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*Federal Democratic Republic of Ethiopia
 Permanent Mission to the United Nations
 Geneva*

425/2022-A

14 April 2022

The Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and has the honor to transmit the enclosed reply from the Federal Democratic Republic of Ethiopia in reference to a letter Ref.AL ETH 3/2021 dated on 14 February 2022 from the Special Procedures Branch of OHCHR.

The Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the United Nations High Commissioner for Human Rights (OHCHR) the assurances of its highest consideration.



Enclosed: 21 pages



United Nations High Commissioner for Human Rights (OHCHR)

Geneva, Switzerland.



***THE GOVERNMENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF
ETHIOPIA***

REPLY TO THE JOINT COMMUNICATION BY THE UN SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE; THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES; THE SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS AND THE SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT ON ALLEGED RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AGAINST TIGRAYAN ETHNIC GROUP AS WELL AS OTHER SERIOUS HUMAN RIGHTS VIOLATIONS COMMITTED AGAINST THEM IN THE CONTEXT OF THE CONFLICT BETWEEN THE FEDERAL GOVERNMENT AND THE TPLF

April 13, 2022

ADDIS ABABA, ETHIOPIA

INTRODUCTION

1. The Government of the Federal Democratic Republic of Ethiopia (alternatively “Government of Ethiopia”, “GoE”, “Ethiopia”) hereby submits its reply to the joint Communication by the Special Rapporteur on Contemporary Forms of Racism; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the Human Rights of Internally Displaced Persons; and the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment dated 14 February 2022 Ref. AL ETH 3/2021, concerning alleged racial discrimination, xenophobia and related intolerance against members of the Tigrayan ethnic group, as well as other serious human rights violations committed allegedly against the group since the outbreak of the conflict between the Ethiopian Federal Government and the Tigray People Liberation Front (TPLF) and Oromo Liberation Front (OLF)-“Shene” which requested Ethiopia to provide a response within 60 days.
2. Ethiopia has the honor to present its response containing the facts surrounding the unsubstantiated allegations in the following manner.

I. Information and Comments on the Allegations

3. The allegation that shows the existence of ethnic profiling, violence, hatred and other violations of international human rights and international humanitarian laws against Tigrayans in Ethiopia, by the mere fact of their ethnicity, is unacceptable. The reality is stated in the following paragraphs.
4. In 2018, Ethiopia underwent significant human rights, political and democratic reforms. The reforms were preceded by nationwide and continuous waves of popular protests against the TPLF controlled regime. The protests were mounted against the TPLF dominated government because of the organized and highly networked criminality, abuse of state resources and power, the gross and systemic violations of human rights and grand corruption that came to characterize the TPLF. These popular protests led to the reform within the Government through which the TPLF lost its dominance.

5. Following the reform, the Government of Ethiopia started to take important measures with the view to end impunity, to ensure the prevalence of the rule of law, and to realize accountability for violations of human rights. Moreover, the GoE also initiated a large-scale legal reform through amending draconian legislations that hindered the enjoyment of basic freedoms and human rights.
6. Uncomfortable with the reform process and loss of its dominance at the federal level, the TPLF retreated to Mekelle, the capital of the Tigray National Regional State, and started to engage in war propaganda against the Federal Government. The TPLF leaders started to take covert and overt actions with the aim of reversing the democratic reform, retaining the undue advantage they had enjoyed and to guarantee impunity for their past crimes. For instance, the TPLF forces staged, financed, sponsored and supported various conflicts that resulted in the death and sufferings of civilians and caused large-scale internal displacement almost in all corners of the country. They also sponsored trained and equipped forces that engage acts of terrorism to derail the democratization process and reforms.
7. Continuing its terrorist act, after the conflict began, TPLF tried to use many Tigrayans in and out of the Country to remove the elected Government by force and through propaganda. Findings of investigations in Addis Ababa and various regions of Ethiopia confirms that many Tigrayans were arrested red handed with their illegal weapons, military uniforms, foreign currencies etc. which they intend to use to achieve the violent objectives of the TPLF.
8. It is crystal clear that the Government has a legal duty and moral responsibility to safeguard the existence and sovereignty of the nation from any internal and external enemies. Considering the gravity of the killings, lootings and other cruel and inhuman attacks that are being perpetrated by the terrorist TPLF and its affiliates against civilians in several parts of the Country, the Federal Government declared a State of Emergency Proclamation to Avert a Threat against National Existence and Sovereignty No 5/ 2021 (here in after ‘the Emergency Proclamation’) based on its constitutional power.

