stakeholders on legislative and administrative measures taken by the State Party, to include CSOs in various Government taskforces and structures on coordination and implementation of children's rights.**

9. The Committee notes with appreciation that the Ministry of Women and Social Affairs is working on data collection and gender, age and region disaggregated data is being collected on various areas. **The Committee recommends that the State Party further strengthens its efforts on data collection and fully operationalizes the child wellbeing management system to capture all necessary data in relation to children's rights and wellbeing including children data related to COVID-19 prevention and control. The Committee also encourages the State Party to fully utilize the various data generated in its budget allocation, setting priorities, and formulating policies to ensure that all decisions result in progressive measures for children.**
10. The Committee commends that the State Party celebrates the Day of the African Child and raises awareness about the Charter. **The Committee encourages the State Party to train all child directorates in the various ministries in all regions about the Charter and its implementation as well as raise awareness about these recommendations. The Committee encourages the State Party to translate the Charter in all the working languages of the regions for increased awareness and implementation.**

B. Definition of a child

11. The Committee notes with regret that its recommendations regarding the provision of the Revised Family Code the possible emancipation of children at the age of 16 years to get married and be treated as adults upon the authorization of the Ministry of Justice, and the minimum age of criminal responsibility, which is set at 9, have not been implemented during the reporting period. While the Committee also raised these issues during its follow-up visit held in October 2018, the Committee notes that no concrete measures have been taken yet. **The Committee, therefore, recommends that the State Party takes swift legislative measures to remove the exception on the age of marriage as well as to raise the minimum age of criminal responsibility.**

C. General principles

Non-discrimination

12. The Committee notes that the State Party is undertaking various actions to bridge the gender disparity in education, to ensure the inclusion of children with disabilities including their representation in various forums. However, the Committee notes that there is disparity in availability, accessibility, and quality of services among regions as well as between urban and rural areas. Moreover, the Committee notes that the

gender disparity in education, and discrimination against the girl child that is portrayed through child marriage, violence, FGM and other practices remains to be a challenge. The Committee also notes that access to services for children with disabilities is limited which disproportionately affects their education, health, and wellbeing. Moreover, natural disasters and conflicts are affecting children in those areas disproportionately. **The Committee encourages the State Party to allocate more budget and resources to regions with low progress as well as rural areas to ensure that children living in all areas of the State Party have equal opportunity of services. The Committee recommends that the State Party provides affirmative action to children with disabilities and girls to ensure their equal participation, address the various stigma and negative attitude against children with disabilities that hinders their inclusion in society, and ensure that services are physically, and economically accessible as well as disability sensitive. The Committee encourages the State Party to address the situation of children affected by drought and conflict by establishing special programs and interventions to redress the negative impact such incidents posed on children. Moreover, the committee urges State party to consider and prevent discrimination against children in disadvantaged situations including the girl child, children with disabilities, while responding to the COVID-19 Pandemic.**

Best interests of the child

13. The Committee notes with appreciation that the State Party has included the principle of the best interests of the child in its legislative frameworks as well as other measures. The Committee notes from its sources that the consideration of the best interests of the child in court proceedings has shown progress. The Committee further encourages the State Party to ensure that all sectors take due note of the best interests of the child in their policies and decisions. **The Committee recommends that key personnel such as judges, police, prosecutors, social workers, labour inspectors, and other officials are trained on child rights as well as the best interest of the child. The Committee also encourages the State Party to be cognizant of the best interests of the child in budget allocation, distribution of human resource, and decision-making processes and to undertake child impact assessment on various legislative frameworks adopted. Moreover, the Committee also recommends the State Party to ensure best interests of the child is secured in practice in the context of COVID-19 pandemic.**

Right to life, survival and development

14. The Committee notes the various reports that highlight the killings of children due to the conflict in the northern part of the State Party. Moreover, the Committee notes with concern that according to the UN statistics over 5.7 million people are affected by severe drought out of which many children are malnourished and in need of food assistance. In addition, the Committee notes that the reduction of child mortality, stunting, and malnutrition is not significant between 2016 and 2019 compared to the progress achieved between 2011 and 2016. **The Committee therefore recommends for the State Party to:**

- **Undertake concrete steps to ensure that there is no further killing of children due to the conflict in the northern part and to ensure that actions are taken against perpetrators;**
- **Scale up its efforts in the reduction of malnutrition, stunting, and child mortality by implementing the child survival strategy, and specifically improving production and supplies, providing guidance in agricultural products, ensuring equitable distribution of food supplies by making available nutritious food in affordable prices, providing nutrition education among households and farmers including by providing recipes for nutritious foods with available products at household levels, and promoting exclusive breast feeding for the first six month and the need for complementary food afterwards;**
- **Ensure that children do not die due to preventable diseases by ensuring that mosquito nets are distributed, there is trained personnel on acute respiratory disease treatment in health facilities in all regions, providing clean drinking water, hygiene and sanitary materials, enhancing immunization, providing oral rehydration as well as awareness raising on prevention and seeking medical help in case of illness; and**
- **In collaboration with partners and donors and by availing resources, provide humanitarian aid and urgent food assistance to drought affected areas; expand the school feeding program in those areas to benefit more children and ensure that responses to child protection during the outbreak of COVID-19 takes into account the specific needs and vulnerabilities of children affected by the conflict.**

