

AFRICAN UNION

**African Committee of Experts on the Rights
and Welfare of the Child**



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**Comité Africain d'Experts sur les Droits et
le Bien-être de l'Enfant**

الاتحاد الأفريقي

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*"An Africa Fit for
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**ACERWC'S REPORT ON THE FOLLOW-UP MISSION ON THE IMPLEMENTATION
OF ITS CONCLUDING OBSERVATIONS AND RECOMMENDATIONS ISSUED TO
THE GOVERNMENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
ON THE INITIAL REPORT OF ETHIOPIA**

October 2018

- I. **Purpose of the Mission:** The African Committee of Experts on the Rights and Welfare of the Child (ACEREC) undertook the mission to assess the implementation of its concluding observations and recommendations on the initial report of the Government of Ethiopia which was forwarded to the Government on January 2015.
- II. **Objectives of the ACERWC in this Mission:** To undertake constructive dialogue with the Government of Ethiopia to learn about the progress achieved, challenges faced, and opportunities that exist in the implementation of its concluding observations and recommendations. The ACERWC also intended to bring stakeholders together to boost collaboration between the Government, UN agencies, CSOs, and other stakeholders for enhanced and accelerated implementation of its recommendations as well as the African Charter on the Rights and Welfare of the Child.
- III. **Expected outcomes/ outputs of the Mission:** To give an opportunity to the Government of Ethiopia to appreciate its progress in implementing the recommendations and thereby to learn best practices that can be used by the ACERWC in its further engagement with other State Parties. Moreover, the ACERWC aimed at giving an opportunity to the Government to identify its challenges in implementing the recommendations so that the Committee and CSOs know better how to intervene and assist the Government. Finally, the ACERWC expected increased commitment from the Government of Ethiopia to implement the recommendations and the Charter as well as to submit its periodic report on time.
- IV. **List of Delegation:** The Delegation of the ACERWC was composed of Hon. Aver Gavar, Member of the ACERWC & Special Rapporteur on Violence against Children, Catherine Maina, Senior Social Worker, Philippe Wandyam Sekone, Child Rights Officer, Adiam Zemenfes, Legal Researcher, Kameni Ngankam Communication Officer, Edith Bardel, Technical Expert, and Andhira Yousif Kara, Communication Assistant.
- V. **Methodology**
 - 16th October 2018- Meetings/Consultations with Government Officials- State Minister for Children Affairs within the Ministry of Women & Children Affairs, Government representatives from the Federal Court, Attorney General, Ministry of Social Affairs, as well as meeting with UNICEF Ethiopia, Plan International, and Save the Children. A press conference was also held on this date.
 - 17 October 2018, Workshop/Dialogue with Government of the Federal Republic of Ethiopia, INGOS, and NGOs.

VI. Mission activities

The activities of the mission are as follows:

On 16th October, the Delegation had bilateral meetings and visits as indicated below:

- Consultation between the Delegation of the ACERWC and the State Minister of Ministry of Women and Child Affairs (MWCA), Ms Alemitu Omot, in the presence of representatives from various Government offices such as the Ministry of Labour and Social Affairs, Office of the Attorney General, the Federal Court. This meeting enlightened the Committee about the measures that are being undertaken to implement its recommendations as well as the challenges faced.
- Press Conference was held where the Government of Ethiopia and the Committee explained the purpose of the mission. The State Minister informed the progress achieved following the concluding observations and recommendations. Media asked question in relation to the issues raised including children on the street, children's health, education and welfare.
- Meeting with UNICEF Ethiopia in the presence of the Deputy Country Representative, and other child protection specialists.
- Courtesy visit to Plan International Ethiopia;
- Meeting with Save the Children Country Office in the presence of the Country Director;
- Visit to the Children's Legal Protection Center, Children's Court, and Victim's Court located in the Lideta Federal Court in Addis Ababa, Ethiopia.

On 17th October, the ACERWC organized a Workshop on the implementation of the concluding observations and recommendations of the ACERWC which was attended by wide range of Government offices as well as non-governmental stakeholders. During the workshop, the Delegation of the ACERWC introduced participants with the African Children's Charter, the mandate of the Committee as well as the contents of the concluding observations and recommendations forwarded to the Government of Ethiopia. The Government also presented about the situation of children's rights in the State Party. Moreover, presentations on child marriage and violence against children were made by UNICEF and Save the Children respectively.