9. It is based on the Constitution, the Emergency Proclamation and other relevant domestic and international laws that the Government arrested and took other necessary measures against suspects of crimes.
10. As TPLF (which is proscribed by the Legislative Organ of the FDRE as a terrorist group) bases in Tigray region and many of the supporters of this terrorist group are Tigrayans, the number of Tigrayans who are arrested may be higher in number. However, it cannot be considered as the measure has been taken because of their ethnicity. The legal measures are taken only on those suspected persons who have contributed to the success of the terrorist group's objectives, encouraged the activities of the terrorist group, or terrorize the civilian population.
11. However, the Government is also cognizant that some of the measures taken by the police on arresting some individuals were not proper. Considering this fact, the Government has released many suspects from jail. The Emergency Proclamation, which derogates certain human rights of individuals, also ceased from its implementation by the decision of the House of Peoples Representatives before the end of the six months period.
12. Moreover, the Government of Ethiopia has given special attention to the conflict situation in Tigray, Amhara and Afar Regions to investigate the alleged crimes committed since the beginning of the conflict in November 2020. The Government has established high-level Inter-Ministerial Taskforce (IMTF) composed of the Minister of Justice, the Minister of Defense, the Minister of Peace, the Minister of Women and Social Affairs, the State Minister of Finance, the State Minister of Foreign Affairs, and Commissioner General of the Federal Police Commission. The Taskforce enables the GoE to investigate the alleged crimes committed in the context of the conflict in the three regions, bring all perpetrators of serious crimes to justice, and provide redress and psycho-social support needed for victims of these violations. Within the IMTF, there are committees mandated for various tasks.
13. There are also individuals who are already accused and sentenced to various penalties in relation to crimes committed during the context of the conflict in Tigray region. Hence, despite the difficulties owing to the complexity of the crime and actors

involved in perpetrating the crimes, the Ethiopian Government remains committed to its duty to conduct effective investigation and bring perpetrators to justice.

II. Steps Taken to Prevent Human Rights Violations and Ensure Full Respect for International Humanitarian Law and International Human Rights Law

14. Ethiopia has ratified or acceded many international human rights and humanitarian treaties. Moreover, the Constitution of the FDRE, under Article 25, states that:
“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth or other status.”
15. Hence, the human rights of individuals are respected without discrimination based on any factor including ethnic ground. This provision is non-derogable right even in times of emergency as stated under Article 93 (4)(c) of the Constitution. Additionally, Article 93 (6) of the Constitution shows that there are mechanisms necessary to inspect and follow up that no measure during the state of emergency is inhumane, to recommend to the Prime Minister or to the Council of Ministers corrective measures if it finds in any case of inhumane treatment and to ensure the prosecution of perpetrators.
16. The Constitution under Article 13 (1) also imposes responsibility and duty on all Federal and State legislative, executive and judicial organs at all levels to respect and enforce the provisions of fundamental rights and freedom of individuals stated in the Constitution.
17. In line with these obligations, even in situations when the terrorist TPLF and its affiliates pose a grave and imminent danger against the existence and sovereignty of the Country, the Government did not take arbitrary measures against any person including the ethnic Tigrayans.

