



# General Assembly

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## Human Rights Council

### Fifty-first session

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Agenda item 4

### Human rights situations that require the Council's attention

**Albania,\* Australia,\* Austria,\* Belgium,\* Bulgaria,\* Canada,\* Croatia,\* Cyprus,\* Czechia, Denmark,\* Estonia,\* Finland, France, Germany, Greece,\* Hungary,\* Iceland,\* Ireland,\* Italy,\* Latvia,\* Liechtenstein,\* Lithuania, Luxembourg, Malta,\* Monaco,\* Montenegro, Netherlands, North Macedonia,\* Norway,\* Poland, Portugal,\* Romania,\* Slovakia,\* Slovenia,\* Spain,\* Sweden,\* Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution**

### 51/... Situation of human rights in Ethiopia

*The Human Rights Council,*

*Guided by the purposes and principles of the Charter of the United Nations,*

*Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant international and regional human rights treaties,*

*Recalling* Human Rights Council resolutions 47/13 of 13 July 2021 and S-33/1 of 17 December 2021, as well as all relevant statements of the Secretary-General, the President of the Security Council and the United Nations High Commissioner for Human Rights on the situation in Ethiopia,

*Recognizing* the primary responsibility of States to promote and protect human rights,

*Reiterating* that all human beings are born free and equal in dignity and rights, and that everyone is entitled to the enjoyment and full realization of all human rights without distinction of any kind such as religion, belief or ethnic origin,

*Reaffirming* its strong commitment to the sovereignty, political independence, territorial integrity and unity of Ethiopia, and its profound solidarity with the Ethiopian people,

*Reiterating* its firm support for the ongoing mediation efforts by the African Union High Representative for the Horn of Africa Region to find an urgently needed political non-military solution to the conflict in northern Ethiopia,

*Underscoring* the importance of the continued involvement of the African Union, the African Commission on Human and Peoples' Rights and the Intergovernmental Authority on Development,

*Welcoming* the commitment of the Government of Ethiopia to engage and cooperate with the United Nations and its mechanisms in the field of human rights,

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\* State not a member of the Human Rights Council.



*Expressing grave concern* at the resumption of hostilities in northern Ethiopia, as it jeopardizes chances for a peaceful settlement, and deploring the loss of life and suffering caused by the renewed violence,

*Deeply concerned* about the humanitarian situation, which continues to deteriorate owing to the combined effects of conflict and drought, pushing an increasing number of people into an alarming life-threatening situation, and about the lack of sufficient humanitarian access,

*Deeply disturbed* by the forcible removal of fuel tankers carried out by the Tigray People's Liberation Front from the warehouse of the World Food Programme in Mekelle, in the Tigray region, on 24 August, and condemning all diversion of aid assets,

*Calling for* an immediate cessation of hostilities, unhindered humanitarian access, the start of peace talks without preconditions, the re-establishment of services in Tigray, including electricity, communications and banking, and the lifting of restrictions on cash, fuel and fertilizers,

*Deeply concerned* about the renewed presence of Eritrean troops in Tigray, and calling for their immediate and full withdrawal,

*Urging* all parties to respect international human rights law, international humanitarian law and international refugee law, in particular the rules governing the conduct of hostilities and forced recruitment,

*Reiterating its appreciation* for the report of the Office of the United Nations High Commissioner for Human Rights and the Ethiopian Human Rights Commission on the joint investigation into alleged violations and abuses of international human rights law and violations of international humanitarian law and international refugee law committed by all parties to the conflict in the Tigray region of Ethiopia, of 3 November 2021,

*Recalling* the conclusion contained in the report that there are reasonable grounds to believe that there have been violations and abuses of international human rights law and violations of international humanitarian law and international refugee law, committed by all parties to the conflict, some of which, depending on their circumstances, may amount to war crimes and crimes against humanity,

*Welcoming* the initial report of the International Commission of Human Rights Experts on Ethiopia and the recommendations contained therein,<sup>1</sup>

*Appalled* by the continued reports of the deliberate targeting of civilians and civilian objects and of indiscriminate attacks resulting in civilian casualties, as well as by reports of the use of starvation of civilians as a method of warfare, which indicates a flagrant disregard for human life and dignity,

*Deeply concerned* by the continued reports of widespread unlawful killings and extrajudicial executions, including on the basis of ethnicity, torture and other cruel, inhuman or degrading treatment or punishment, arbitrary detentions, abductions and enforced disappearances and widespread instances of pillage, looting and destruction of public and private property and objects indispensable to the survival of the civilian population, as well as by reports of widespread conflict-related sexual and gender-based violence primarily against women and girls, as well as men and boys, including rape, sexual violence and sexual slavery,

*Deeply concerned also* by reports of violations of the rights of refugees and internally displaced persons under international law, reports of the forcible displacement of civilians largely on the basis of their ethnicity, and reports of restrictions on access to humanitarian relief and the killings of humanitarian workers, which may amount to violations of international humanitarian law and require further investigation,

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<sup>1</sup> A/HRC/51/46.