The views of the child

15. The Committee commends the revision of the National Child Parliament Establishment Guidelines in 2017 and the setting up of various child participation platforms including the child parliaments in all regions. The Committee, however, notes that there is no child parliament at federal level and this affects the level of the impact of children's voice in decision makings, and that there is lack of budget allocation for child parliaments. The Committee also notes that there are cultural hinderances on child participation and that the views and recommendations of children

are not accorded the necessary value they deserve. **The Committee recommends that the State Party establishes child parliaments at national level where children from all regions are represented and can provide their views about issues affecting them and with whom the State Party holds consultations. The Committee encourages the State Party to provide sufficient budget for child parliaments to enable them undertaking their activities; to conduct awareness raising and sensitization of communities and families about the value of child participation; to empower children to have meaningful participation; and to ensure that the views and recommendations of children gathered are taken into account in policies, laws, and other decisions to further encourage child participation in the State Party.**

D. Civil rights and freedoms

Right to name, nationality and birth registration

16. The Committee welcomes the amendment of the proclamation governing vital events and nationality in 2017, and the awareness creation programs of the State Party on birth registration. Despite these efforts, the Committee notes with concern that birth registration is very low, some birth registrations are not provided with birth certification, there is fee for birth registration and fine on later registration, and both parents are required to be appear for registration. **The Committee encourages the State Party to:**

- **Ensure that birth registration is free and universal by removing the fee attached to registration as well as removing the fines imposed on late registration;**
- **Remove the requirement that both parents need to be present for registration or provide exceptions to the principle to accommodate children from single parents, unaccompanied minors, refugee and IDPs as well as separated children;**
- **Ensure that birth certificates are issued immediately after registration;**
- **Strengthen awareness raising programs to encourage parents to register their children; and**
- **Provide mobile birth registration services for children living in remote areas where health facilities or civil registry is not available in short distance.**

Freedom of expression, access to appropriate information, freedom of thought, conscience and religion, protection of privacy

17. The Committee notes that children express their views through child parliaments and child clubs and that their privacy in court proceedings is protected. The Committee encourages the State Party to further ensure children's right to form child led organizations and undertake activities. **The Committee encourages the State Party**

to conduct capacity building of child led initiatives including child clubs and parliaments to enable them to express their views in a meaningful manner, and to integrate in the education system curriculums that foster children's ability to think independently and exercise their basic freedoms in line with their evolving capacities. Moreover, the Committee encourages the State Party to address religion-based tensions and to ensure that children from any religious groups do not engage in such tensions by teaching them about tolerance in schools and through media. In addition, the Committee recommends that the State Party continues to protect the privacy of children in court proceedings and other spheres such as the media reports, and other administrative proceedings, and take actions against those who violate the right to privacy of children.

Protection against abuse and torture

18. The Committee notes with appreciation that all forms of violence are prohibited by law and corporal punishment is prohibited in schools through a directive. However, the Committee notes with concern that violence remains to be a challenge in the State Party and that corporal punishment is still widely practiced in schools, care institutions and the home setting. **The Committee recommends that the State Party:**

- **Prohibits by law all forms of corporal punishment in all settings including at home, in schools and care institutions;**
- **Undertakes extensive and continuous training of teachers, prison administration officials, and those working in care institutions, among others, on the negative impact of corporal punishment and about alternative correctional/disciplining methods;**
- **Conducts sensitization and awareness raising among communities and families about positive parenting and the negative impact of corporal punishment through community led structures, as well as using media such as TV, Radio and other means that enable the State Party to reach to all areas including remote areas; and**
- **Establishes a child friendly reporting procedure for children or anyone acting on their behalf to be able to report cases of abuse and torture, and ensures the prosecution and conviction of perpetrators.**

E. Family environment and alternative care

Parental guidance and parental responsibilities

19. The Committee notes with appreciation that the State Party undertakes capacity building trainings and community-based education on positive parenting. The Committee also welcomes the extension of maternity and paternity leaves during the reporting period through the revision of the Civil Servant and Labour Proclamations,

and the establishment of day-care centers in Government Offices through Proclamation no 1064/2017. In addition, the Committee commends the development of rural and urban safety net programs where economically disadvantaged families are provided with cash and food transfers, and the child sponsorship programme. Despite such efforts, the Committee notes that families still struggle financially due to poverty and hence the number of children at risk of losing the family environment is higher.