VII. Findings

General measures of implementation

The Committee was informed that the concluding observations and recommendations of the Committee has been translated and disseminated among stakeholders and partners. Nevertheless, the Committee noted that there is no clear framework and coordination for the implementation of the recommendations. Moreover, despite the fact that the recommendations have been translated, the Committee was informed that non-governmental stakeholders were not allowed to publish and disseminate the concluding observations and recommendations in the translated versions. With a view to

implementing the recommendations, the Government has embarked on capacity building of implementing organs including members of the Parliament; and on setting up national monitoring and follow-up mechanism with the National Human Rights Commission to monitor and evaluate laws and policies relating to children.

The discussion informed that the Government has increased its budgetary allocation to all sectors working on children's rights. For instance in 2018 the budget allocated for the education sector is 25% of the total budget. However, the Committee noted that actual poverty of children has not reduced and there is no indication on how child sensitive the budget increase is. In order to address this, the Government has developed child focused budget monitoring and evaluation framework.

It indicated that in 2015 the Government developed the 2nd National Action Plan on Human Rights and the concluding observations and recommendations were taken into account. Considering the recommendation of the Committee to develop a comprehensive child law, the Government informed that the Action Plan incorporates the adoption of a child law and to this end the Government has assigned the Office of the Attorney General and the MWCA to undertake a study to assess the need to have the child law.

The Government has adopted the National Child Protection Policy during the reporting time. The Government has also endorsed a National Social Protection Strategy as well as safety net programs.

Moreover, it was indicated that the Government is undertaking a legal reform where it will review many of its laws including the CSO law and it was mentioned that the revision may allow more space for CSOs so that they can support Government on child rights protection issues. The Committee noted that there is no CSOs network in the State Party.

The Committee was informed that the current political changes have brought some positive additions, however, there is ongoing and repetitive change of leadership even at Director's level which is affecting the implementation of child rights programs.

The national coordinating body for children's affairs is the Federal Ministry of women's and children's Affairs, which has structures up to woreda level with units of children's affairs. However, the Committee was informed that there is lack of coordination among many sectors and CSOs in the implementation of children's rights and various programs. There is also poor participation of communities and children in various initiatives. Furthermore, the Committee was informed that there is lack of social service work force.

Concerning data, the Committee noted that currently there is no workable data on children and issues affecting them. There is a child wellbeing MIS that is being developed by the MWCA, however, it is not yet fully operationalized.

Definition of the child

Despite the recommendation of the Committee regarding the minimum age of criminal responsibility, the Committee was informed that there is no initiative so far to revise the

minimum age of criminal responsibility as well as the treatment of children in conflict with the law between 15 and 18 years of age as adults.

On the recommendation of the Committee on minimum age of marriage as it relates to the possibility of emancipation of children of 16 years to get married through authorization, the Committee was informed that no such case has taken place so far. The Committee, during the mission, was also informed that the minimum age of marriage under regional family codes is not always set at 18.

General principles

The Committee's discussion with Government and other stakeholders revealed that access to basic social services has relatively increased. However, the Committee noted that there is variation in accessibility of schools and health centers between urban and rural areas. Moreover, children with disabilities, children on the streets, and children in conflict and crisis are disproportionately affected in accessing basic social services.

Concerning abuse of children, the Committee was informed that there is increased reporting of sexual abuse in schools and that 1 in 3 children has experienced violence. Despite such high rate of violence, the Committee observed that corporal punishment is not prohibited in the family setting.

The Committee noted that capacity building programs are undertaken for child parliaments to enhance child participation. Furthermore awareness creation is being carried out in rural areas to increase child participation. The Committee also noted that child participation is not observed the way it is suggested by the Committee as it is not meaningful and at decision making levels.

Civil rights and freedoms

The Committee noted that a recent vital events registration system was established and set up in 80% of woredas. Furthermore, since July 2017, the Government has launched vital registration for refugee children. However, the Committee noted that the birth registration of children under five years age is very low at less than 3% which is one of the lowest rates in the world.

The Committee was informed that the Government dealt with unaccompanied minors only through birth registration, however, this will not solve the problem of statelessness or being at the risk of statelessness.

Family environment

In the area of family environment, various initiatives and programs are being implemented. These include; social cash transfer programs; skill training on better parenting and micro financing program. The Government is putting more money to the social cash transfer but it has not reached its target. The Committee observed that there is a gender dynamics in the social cash transfer as mostly men obtain the transfer. There needs to be a child sensitive approach in the implementation of the cash transfer program.

There is a draft law on identifying maintenance for children. It was also informed that the Government has embarked on family training to ensure positive disciplining of children and child rearing.