18. Rather, in accordance with Article 93(1) (a) of the Constitution of the Federal Democratic Republic of Ethiopia, the Government proclaimed a State of Emergency Proclamation to avert imminent threats against the existence of the Nation which could not have been averted by regular law enforcement mechanisms. This Proclamation was applied to any person who is suspected of supporting the objectives of the TPLF to destabilize the Nation whether he/she is a member of ethnic Tigrayan or any other ethnic group. Accordingly, there was no measure which targeted specifically the Tigrayans.
19. It is obvious that fundamental human rights and freedoms are not absolute. They may be limited by the rights of other and for interests of the society. General interests of the society, such as public order, safety, health and democratic values are considered as justified limitation of rights. The limitation test is assessed whether the infringement has a constitutionally acceptable purpose and that balance is struck between the harm done by the infringement of fundamental rights and the benefits it is designed to achieve.
20. Every person, in the territory of Ethiopia, may be arrested by the police if there is a reasonable ground that he/she is suspected for a certain criminal act. The arrest procedure can be with or without court warrant depending on the crime allegedly committed as stated in the Criminal Procedure Code and other relevant laws of the Country.
21. When a person is arrested by the police, there are constitutionally guaranteed rights which should be respected such as: the right to be informed promptly in a language they understand that any statement they make may be used as evidence against them in court, the reasons for their arrest. the right to remain silent, to be brought before a court within 48 hours of their arrest.
22. All persons have also an inalienable right to petition the court to order their physical release where the arresting police officer or the law enforcer fails to bring them before a court within the prescribed time and to provide reasons for their arrest. Persons arrested shall not be compelled to make confessions or admissions which

- could be used in evidence against them. They also have the right to be released on bail, though in exceptional circumstances prescribed by law the court may deny bail or demand adequate guarantee for the conditional release of the arrested person.
23. The ICCPR, under Article 9 also states in a similar way that a person can be arrested if the law says so. Those rights of the arrested person, described above, are also in line with Article 9 of the ICCPR.
 24. Article 32 of the Constitution also assures freedom of movement of individuals. It states that “*Any Ethiopian or foreign national lawfully in Ethiopia has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he wishes to.*” All Federal and State legislative, executive and judicial organs at all levels have the responsibility and duty to respect and enforce this right. However, this right is also not absolute; Article 11 (3) of the ICCPR recognizes that this right can be restricted to protect national security, public order (order public), public health or morals or the rights and freedoms of others.
 25. Hence, generally speaking, arrest of a person has been conducted by the authorized police officers in accordance with the above laws and by respecting the rights of the arrested person no matter what his identity or ethnicity is.
 26. Different international instruments recognize declaration of state of emergency to restrict human rights. The Covenant on Civil and Political Rights could be viewed as principal instrument in this respect and it pronounces under its Article 4(1) that in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties may take measures derogating from their obligations to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin in time of public emergency which threatens the life of the nation and its existence.
 27. Pursuant to article 93 of the FDRE Constitution, the occurrence of external invasion, a breakdown of law and order which endangers the Constitutional order and which

- cannot be controlled by the regular law enforcement systems, a natural disaster, or an epidemic are constitutionally recognized grounds for declaring state of emergency.
28. Hence, the Government of Ethiopia has declared a nationwide Emergency Proclamation effective immediately as of November 2nd 2021 to last for six months to avert the threat against national existence and sovereignty of the Country caused by the terrorist groups (TPLF, OLF-“Shene” and their affiliates); as it is the Government’s legal duty and responsibility to safeguard the existence and sovereignty of the nation from internal and external enemies.
 29. The terrorist TPLF and its affiliates posed a grave and imminent danger against the existence and sovereignty of the country and the group has been working in close cooperation with foreign powers that desire to weaken and destroy the current democratically elected Government of Ethiopia. Considering the gravity of the killings, looting and other cruel and inhuman attacks, escalating violence and human right abuses including the execution of civilians perpetrated by the terrorist group TPLF and its affiliates in several parts of the Country, it became necessary to declare and implement a state of emergency in order to avert the imminent threats against the existence of the nation which could not have been averted by regular law enforcement mechanisms.
 30. The severity of the threat posed by individuals who live among the civilian population in the community that work as operatives and support the TPLF and its terrorist affiliates against the security of the State very clear. However, restrictions were made not because of their ethnicity. Rather, it was done against suspects who were supporting the TPLF and its affiliates, the groups that have been subscribed as terrorists.

III. Measures Taken to Investigate Reports of Enforced Disappearance

31. The issue of enforced disappearance is among the findings of the joint investigation team of EHRC-OHCHR, in which the Government of Ethiopia has started its investigation. Accordingly, the Government has already re-initiated swift, impartial,

transparent investigation in to the alleged incidents of enforced disappearances committed by all parties in the context of/in connection with the conflict in Tigray, Afar and Amhara regions.