20. **The Committee recommends that the State Party expands its safety net programmes to cover more families both in the rural and urban programs; to promote the child sponsorship program and collaborate with the private sector for increased sponsorship, and to increase its poverty alleviation programs. In addition, the Committee recommends that the State Party strengthens its engagement with families on positive parenting, positive parent-child relationship, conflict resolution skills, and making the home environment child friendly. Furthermore, the Committee recommends that the State Party allocates sufficient budget for establishing day-care centers in all Government offices as per the 2017 Proclamation to assist parents with their responsibilities.**

Separation of children and family reunification

21. The Committee notes that in cases where children are separated from either or both of their parents, there are several alternative procedures which the State Party utilizes in addition to reunification. The Committee commends that the State Party is drafting child maintenance guidelines and training judges on maintenance ruling for children who would be separated from either of the parents. **In this regard, the Committee recommends that the State Party ensures that the best interests of the child is the basic principle in the child maintenance guidelines and that the guidelines provide for mechanism of enforcement of the court rulings of maintenance. The Committee recommends that the draft is shared with various stakeholders including UN Agencies to ensure that all the necessary and internationally accepted standards are included. The Committee recommends that the State Party takes separation of children as a last resort and trains social workers and other professionals who can determine the separation, reunification, and reintegration of children. The Committee also recommends that the State Party provides training and information for adolescents about conflict resolution, and decision-making skills to prevent separation from their parents.**

Alternative care and Adoption

22. The Committee commends that that the State Party's aspiration is towards the deinstitutionalization of children, the promotion of community-based care, community

care coalitions, foster care, domestic adoption, and has adopted of national directive for foster care and domestic adoption. The Committee also notes that since 2018 the State Party has banned international adoption. While such efforts are commendable, the Committee notes that there is no significant increase in domestic adoption during the reporting period. According to the State Party report (page 60) the number of domestic adoption dropped in 2018/2019 compared to the number of domestic adoption between 2016 and 2018. Furthermore, the Committee notes that there no comprehensive legal framework for alternative care and systematic way of determining the placement of children and the selection of an alternative care.

23. **The Committee recommends that the State Party adopts comprehensive legislative framework for alternative care that is in line with the Charter, other international instruments, and standards, particularly the UN Guidelines for Alternative Care. The Committee recommends that the State Party trains personnel to undertake proper assessment, and systematic selection of placement option for children deprived of family environment. The State Party is encouraged to increase its investment for the supervision and monitoring of all forms of alternative care including domestic adoptions and already existing international adoptions. The Committee encourages the State Party to ratify the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. While the State Party is working towards deinstitutionalization of children, the Committee recommends that the State Party at the same time monitors the standards of institutional care for children until children are placed in an alternative family setting. The Committee recommends that the State Party promotes domestic adoption, foster care, and other family based alternative care to increase awareness, and encourage communities to support children who are deprived of family environment.**

F. Basic health and welfare

24. The Committee welcomes the five-year Health Sector Transformation Plan, the Child Survival Strategy, Roadmap for Child Health, Growth and Development as well as the National Reproductive Health Strategy. The Committee also commends the Health Extension Program which has incorporated community level volunteers in addition to health extension workers as well as the steady increase in the number of health posts, health centres and hospitals. The State Party report also highlights the reduction of under-five, infant and neonatal mortality; increased access to skilled antenatal and delivery care; increased immunization rate for children; and reduction of stunting and malnutrition. The Committee commends that the State Party has achieved the elimination of maternal and neonatal tetanus. However, the Committee notes that the health budget expenditure per capita in real times has declined in the past years. While

there is increase in immunization rate, the rate of children vaccinated remains to be very low at 43% while 20% of children have not received any kind of vaccination and recently the State Party witnessed polio outbreak. The Committee also notes with concern the huge regional disparity when it comes to access to health services, availability of health posts, centers and hospitals, immunization rates, as well as access to antenatal and delivery care. **The Committee recommends for the State Party to:**