The Committee was informed that the State Party recently banned international adoption with a view to protect the identity and welfare of children. Priority is given to community based child care and local adoption as well as foster care programs. Family reunification program is being conducted at a high scale, it was stated that there is a task force led by the Minister to reunify street children with their families, and accordingly about 15,000 children were reunified with their families.

The Committee further noted that the Government has adopted the revised Alternative Child Care Guidelines to establish a regulatory instrument on the quality of the child care system in the country.

Health and welfare

The Committee observed that generally health coverage has increased and that there is good progress in increasing vaccination coverage in the State Party. The Committee was however informed that there is inequity in accessing health facilities as there are areas that are marginalized such as pastoralist communities. In addition, the Committee's attention was drawn to the fact that there is poor quality of health care facilities which is intended to be dealt in long term. Despite the increase in health coverage and the rapid decrease of neonatal, infant and under-5 mortality, child mortality is still high and various efforts should be exerted to further reduce the indicators.

Moreover, the Committee noted that the Government has adopted a National Nutrition Program and is undertaking various awareness creation programs on child nutrition.

Education and leisure

The Committee, from its various discussions, noted that access to education has significantly improved; however the quality of education is not up to standard and proper infrastructures are not set up in the eastern and northern parts of the State Party. The Government, through affirmative action, has tried to reduce the gender parity in school enrollment. To scale up the quality of education, the Government has developed a road map towards quality education. The Government also acknowledged the high dropout rate of girls and indicated the main cause as being poverty. The Committee learned that school feeding care, and capacity building programs are being implemented to reduce dropout rates.

The Committee was also informed that early childhood education has improved and 50% of children have access to preschool education. Furthermore, there is plan to increase access to early childhood education.

Concerning children with disabilities, the Committee noted that the Federal Ministry of Education has developed a special curriculum to give guidelines to teachers on how they can address the special needs of children with disabilities including children with mental disability. Over 200 centers have been established for children with disabilities. However, the Committee was informed that only 3% of children with disabilities go to school due to stigma and lack of accessibility of schools as well as lack of trained teachers and materials.

Special measures of protection

Children in emergency situations

The Committee was informed that 59% of refugees in Ethiopia are children and that refugee children are provided with education in schools within the refugee camps, and that they have the right to join University in Ethiopia for higher education. There are refugee camps in 6 regional states and there are child friendly centers in 4 refugee camps in Gambella. The gross enrolment rate for primary education among refugee children is 72% and for secondary school is 18%.

Due to the ongoing conflict and ethnic clashes, the Committee learned that Ethiopia has now the largest number of IDPs in the world and 58% of the IDPs are children which indicates that the State Party has around 1.2 million IDP children. The Committee was informed that an inter-agency assessment found violence against children to be very high in conflict affected areas and among IDP children. The Committee was further informed that the situation of unaccompanied minors is a significant issue among IDPs and in this regard family tracing and reunification is being done, or alternatively children are kept in safe space with extended families

Children in conflict with the law

The Committee found out that the criminal procedure code is under revision to include diversion programs for children in conflict with the law and that there are more than 70 child friendly courts for children in conflict with the law across the country. The Delegation had the opportunity of visiting a child-friendly court at Lideta First Instance Court where the setting appeared very child-friendly and confidential. With respect to the detention of children in conflict with the law, it was informed that the National Plan required to establish one center in each region. However, currently there is only one center in Addis Ababa and that center is only for children between 9-15 years as children between 15 and 18 years are treated as adults when it comes to criminal law. However, the proposed diversion program includes children between 15 and 18 years. It was further informed that judges are at discretion to treat children aged 15-18 years as children; and that they are provided with free legal aid service by the Child Justice Office.

The Committee noted that one of the challenges on the protection of children in conflict with the law is the attitude of the community, mainly victims' families who prefer retribution

than rehabilitation. Hence, Government acknowledged the need to conduct awareness raising programs in the community.

Harmful traditional practices

Ethiopian demographic and health survey data shows a sharp decline in the rate of FGM. The Committee noted that a National Strategy and Action Plan on Elimination of Harmful Traditional Practices has been adopted. The Government is also working to reduce FGM and child marriage by undertaking campaigns, mobilizing communities, and developing road map to address harmful practices. The Committee was informed that the efforts to end FGM and Child Marriage is taken at a high leadership level. The decline in the rate of FGM varies in different regions, for instance in Afar and Somali region there is very little decline.