IV. Information Regarding Works Carried out on Allegations

32. The Joint Investigation Team of the Ethiopian Human Rights Commission (EHRC) and UN Office of High Commissioner for Human Rights (OHCHR) into alleged violations committed by all parties to the conflict in Tigray were initiated pursuant to a formal request tabled by the EHRC on March 10, 2021. Its establishment was announced on March 18, 2021 and a Joint Investigation Team (JIT) constituted on March 26, 2021. The team conducted the investigation from 16 May to 31 August 2021 - covering different zones in Tigray namely Mikelle, Southern, Western, and parts of Eastern Zones, as well as relevant locations outside Tigray - including Addis Ababa, Bahar Dar and Gondar.
33. The JIT concluded its investigations and issued a report on November 3, 2021. The Government of Ethiopia (GoE) expressed its appreciation and gratitude for the commitment showed by the JIT in shouldering this difficult task, for its professional and in-depth investigation undertaken into what had transpired, and for submitting a credible report within the scheduled time. The GoE has generally viewed the process and the institutions involved in the investigation as credible.
34. While the GoE holds reservations with regard to certain aspects of the context analyses, findings and conclusions drawn in the JIT report, it has nonetheless admitted the commission of serious violations and abuses by members of its agencies, and furthermore pledged to undertake a comprehensive and impartial investigation in to the alleged incidences of serious violations.
35. In line with the recommendations of the JIT, the Government of the Federal Democratic Republic of Ethiopia has set up an Inter-Ministerial Taskforce to oversee

redress and accountability measures in response to human rights violations committed in the context of the conflict in northern Ethiopia.

36. The Taskforce officially commenced its work on 29 November 2021 by adopting a comprehensive strategy and action plan for the implementation of the recommendations contained in the Joint Report of the Ethiopian Human Rights Commission (EHRC) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

37. The strategy and action plan cover all serious violations that have been committed including gender based violence in the context of the conflict. To carry out its work, the Taskforce has established committees that focus *on*:

I. Investigation and Prosecution Committee (Ministry of Justice, Federal Police, Regional Police, Regional Justice Bureau)

The Committee is coordinated by the Minister of the Ministry of Justice.

The Committee:

- Oversees the investigation of all alleged incidences of serious violations of IHL/IHR laws committed by all parties in the context of/in connection with the conflict in Tigray, Afar and Amhara regions;
- Designs a comprehensive roadmap/action plan, including a preliminary listing of physical and fiscal resources required for carrying out investigation and prosecution works and associated task-lines; seeks approval of the same by IMTF; and implements;
- Studies, designs, carries out diplomatic/legal procedures leading to formal request of extradition of persons from Sudan found guilty of perpetuating serious crimes; failing extradition, works towards cooperation with Sudan and the int'l community to hold the perpetrators accountable within the jurisdictions they may be found;
- Undertakes investigations on all serious violations alleged to have been committed by members of the Defense Force;

- As necessary, reviews, designs, reinforces and implements a more rigorous training program involving Ethiopia's military and security personnel on JIT's recommended principles of IHL/IHR laws applicable in the context of armed conflicts; further ensures that armed forces/groups acquire sufficient knowledge of prohibited and permissible appropriation/destruction of property and attacks against persons; reviews and as necessary strengthens the contents of the booklet on Rules of Engagement of such personnel;
- With respect to detentions under State of Emergency declared on November 2, 2021, swiftly operationalizes the review mechanism envisaged under State of Emergency (SoE) decree; without prejudice to purposes of the SoE law, empowers the Ministry of Justice to ensure that conditions of detentions under SoE do not violate minimum non derogable requirements of IHR law;
- Ensures, within available means and through programmatic collaboration with int'l organizations, that basic conditions of detention such as food, water, sanitation and facilitation of visits to detention centers by independent observers (including EHRC and ICRC) are fulfilled/realized;
- Designs/rolls-out a program for comprehensive provision of psychological and medical treatment (and follow-up services) to victims of torture, inhuman and degrading treatment identified during the investigation (to strengthen resilience and recovery);

II. *Refugees and IDP Affairs Committee (ARRA, Regional Administrations, Ministry of Peace, National Disaster/Risk Management Commission)*

The Committee is chaired by the Minister of the Ministry of Peace.