- **Increase its budget allocation for the health sector and meet the requirement of the Abuja Declaration by allocating at least 15% of its budget to the health sector and by ensuring that the increase in budget allocation for the health sector is proportional to the inflation and population growth rate:**
- **Address regional disparities in terms of the number of health facilities, immunization, access to skilled antenatal and delivery care, quality of health services by devising programs that are targeting regions with the least performances such as the Somali, Gambella and Benshangul Gumuz regions; ensure that such services are available even during Covid-19 and that communities are aware that they have to access such services despite Covid-19;**
- **Increase awareness about sexual reproductive health services among adolescents and ensure that services are adolescent friendly by training health workers and making services available within the reach of adolescents;**
- **Increase awareness about HIV including transmission of HIV from mothers to children by ensuring that all pregnant women who visit the health facilities are tested, get counselling and post-natal care such as ARV treatments;**
- **Ensure that immunization services are provided at community level through the health extension program, increase awareness about immunization among communities, provide immunization at health posts near to the community, provide mobile immunization services in remote areas; and address the polio outbreak through intensive immunization campaigns in all regions;**
- **Provide the necessary facilities, equipment and medications in health posts, health centers and hospitals in all regions; and increase the number of health workers and doctors in health facilities to enhance the quality of health services; and**
- **Provide friendly health services for children with disabilities by making services accessible, training health personnel to be able to give care for children with disabilities, and ensure that there is prevention of disability where possible, and provide early intervention to reduce further complication and increase quality of life for children with disabilities; and**
- **Craft strategies and programs for children living in the conflict areas to provide them with emergency medical treatment as well as redress the various medical**

millstones children in the conflict areas missed such as in terms of immunization, treatment of HIV and other diseases.

G. Education, leisure and cultural activities

25. The Committee notes with appreciation that the Government has developed the Education Sector Development Program and the process it has initiated to develop the Education Development Roadmap and policies on Early Childhood Development Education and Education and Training. The Committee notes with appreciation that the number of all levels of schools has increased, that primary education is free, and that the Government provides 5% subsidiary budget to emerging regions to support the pre-primary education in regions. The Committee commends that the State Party allocates over 20% of its budget to the education sector where in 2012/2013 27% of Government expenditure was for the education sector and in 2017/2018 25% of the national budget was allocated for the education sector. The committee also notes with appreciation the expansion of the Inclusive Education Resource Centers in all regions.

26. However, the Committee notes with concern that primary education is not compulsory by law, there is a decrease in the enrolment rate for primary education, high dropout rate both in the second cycle of primary and secondary education, and huge regional disparity in the number of schools, enrolment rate at all levels of education, gender disparity, and quality education with Somali, Afar and Gambella regions being the least progressing regions. Furthermore, the Committee is concerned that there is very low transition rate from the first cycle or primary education to the second cycle and further to secondary education due to the high dropout rate and repetition of grades. While there is high dropout rate from schools, enrolment in TVET has also shown decrease since 2013/2014. The Committee is also concerned that the school standards to provide quality education and retain students is very low as less than 30% of schools have access to electricity, only 27% have access to water, and the number of text books in secondary schools is decreasing. Regarding the education of children with disabilities, the Committee notes that only 1.3% of children with disabilities are enrolled in pre-primary education, only 11% in primary education, 2.8% in secondary education and only 36% of schools have toilets accessible for children with disabilities. **The Committee strongly recommends that the State Party:**

- **Ensures that primary education is free and compulsory and conduct sensitization in all regions to encourage parents to send their children to schools;**
- **Invests in pre-primary education by building more pre-primary schools in all regions, and training teachers on early childhood development as it will impact**

the retention of students in primary education by preventing repetition and supporting better learners' outcome;

- Identifies the causes for the reduction of enrolment in primary education, and very high and increasing rate of dropout from both primary and secondary education to take informed decisions;
- Undertakes school retention strategies such as the expansion of school feeding programs in all regions, the provision of uniforms for free in all regions, removal of all related or indirect costs of education, increase the physical accessibility of schools, provide hygiene, water, sanitary pads, and learning materials;
- Integrates programs in addressing external factors that lead to dropout from school in collaboration with other sectors such as child marriage, sexual violence, teenage pregnancy, and poverty by considering integrating sexual reproductive education in schools, providing financial support to most disadvantaged students, among others;
- Develops program and support strategies to the least progressing regions by allocating additional funding, building more schools, and increasing awareness raising;
- Ensures that schools that are being built are disability friendly in all the spaces, and ensures that the education curriculum allows and facilitates for inclusive education;
- Undertakes intensive awareness raising on the education of children with disabilities and provide extra support and affirmative action to children with disabilities who enrol in schools to ensure their transition and completion from secondary education;
- Ensures that schools in refugee camps meet the minimum standards set for schools and works towards integrating refugee and internally displaced children in regular schools by providing extra support to compensate for missed classes or years; and
- Continuously trains teachers to enable them to provide quality education, achieve better learners' outcome and address the needs of children with disabilities by integrating special needs education in teacher's trainings.

27. In relation to leisure and recreational activities, the Committee recommends that the State Party establishes standards as to the kind of facilities that should be available both in private and government schools and to ensure that such facilities are accessible to children with disabilities. The Committee recommends that the State Party fully implements its Child Friendly Cities Guidelines to provide leisure and recreational activities and safe spaces for children outside of schools as well.