The Committee noted that Ethiopia's progress in reducing child marriage is among the strongest in Eastern and Southern Africa. A National Alliance to End Child Marriage has been established where various stakeholders work together on ending the practice. The discussions highlighted that the main causes of child marriage are poverty and illiteracy. Child brides in Ethiopia are more likely to be from rural and poor areas and are likely to be uneducated. The Government intends to reduce child marriage to 20% in 2030 and to 10% in 2050.

The Committee was informed that one of the challenges in this regard is the lack of clear mandates of Government Ministries and Agencies as it relates to efforts to fight harmful practices.

Children on the street

The Committee was informed that there are more than 89,000 children who live on the streets in cities and that most assessments indicate that the number is increasing. Children on the street are mainly engaged in income earning activities such as petty trades and commercial sex work. Studies suggest that the main reasons leading children to street include poverty, family disintegration and disagreement, conflict, abuse and neglect, as well as peer pressure. While noting the increasing number of children on the street and problems thereto, the Government highlighted that it has initiatives on rehabilitation, reintegration and reunification. There are three rehabilitation centers for children on the street in Hawassa, Tigray, and Amhara region. The Government trains children who have been withdrawn from the streets and embarks on reunifying them with their families and the community. It was stated that there is a national council led by the Deputy Prime Minister of the country to address the scourge of children on the street as well as children begging with their mothers. The Government stressed that the issue is widespread in the country and the challenge is that some children come back to the street despite being placed in the rehabilitation centers. Hence it was noted that the social security plan should work effectively to address the push and pull factors that drag children to be on the street. The Government further noted that it does not have the

capacity to fully implement the social security programs and hence called for assistance from CSOs.

Child labour

The Committee noted that the main reason for child labour is poverty and Government has set up labour inspections, checklist to prohibit child labour, Committee to eradicate the practice at grassroots level, and also advocacy at grassroots level by working with local governments. It was informed that the rate has dropped in the Southern region where child labour is prevalent due to the efforts as well as prosecution of perpetrators.

Child trafficking

In relation to child trafficking, the discussions highlighted that there is a law developed and a special bench established to deal with trafficking issues. To overcome the challenge of sex tourism, the Ministry of Tourism has developed guidelines on sex tourism and is working on prevention and awareness raising.

Abuse and sexual exploitation of children

The Committee noted that there is neither comprehensive data nor case management system on violence against children. Some data shows that 1 out of 4 girls aged 15-49 have experienced physical violence since the age of 15 and that 1 out of 5 women who have experienced physical or sexual violence sought help to stop violence. Some of the key achievements concerning violence against children is girls' empowerment; mobilization of communities as well as religious leaders; and putting in place follow-up and tracking mechanisms.

VIII. Actions points

Considering the abovementioned efforts and challenges faced, the Committee would like to encourage the State Party to continue the momentum of the positive achievements and further recommends that to the Government of Ethiopia to:

- a. Fast-track the process of the adoption of a comprehensive child rights law;
- b. Intensify coordination on child rights efforts among various Government Ministries and Agencies as well as collaboration with CSOs;
- c. Build the capacity of institutions and staff working on child rights and welfare issues;
- d. Collect and document disaggregated and updated data on children and issues affecting them;
- e. Revise the age of criminal responsibility to make it consistent with international standards;
- f. Undertake extensive sensitization on birth registration and make birth registration accessible in all parts of the State Party including in Refugee and IDP camps;
- g. Identify causes for girl's dropout from school and devise strategies to retain girls in school;
- h. Upscale the quality of education and ensure that the efforts in increasing accessibility of education do not leave quality of education behind;

- i. Promote and strive towards inclusive education by providing the necessary infrastructure, materials and services that can cater for the needs of children with disabilities and undertake continuous and extensive sensitization to encourage communities to send children with disabilities to schools;
- j. Ensure that children in all parts of the State Party are not detained with adults by establishing rehabilitation centers for children in conflict with the law in all parts of the country; and ensure that children benefit from diversion programs by expediting the revision of the Criminal Procedure Code;
- k. Undertake concrete measures to address the situation of children on the street including establishing more rehabilitation centers and providing rehabilitation, training, and reunification programs. The Committee also urges the State Party to exert consolidated efforts on prevention;
- l. Mainstream the protection of refugee and IDP children in the national humanitarian response program through the adoption of a child-specific cluster; and
- m. Address recurrent challenges such as conflict and drought and minimize their impact on children by giving due regard to children's vulnerability as well as by providing special support to internally displaced children and unaccompanied minors.