The Committee:

- Designs a comprehensive roadmap/action plan, including a preliminary listing of physical and fiscal resources required for carrying out its task-lines; seeks approval of the same by IMTF; and implements;
- Establishes/reinforces a strong monitoring system to ensure and maintain peace/security of IDPs by deploying security forces and/or through other measures;

- Establishes/strengthens a more pragmatic scheme to ensure that all IDPs are received without discrimination of any kind, and live in satisfactory conditions of safety, dignity, security;
- Designs/carries out specific training programs to raise awareness of government officials and local communities where IDPs reside on the rights of IDPs and responsibilities of the government;
- Designs/carries out special protection schemes for/assistance to IDPs with special needs, including separated/unaccompanied children, female heads of households, expectant mothers, mothers with young children, elderly, persons with disabilities, and persons with communicable diseases;
- Reinforces existing mechanism/initiatives to trace/reunify families separated during displacements;
- Quickly studies and evaluates the effectiveness/impact of humanitarian assistance delivered to IDPs throughout the conflict areas;
- Proactively facilitates, in cooperation with the int'l community, that IDPs are provided to fullest extent practicable and with least possible delay, with adequate humanitarian assistance;
- Deploys a practical and functioning system/safeguards which ensures that no IDP is forcibly returned/resettled in any place where his/her life, safety, liberty and/or health would be at risk;
- Designs and rolls-out a comprehensive strategy to inventorize displacement patterns and bring lasting solution to displacements in Tigray, Amhara and Afar regions by promoting and creating satisfactory conditions for voluntary return, local integration or relocation of all IDPs; including a system that enables IDPs to make free and informed choice on whether to return, integrate locally or relocate;
- Designs a strategy, in collaboration with humanitarian agencies, to rehabilitate IDPs once returned, reintegrated or relocated;
- In areas where ethnic diversity has exacerbated displacement patterns and serious violations, conceptualizes a comprehensive thinking approach/strategy that could be used for redressing victims and communities through the initiation of transitional

justice process - focusing on addressing multiple grave violations and facilitating peace, healing and reconciliation (in close coordination with the pertinent agency of the GoE);

III. Sexual and Gender-Based Violations Committee (Ministry of Justice, Federal Police, Regional Justice Bureau, Ministry of Health)

In addition to the tasks stipulated in paragraph 20 and 37; the Committee:

- Designs a comprehensive roadmap/action plan, including a preliminary listing of physical and fiscal resources required for carrying its task-lines; seeks approval of the same by IMTF; and implements;
- Speedily sets-up/delivers special, multi-disciplinary capacity building and skills training to police officers, prosecutors and other professionals working on SGBV cases and survivors; supports the Investigation and Prosecution Committee, the teams and the proceedings (regular/military) with personnel having expertise in psycho-social counseling; reinvigorate the panel of experts (drawn from social work, federal police, prosecution, medical experts) to inform the composition and functioning of SGBV investigation and prosecution teams;
- Based on availability of resources and effectiveness of the int'l communities' responses (also in coordination with the resource mobilization committee):
 - Creates, expands, and strengthens the provision of free and comprehensive medical/psychosocial services to all survivors of SGBV; avails safe houses for those in need;
 - Rolls-out reparative programs of rehabilitation, restitution, compensation and satisfaction measures for survivors;
- Leads institutional synergy to abolish media propaganda fueling sexual violence, using SGBV cases for political gains, and instilling a culture of tolerance to SGBV;

IV. Resource Mobilization Committee (Ministry of Justice, Ministry of Foreign Affairs, National Disaster/Risk Management)

The Committee is chaired by the State Minister of the Ministry of Finance.

The Committee:

- Designs a comprehensive roadmap/action plan, including a preliminary listing of physical and fiscal resources required for carrying its task-lines; seeks approval of the same by IMTF; and implements;
- Sets-up a multi-disciplinary scientific task-force that is responsible for undertaking a comprehensive assessment of damages caused in Tigray, Afar and Amhara regions due to the conflict, looting and destruction of properties (focusing on private property);
- Based on concrete feedback from the respective committees, designs and implements a comprehensive scheme focusing on the identification of partners, and the solicitation, mobilization and deployment of technical, material and financial resources from domestic sources as well as through proactive collaborations with international agencies and non-governmental organizations to facilitate the effective realization of the deliverables identified under the Strategy;
- Designs/carries-out a comprehensive reparations approach and scheme (restitution, compensation, rehabilitation) to support victims, victims' families and relatives seriously affected by the conflict; works on economic empowerment of survivors through vocational trainings, financial aid or micro-finance services to start small businesses and resume normal life;
- Without prejudice to any pre-existing national initiative working on emergency coordination, rehabilitation and other responses in post-conflict settings, designs and implements a specific national scheme focusing on the reconstruction/rehabilitation of civilian properties directly impacted by the conflict in Northern Ethiopia;