28. **The Committee further recommends for the State Party to undertake special measures to enrol back children who have dropped out during the closure of schools due to the COVID-19 as well as the large number of children who are unable to go to school due to the conflict in the northern and other parts of the State Party. The Committee recommends that the State Party ensures that schools are adhering to COVID-19 protocols; allocates additional budget to rebuild schools that have been destroyed due to the conflict; and to also provide temporary learning places until schools are rebuilt. State Party is also encouraged to take deliberate action to redeem the lost academic time due to the COVID-19 pandemic; respond to the needs of children with disabilities; plan for reopening of schools, including by establishing mechanisms to ensure retention of all children (particularly of girls and others in more vulnerable situation), and provide follow up psychosocial support in school.**

H. Special Protection Measures

Refugee and internally displaced children

29. The Committee notes with appreciation that the State Party has adopted a Comprehensive Refugee Response Framework in 2017, launched a Biometric MIS for the registration of refugees in 2017, and most importantly adopted a new Refugee Proclamation No 1110/2019 which provides access to primary education, health services, and birth registration for refugee children; the right to choose place of living; the right to work to the parents of refugee children; and the right of family members to join a refugee in the State Party. The Committee also commends that the establishment of child rights committees in refugee camps and the women and children desk in the Agency for Refugee and Returnees Affairs. While such progress and measures are commendable, the Committee notes from various sources that there is lack of implementation of the policies and inconsistent application by officials. Moreover, unaccompanied minors or minors accompanied by only one parent face challenges of registration as the civil registry requires the presence of both parents at the time of registration.

30. **The Committee recommends that the State Party fully implements the new Refugee Proclamation by adopting the necessary strategy and allocating sufficient budget. The Committee also recommends that the State Party trains civil registry officials and other officers who come in contact with refugees about the new proclamation and the rights of refugee children and their parents therein thereby ensuring a harmonized and uniform standard to be implemented by officials. The Committee also encourages the State Party to enhance the quality of care and access to services in refugee camps including providing health care, nutrition, immunization, birth registration, hygiene, and sanitation**

materials, among others. Furthermore, the Committee encourages the State Party to provide durable solutions for refugee and internally displaced persons by providing family reunification and alternative care for unaccompanied minors, integration of refugee children in host communities, and reinstating internally displaced children.

Children in armed conflicts

31. The Committee notes that the State Party is going through a difficult situation due to the conflict in the northern part of the country. The Committee sympathizes that the conflict in the northern part which irrupted in 2020 in Tigray region has caused various instability in the Country and resulted in the violation of children's rights particularly in Tigray, Amhara and Afar Regions. The Committee notes that due to the conflict large number of children have been displaced, schools and health facilities have been destroyed, children have been recruited to armed groups, they have lost their lives, and children have been subjected to sexual abuse and exploitation. The Committee observes various reports from UN Agencies and the report of the Joint Investigation of the Office of High Commissioner for Human Rights and the Ethiopian Human Rights Commission about the situation of children in the Tigray Region. From the reports the Committee notes that, during the fighting large number of schools have been looted and damaged; some schools were used as military base; and health facilities are not operating properly due to lack of equipment and closure of transportation roads to reload hospital materials. The Committee further notes that the cases of sexual violence in the Region as well as in Amhara and Afar regions has escalated since the armed conflict began. Moreover, the Committee notes that while over 5.5 million people in the region are at a risk of acute food insecurity, over 2 million are at an emergency food insecurity level which makes humanitarian aid crucial. There are also reports which highlight that the conflict has led to the situation of thousands of unaccompanied minors, displacement of both accompanied and unaccompanied minors to neighbouring countries. Moreover, the Committee notes that children have suffered extensively due to lack of access to humanitarian aid, electricity, and other basic services in the conflict affected areas, mainly the Tigray region. The Committee notes that the State Party is undertaking measures to address some of the Challenges, however, the Committee notes with concern that the sever child rights violations are continuing. In this regard, **the Committee urges the State Party to:**

- **Ensure that no children are recruited in any armed groups and the military and provide an urgent and adequate rehabilitation and reintegration of children who have been recruited by any of the forces;**
- **Take measures against perpetrators of sexual abuse and violence in the context of the conflict. While the replies of the State Party to the list of issue of Committee provides insight that some members of the Ethiopian force have**

been convicted, the Committee notes that those few numbers are not proportional to the violence that occurred. Therefore, the Committee encourages the State Party to strengthen this effort and ensure accountability by thorough investigation, prosecution and conviction of perpetrators of sexual abuse in the context of the conflict;

- Enhance its efforts to negotiate for peace and ensure that there is access to unfettered humanitarian aid in all parts of the conflict affected areas;
- Ensure that schools, health facilities, refugee and IDP camps, and other civilian areas are not targeted during the conflict;
- Undertake measures to restore basic services in conflict affected areas such as electricity, banking services, and others;
- Increase efforts to rebuild schools, health facilities and other basic services that have been destroyed during the conflict;
- Reinstate children who have been out of school for over one year to schools by adopting short term goals of finding alternative learning modalities and places as well as long term goals of achieving peace and restoration of all the damaged schools; and
- Provide family tracing and reunification services for unaccompanied minors who have been displaced and in the event that their parents are not traced, ensure that alternative family environment is provided for such children.