72. Depending on the nature of the findings, all prosecution proceedings ensuing from the investigations shall be carried out in two tracks - by the military prosecution sub-team and civil prosecutions sub-team - both of whom shall be responsible to the Investigation and Prosecution Committee.

73. The secretariat is established to facilitate, monitor and coordinate the day-to-day function of the Taskforce and its committees. The Taskforce has directed the *Committee on Investigations and Prosecutions* to operationalize a specialized joint civil-military

investigative and prosecutorial unit with the requisite operational autonomy to ensure accountability through a transparent and robust legal process.

38. All committees are directed to adopt a victim-centered approach, focusing on the rights of victims to know the truth, to seek and secure redress, and the need to implement programs of rehabilitation, restitution, and compensation to the extent resources permit.

39. **Dedicated Judicial Bench**

In consultation with the Federal Supreme Court, a dedicated judicial bench shall be organized to exclusively deal with non-military prosecution proceedings. The regular military court structures shall continue to operate in respect of violations whose prosecution falls under their jurisdiction; technical and logistical resources may be availed to facilitate the swift and efficient handling of all prosecution proceedings.

V. **Measures Taken to Ensure Non-discriminatory Treatment of All Ethnic Groups, Promote Inter-ethnic Dialogue and Prohibit the Incitement of Hatred and Violence.**

40. The foundation of the State's Constitutional system is equality among nations, nationalities and peoples of Ethiopia. As stated in the preamble of the Constitution, the very purposes of the Constitution are to ensure "full and free exercise of self-determination", "to live together on the basis of equality", and "to rectify the historically unjust relationships" that were characterized by discrimination. As such the diversity of nations, nationalities and peoples is the hallmark of the fabrics of the Constitution of the Country.

41. The domestic legal regime for the elimination of racial discrimination heavily draws on the fundamental Constitutional principle of the right to equality. All components of non-discrimination based on race, colour, descent, national or ethnic origin, are embodied in the FDRE Constitution. All constitutions of the regional states also prohibit any form of discrimination on the basis of race, nation, nationality or other social origin and colour.

42. The scope of prohibition of ethnic discrimination encompasses direct or indirect forms of discrimination. In addition, the Constitutional provision is formulated in a broad manner warranting its application in all areas of public life including political –

for instance, in respect of holding public office; economic – for example, in respect of the right to work and engage in business activities; social – for instance, in respect of participation in various social aspects of life including cultural and religious life.

43. Reading the aspiration of Article 10 of the Constitution that “human and democratic rights of the citizens and peoples shall be respected,” one understands that the obligation to ensure the realization of the rights is incumbent upon *anyone* citizen, public authorities of the executive, the legislative or the judiciary, a private organization of business nature or otherwise, an association of any kind – be it a non-governmental organization, a trade union, a self-help association, or a cooperative society, a foreign national, a refugee, nation, nationality or people.
44. All the policies and laws of the Country are formulated in line with this fundamental prohibition, and institutions functioning within the legal framework of the Country are governed by this Constitutional principle. The Government has taken a number of measures to discharge its obligations with regard to this prohibition of racial discrimination. These include legislative measures taken to incorporate the principle of non-discrimination into different laws including the establishment proclamations of government organs. The measures are taken to ensure that the Government does not engage in any act or practice of racial discrimination, to ensure that all public authorities and public institutions act in conformity with the principle of non-discrimination and that individuals as well as any group of persons or people do not perpetrate any act of racial discrimination against others.
45. The Constitution provides that all federal and state legislative, executive and judicial organs at all levels of government have the obligation to respect and enforce the fundamental rights and freedoms enshrined in it, including the right to equality provided under article 25. Accordingly, all public authorities and institutions are prohibited from engaging in any act of discrimination violating the right of equality guaranteed in the Constitution.

46. The principle of non-discrimination has also been included in various specific laws governing different public institutions. For instance, the Federal Prison Commission is an organ of the federal Government vested with the responsibility of administering prisons within the jurisdiction of the Federal Government. According to Federal Prison Proclamation No. 1174/2019, discrimination or any adverse distinction among prisoners on the grounds of gender, religion, political opinion, nation, nationality, or social origin is prohibited. Furthermore, every prison warden is vested with the responsibility to perform his/her duties by fully respecting the human rights and democratic rights enshrined in the Constitution and international human rights instruments adopted by Ethiopia.
47. The Federal Civil Servants Proclamation No. 1064/2017 prohibits discrimination among job seekers or civil servants on the basis of their ethnic origin, sex, religion political outlook, disability and other grounds. The non-discrimination principle is also adopted in the Refugee Proclamation No. 1110/2019. Accordingly, the law is applicable to all refugees equally; and it prohibits any distinction among refugees on the basis of their race, religion, nationality, their membership of a particular social group, or political opinion.
48. The Ethiopian criminal law is comprehensive in declaring acts of racial discrimination, as offences that entail punishments under the Criminal Code. Dissemination of ideas based upon racial superiority or hatred, incitement to racial discrimination against any person or group of persons: All such acts are offences under Ethiopian law. This act has been covered as an offence in various provisions that prescribe criminal acts. Article 486 (b) of the Criminal Code criminalizes the dissemination of racial hatred by any means, an act which would entail a punishment of simple imprisonment or fine, or, in serious cases, rigorous imprisonment not exceeding three years.

49. All acts of violence or incitement to such acts against a person or a group of persons because of their race, colour, decent or national or ethnic origin are punishable under the Ethiopian Criminal Code. Article 274 of the Criminal Code provides that provoking and conspiring for the commission of genocide is punishable with rigorous imprisonment not exceeding five years. By providing this, the law has given a legal protection for nations, nationalities and peoples from acts of genocide. Article 240(1)(a) of the Criminal Code provides that instigating “civil war, by arming citizens or inhabitants or by inciting them to take up arms against one another” is an offence punishable with rigorous imprisonment ranging from ten years to twenty-five years. Acts of armed violence against a group of persons on the basis of ethnicity, race, colour or decent are thus made offences of serious nature
50. The provision of any assistance to racist activities including financing is an offence under Ethiopian law. Under the Criminal Code, an accomplice to a criminal act, i.e., one who intentionally assists the principal criminal either before or during the carrying out of punishable racist activities, by providing information, advice, supply of means (finance) or material aid or assistance of any kind whatsoever in the commission of the crime is always liable to punishment provided the crime is at least attempted. A person who assists criminal activities based on racism is liable to the punishment for the crime he assists to be committed.
51. Ethiopian law prohibits propaganda activities which promote and incite racial discrimination. The Constitution prohibits the formation of organizations which pursue illegal objectives. Organizations that promote and incite racial discrimination clearly violate the right to equality enshrined in the Constitution and, therefore, are illegal and prohibited organizations.
52. The provisions criminalizing the dissemination of ideas based on racial superiority or hatred apply to propaganda activities which promote and incite racial discrimination as well. Organized racial propaganda activities may also constitute criminal conspiracy for the commission of racially motivated crimes under article 38 of the

Criminal Code. The provision of the Criminal Code on criminal participation also applies for aggravation of punishments imposed on perpetrators of such acts.

53. Public authorities or public institutions, national or local, shall not promote or incite racial discrimination lest they incur criminal liability. The Constitution imposes legal obligation on all levels of government organs to respect and enforce fundamental human rights and freedoms which include the right to equality as per article 13 (1), which also is applicable with regard to nations, nationalities and peoples. Thus, public institutions or public authorities promoting or inciting racial discrimination are violating Constitutional provisions. Public institutions do not have criminal responsibility under the law. However, a public official who promotes or incites racial discrimination is liable for failure “to carry out his/her duties in a proper manner and to the prejudice of State, public or private interest,” and is punishable with fine not exceeding one thousand Birr or simple imprisonment not exceeding six months under article 420 of the Criminal Code .
54. Regarding enter ethnic dialogue, Ethiopia stepped into a long process of building national consensus, sustainable peace, and reconciliation by establishing its first-ever National Dialogue Commission after extensive time of conflicts and disagreements that have threatened the stability of the Country which are caused by ethnic, religious and political polarization. This comes after Ethiopia’s federal Parliament ratified Proclamation No. 1265/2021 in a majority vote.
55. The bill was presented to the Parliament by the Government which promised to commence a credible inclusive national dialogue. The conflict between the Ethiopian Government and the forces of the Tigray People's Liberation Front (TPLF) and affiliates for more than a year has resulted in the deaths of tens of thousands of people and the displacement of millions.
56. There are differences of opinions and disagreements among various political leader, different groups and also segments of society in Ethiopia on the most fundamental national issues and it is a necessity to resolve the differences and disagreements