Children in conflict with the law

32. The Committee welcomes the process of the development of the Child Justice Strategy, the establishment of four rehabilitation centres for children in conflict with the law and that there are special investigative units and child friendly benches to deal with children in conflict with the law. During the constructive dialogue, the Committee learned that the Criminal Procedure Code is being revised and that the revision includes provisions for the diversion of children in conflict with the law. However, the Committee notes that children are mostly detained in the pre-trial stage, and they are kept with adults, and there is only 4 rehabilitation facilities and children living outside of the areas of the four rehabilitation facilities are mostly detained with adults. Moreover, the Committee regrets that some of its concerns raised in its previous concluding observations and recommendations in relation to the age of criminal responsibility and the treatment of children above 15 years as adults under the Criminal Code are not addressed. The Committee also notes that the issue of age of criminal responsibility and separate detention of children have been raised by the UN Committee on the Rights of the Child. **The Committee, therefore, recommends that the State Party:**

- **Fast-tracks the adoption of the Child Justice Strategy and ensures that the Strategy provides for diversion strategies for children, expedited transfer of the**

child to social services, intervention programs, and accelerated procedures for children in conflict with the law;

- Ensures that the revision of the Criminal Procedure Code provides for non-custodial options for children in conflict with the law during the pre-trial and trial stages;

- Invest more on its newly established community based correctional services and expand the program across the country;

- Initiates the revision of the Criminal Code to raise the minimum age of Criminal Responsibility to acceptable standards and ensure that children between 15 and 18 years are not treated as adults for criminal proceeding purposes;

- Establishes more rehabilitation centers in all regions to ensure that all children in conflict with the law have access to rehabilitation and reintegration services;

- Until rehabilitation centers are established in all areas, the State Party shall undertake measures to ensure that children are not detained with adults in any way; and

- Provides continuous training for prosecutors, police, judges, prison administration, and social workers about the protection needs of children in conflict with the law and the procedures that should be followed as per international standards.

Children of imprisoned parents or care-givers

33. The Committee notes that during the reporting period, the Government signed MOU with various partners including children's homes for the care of children whose caregivers have been detained. From the replies of the State Party to its list of issues, the Committee notes with appreciation that there is a draft Community Based Correction Proclamation which promotes for non-custodial sentence. Despite such initiatives, the Committee notes with regret that children are still detained with their caregivers in ordinary prison cells. **The Committee encourages the State Party to implement article 30 of the Charter as well as its General Comment on article 30 and works towards ensuring that children are not detained in prisons with their caregivers in line with the standards of the Charter. Moreover, the Committee recommends that the State Party opts for non-custodial sentence for primary caregivers, and in cases where custodial sentence becomes mandatory, ensure that children incarcerated with their caregivers are provided with separate units which are child friendly. The Committee also encourages the State Party to strengthen its efforts to provide alternative care for children of incarcerated care givers by placing them in foster care, or other alternative family settings.**

Child exploitation

34. The Committee commends the State Party for revising its Labour Law and raising the age of employment to 15 through Proclamation No 1156/2019, for adopting a National

Action Plan on the Worst Form of Child Labour and the 5-year Strategy to Prevent and Eliminate Child Labour 2020-2025. The Committee also notes with appreciation the extensive sensitization that the State Party is undertaking on child labour as indicated in the State Party report. The Committee, however, notes that the level of child labour in the State Party remains to be very high, that there is lack of labour inspectors and social workers to support children who are in the labour force, and lack of legal actions against perpetrators as actions have only been taken against 5 organizations on the account of child labour.

35. **The Committee recommends that the State Party allocates budget for the full implementation of the new Proclamation, its action plans and strategies and in doing so to increase the number of labour inspectors and social workers. The Committee recommends that the State Party increases its efforts to take actions against perpetrators of child labour and those employees that do not meet the occupational health and safety standards. The Committee encourages the State Party to also extend its inspection in the informal sector as the informal sector is one of the main avenues for worst forms of child labour. While the Committee notes that the recruitment of children overseas is prohibited by Ethiopia's Overseas Employment Proclamation No 923/2016, the Committee recommends for the State Party to adopt safeguarding measures to ensure the implementation of the law by ensuring that all children have birth registration, inspecting those involved in overseas employment as well as taking action against those who send children to overseas employment. In addition to the awareness raising and prevention the State Party is undertaking, the Committee recommends that the State Party intensifies its efforts in removing children from child labour including its worst form, providing education and vocational training for such children, and reintegrating them with their peers. Moreover, the Committee encourages the State Party to work closely with families by building their income capacities and providing incentives to protect their children from child labour. The Committee recommends that the State Party also takes measures against the use of children for begging by prosecuting perpetrators and providing holistic social services for children who are forced to beg.**

Child trafficking, abduction and sale

36. The Committee welcomes the revision of the Anti-Trafficking law of the State Party in 2020, the setting up of a high level national committee and a task-force at technical level with various Ministries and stakeholders, and the adoption of the directive for victims' referral/reintegration during the reporting period in 2018. The Committee further notes with appreciation the efforts of the State Party to bring back victims of

trafficking from other countries through bilateral engagement with other countries as outlined in its Replies to the List of Issues of the Committee. The Committee, however, notes that there is still increased number of trafficking of children both in country and outside of the Country which is being exacerbated by conflict, displacement and other factors. **The Committee encourages the State Party to strengthen the implementation of its laws and policies and to specifically:**

- **Conduct intensive investigation, prosecution, and conviction of perpetrators of trafficking, smuggling, abduction, and sale of children;**
- **Conduct thorough investigation on reported cases of missing children;**
- **Allocate sufficient budget and human resource for the implementation of the Anti-trafficking law and also to provide rehabilitation, reintegration and other services for victims;**
- **Strengthen its already existing effort to trace and return back children who have been trafficked to other countries through bilateral and multilateral agreements and engagements;**
- **Establish shelters which have the necessary facilities and services for victims such as psycho-social, economic, and health support;**
- **Continue and strengthen sensitization efforts;**
- **Establish a proper coordination mechanism among various stakeholders to ensure that there is a coordinated response for victims; and**
- **Cooperate with the private sector to prevent the trafficking, abduction, and sale of children by engaging relevant sectors such as the tourism sector.**

Sexual exploitation and abuse

37. The Committee observes and appreciates the various efforts the State Party has put in place to prevent and address sexual exploitation and abuse by establishing National Steering Committee which provides guidance on prevention and redress, also establishing hotlines, child friendly courts, one stop centers and safe houses for victims. However, the Committee notes with concern that the rate of sexual exploitation and abuse against children remains to be very high as highlighted in the State Party report which provides that more than one in four children have been sexually abused or exploited. The Committee also notes that from the 8 hotlines only 5 are working and from the 34 one stop centres only 4 are operational as indicated in the State Party report. Moreover, the Committee notes that sexual exploitation and abuse of children has significantly increased due to the COVID-19 pandemic and the conflict in the northern and other parts of the State Party. **The Committee, therefore, would like to encourage the State Party to take further actions to address the issue. The Committee recommends that the State Party, among others,**

- **Ensures that there is safe and accessible reporting. In this regard, the Committee encourages the State Party to ensure that all the 8 hotlines and the**

34 one stop centers become functional by allocating sufficient budget and mobilizing resources, and the personnel employed is trained on child rights and child sensitive services;

- **Enhances accountability by ensuring that reported cases of abuse are duly investigated, prosecuted and convicted with commensurate punishment;**
- **Train police officers, prosecutors and judges about the best interest of the child, protection of the privacy of the child, and other rights of the child to avoid secondary victimization of survivors and to ensure that the cases of children who have been abused and exploited is handled by giving due regard to the best interest of the child;**
- **Undertakes community mobilization and awareness raising to prevent sexual abuse, and to ensure that there is increased reporting of cases;**
- **Collaborate with community-based reporting mechanisms to address cultural and other barriers that deter the reporting of instances of sexual abuse and exploitation;**
- **Ensures that the safe houses established by the Government receive sufficient funding and human resource to cater for the needs of survivors in terms of providing psychosocial, and health support as well as rehabilitation and reintegration services; and**
- **Devises strategy and formulates programs for children who have been victims of sexual abuse and exploitation in the context of the conflict and COVID-19 pandemic.**

Children in street situation

38. The Committee notes with appreciation the measures undertaken to address the situation of children on the streets in the State Party including the establishment of the taskforce which includes various Ministries and CSOs, the collaboration of the State Party with NGOs to provide services, and the provision of family tracing and reunification in selected cities of the Oromia and Southern Nations Nationalities and Peoples' Region. While such efforts are notable, the Committee remains concerned about the increasing number of children in the street situation and the lack of services for these children as acknowledged by the State Party in its report. **The Committee would like to recommend for the State Party to undertake measures to address the root courses that lead children to live in the streets such as poverty, conflict, peer pressure, and separation and disagreement of parents. The Committee also encourages the State Party to adopt a nationwide child rights based approach strategy to address the situation of children on the streets, to allocate budget to the strategy, to provide education and vocational training for children on the streets, provide alternative education hours for such children in regular schools, provide health care services to children on the street situation**

including sexual and reproductive health services, and continue its efforts on family tracing and reunification. The Committee also recommends that the State Party increases its efforts to provide sustainable reintegration programs and services for victims including by building shelters by giving attention to cities with high rates of children on the street, and undertake sensitization among schools, families and through the media about the negative impact of living on the street.