through broad based inclusive public dialogue that engenders national consensus. Moreover, conducting inclusive national dialogue is important to bolster national consensus, a culture of trust and of working together as well as mend and restore social values.

The Objectives of the National Dialogue Commission

- Facilitate consultation between the various segments of the society by identifying the root causes of the difference on fundamental national issues and identifying the topics on which the discussion will take place;
- Implement an effective National Dialogue process by ensuring that National Dialogues are inclusive, led by a competent and impartial body, with a clear focus on the cause of disagreements, guided by transparent system, and have a plan to implement the results of the consultations;
- Establish a system of deliberations that will improve the relationship among the different segments of the population as well as between the public and the Government so as to enable the creation of new political dispensation that is marked by mutual trust;
- Support the implementation of the recommendations made by the dialogues and build a democratic system of trust between citizens, the Government and the People at the national level;
- To develop a political culture that can solve internal problems that have been simmering for centuries through dialogues and create a conducive environment for the building of a democratic system;
- Lay the social and political foundations on the basis of which current problems can be solved in a sustainable manner, ensuring lasting peace;
- Lay a firm foundation for national consensus and the building of a State.

VI. Conclusion

57. Ethiopia has taken tremendous strides in the past four years by making human rights at the core of its political, economic and social reforms. However, deep rooted and

complex challenges that surround the GoE's reform drive have yet to be fully overcome. As a result, a lot remains to be done to reach our desired goal of creating a prosperous, democratic nation where human rights are duly protected. One aspect of these challenges is the disruption of peace in some parts of the country by the terrorist group (TPLF), OLF-"Shene" and their affiliates that tried to pursue their political goals through violence.

58. However, the allegations of ethnic profiling, violence, hatred and other violations of international human rights and international humanitarian laws against Tigrayans in Ethiopia, especially by the mere fact of their ethnicity, is unacceptable. The measures that the Government has taken against individuals including Tigrayans are not because of their ethnicity. It is because of their association and support to terrorist groups such as TPLF and OLF-'Shene' which are designated as such by the Ethiopian Legislative Organ on 6 May 2021.
59. The Government of Ethiopia will continue to take measures to safeguard the rule of law and ensure peace in all over the Country in a manner that respects and protects human rights. With this regard, special attention will be given to the conflict situation in Tigray, Amhara and Afar Regions to investigate the alleged crimes committed since the beginning of the conflict in November 2020.
60. To demonstrate its earnest commitment and desire to advance respect for human rights and accountability, and to ensure justice to victims in the context of the conflict in Tigray, Afar and Amhara regions, the GoE established high-level Inter-Ministerial Taskforce (IMTF).
61. With regard to the alleged ethnic discrimination, the foundation of the FDRE Constitution is equality among nations, nationalities and peoples of Ethiopia. As stated in the preamble of the Constitution, the very purposes of the Constitution are ensuring "full and free exercise of self-determination", "to live together on the basis of equality", and "to rectify the historically unjust relationships" that were

characterized by discrimination. Moreover, all constitutions of the regional states and the domestic legal regime of the Country prohibit any form of discrimination on the basis of race, nation, nationality or other social origin and colour.

62. The GoE has exerted a lot of efforts to begin the process of national dialogue and stepped into a long process of building national consensus, sustainable peace, and reconciliation by establishing its first-ever National Dialogue Commission after a lot of conflicts and disagreements that have threatened the stability of the Country which are caused by ethnic, religious and political polarization.

RESPECTFULLY SUBMITTED,
FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
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ADDIS ABABA - ETHIOPIA