Children in the situation of drug abuse

39. While appraising the various measures undertaken to prevent drug abuse by children such as laws that prohibit the use of any drug or alcohol by children, prohibition of the promotion of drug and alcohol for children, and the regulations adopted to regulate the areas for schools, the Committee notes that there is an increasing trend in the use of drug by children even at early ages. **The Committee recommends that the State Party increases its attention and efforts to address this increasing trend of drug abuse by children. The Committee recommends that the State Party continuously monitors school areas to act against individuals and service providers who provide alcohol and drug for children. Moreover, the Committee recommends that the State Party enhances its efforts to provide rehabilitation services that are child friendly for children who have been exposed to drug abuse, to adopt a continuous and rolling reintegration program for such children whereby family reunification (if needed), vocation training, education and employment opportunities are provided. The Committee also encourages the State Party to work closely with CSOs to increase its response and to reach to grassroots level.**

Harmful practices

40. The Committee applauds the Commitment of the State Party to end child marriage and FGM by 2025 as well as the establishment of Alliance of child marriage, the criminalization of FGM and the explicit prohibition of the medicalization of FGM in the State Party through the circular of the Ministry of Health in 2017. The Committee also notes that there is slight decrease in the rate of child marriage and a better decrease of FGM between 2005 and 2016. However, the Committee notes with great concern that by 2016 the rate of FGM and child marriage is still too high with FGM being 47% among girls between 15-19 years of age, 16% among girls between 0-14 years of age and 38% among girls of 14 years of age. Moreover, the rate of child marriage in 2016 was reported to be 58%. The Committee further notes with great concern that in some areas child marriage is associated with the abduction of children. **The Committee, therefore, recommends that the State Party strengthens its efforts towards**

reducing and further eliminating these practices and encourages the State Party to:

- **Highly invest in girls' education by giving special attention to secondary education as that is the time most girls are subjected to FGM and child marriage;**
- **Provide incentives for parents to keep their girls in schools and not to give them for child marriage or subject them to FGM;**
- **Provide better employment to families of girls' particularity in areas where child marriage and FGM are prevalent;**
- **Conduct intensive sensitization measures among parents, religious and community leaders and among girls;**
- **Create platform for girls for peer education on harmful practices;**
- **Provide shelter and all rounded psycho-social support for children who escape FGM and child marriage;**
- **Implement the laws that prohibit child marriage and FGM by taking measures against perpetrators including those who abduct children for child marriage purposes; and**
- **Ensure child protection during COVID-19 pandemic takes into account the specific needs and vulnerabilities of all children specially girls exposed to gender based violence.**

I. Responsibility of the child

41. The Committee notes with appreciation that the issue of responsibilities of the child is included in the National Child Policy. The Committee also commends that children are thought about their responsibilities in schools as part of the civics and ethics education. **The Committee would like to further encourage the State Party to make use of its General Comment No 3 on article 31 of the Charter on the Responsibilities of the Child for better guidance on the implementation of the responsibilities of the child. The Committee also recommends that the State Party ensures that children are not subjected to burdensome expectations and works in delivering their responsibilities and that article 31 should be implemented in line with the general principles of the Charter as well as the other provisions of the Charter.**

IV. Conclusion

42. The African Committee of Experts on the Rights and Welfare of the Child appreciates the measures undertaken and efforts invested by the Government of Ethiopia towards the implementation of the African Children's Charter and the recommendations of the Committee on the initial report.

43. **The Committee recommends that the current recommendations are translated and widely disseminated to all Government Ministries both at federal and regional levels and among various stakeholders. The Committee recommends that the State Party and its stakeholders use the recommendation of the Committee in developing plans, strategies, and policies to ensure its implementation.** The Committee aspires for the implementation of the current recommendations and would like to indicate that it will undertake a follow up mission to assess the implementation of these recommendations in the foreseeable future. **The Committee would also like to invite the State Party to submit its second periodic report in February 2025 according to article 43 of the African Children’s Charter. The Committee recommends that the State Party undertakes wide consultation among CSOs, Children, UN Agencies, the private sector and other stakeholders in preparing its second periodic report.**
44. The African Committee of Experts on the Rights and Welfare of the Child takes this opportunity to renew to the Government of the Federal Democratic Republic of Ethiopia the assurances of its highest consideration.