*Noting* that the Secretary-General, in his report on children and armed conflict,<sup>2</sup> included Ethiopia as a situation of concern on the agenda of children and armed conflict,

*Deeply concerned* by reports of violations and abuses committed against children, including the unlawful recruitment and use of children, the killing and maiming of children, rape and other forms of sexual violence, attacks on schools and hospitals, abductions and the denial of humanitarian access to children, by all parties to the conflict,

*Reiterating its deep concern* about ongoing reports of the arrest and detention of people on the basis of their ethnicity, the poor conditions of detention for those arrested and the allegations of ill-treatment in detention and lack of judicial review, as well as the targeting of journalists and other media workers, and calling upon the Government of Ethiopia to publish the list of detainees and to provide adequate opportunity for independent organizations to visit detention centres,

*Recalling* that it was indicated in the report on the joint investigation of the Office of the High Commissioner and the Ethiopian Human Rights Commission of 3 November 2021 that there was a need for further investigation of a number of alleged violations and abuses committed by all parties between 3 November 2020 and 28 June 2021, and taking into consideration that serious human rights violations and abuses, as well as violations of international humanitarian law and violations of international refugee law, reportedly continue to be committed across a number of regions in Ethiopia, including Afar, Amhara, Oromia and Tigray, prompting the need for additional inquiries to promote accountability and justice for victims and survivors,

*Stressing* that the gravity and seriousness of the findings of the joint investigation and of the International Commission of Human Rights Experts on Ethiopia call for further independent investigation and the appropriate prosecution of those responsible, and emphasizing the importance of ensuring that such investigations comply with international standards, including with respect to transparency, while also addressing issues of command responsibility, in order to address impunity in a meaningful way,

*Noting* that the limitations placed on the budget and staffing of the International Commission of Human Rights Experts on Ethiopia have significantly reduced its ability, to date, to discharge its mandate fully,

*Cognizant* that the Government of Ethiopia has acknowledged that members of the Ethiopian National Defence Forces and regional security forces committed violations of international human rights law and international humanitarian law and is taking steps with a view to ensuring accountability,

*Calling for* similar acknowledgments by the Government of Eritrea, the Tigray People's Liberation Front and all other parties to the conflict,

*Welcoming* the establishment by the Government of Ethiopia of an interministerial task force to oversee redress and accountability measures in response to human rights violations and abuses committed in the context of the conflict in northern Ethiopia,

*Welcoming also* the first visit to Ethiopia of the International Commission of Human Rights Experts on Ethiopia since its establishment, from 25 to 30 July 2022, and the Government's willingness to meet with the Commission to discuss possible modalities for future cooperation,

*Reiterating* that the Commission was established with a view to complementing the work undertaken by the joint investigative team and thus furthering the work of ongoing and eventual accountability processes,

*Urging* all parties to the conflict to provide the Commission with unhindered access to relevant areas, testimonies and pieces of information in the discharge of its mandate,

*Reaffirming* the importance of the full, equal and meaningful participation of women in planning and decision-making with regard to mediation, confidence-building, conflict prevention and resolution, and of their involvement in all efforts to maintain and promote

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<sup>2</sup> A/76/871-S/2022/493.

peace and security, and the need to prevent and provide redress for human rights violations and abuses, such as all forms of violence against women and girls, especially sexual and gender-based violence,

*Concerned* at continued reports of the increase in incidents of hate speech by all parties, including on social media,

*Bearing in mind* that impunity for violations and abuses of human rights and violations of international humanitarian law encourages their recurrence and is a fundamental obstacle to sustainable peace at the national level, to the furtherance of cooperation among peoples and to the promotion of international peace and security,

*Stressing* the importance of collecting, preserving and analysing evidence in view of advancing accountability, and that bringing perpetrators to justice is critical for the prevention of further human rights violations and abuses and violations of international humanitarian law and international refugee law and for comprehensive post-conflict transitional justice and reconciliation developed with input from victims and survivors, and emphasizing that the seriousness of the situation requires a swift and thorough response,

1. *Condemns in the strongest terms* all human rights violations and abuses and violations of international humanitarian law and international refugee law committed in northern Ethiopia by all parties to the conflict since it began on 3 November 2020, and stresses that all those responsible for such violations and abuses must be held accountable for their actions and brought to justice;

2. *Reiterates its call for* an immediate halt to all human rights violations and abuses and violations of international humanitarian law and international refugee law and for the full respect of international humanitarian law and all human rights and fundamental freedoms by all parties to the conflict in northern Ethiopia;

3. *Urges* all parties to the conflict in northern Ethiopia to heed the repeated calls to immediately end hostilities and restore the cessation of hostilities, without preconditions, and to engage in the ongoing mediation efforts led by the African Union High Representative for the Horn of Africa Region and in an inclusive national dialogue, with a view to reducing tensions and achieving sustainable and inclusive peace;

4. *Demands* that all parties to the conflict comply with their obligations under international humanitarian law, refrain from directing attacks against civilians, including on the basis of their ethnicity or gender, and civilian objects, in particular those indispensable to the survival of the population, including crops, livestock and medicines, refrain from incitement to hatred and violence, avoid further damage to critical civilian infrastructure, including hospitals and schools, take special measures to end and prevent violations and abuses and ensure the protection of women and children, and end any measures that may exacerbate the already acute humanitarian crisis;

5. *Calls upon* all parties to the conflict to facilitate full, safe, rapid and unimpeded humanitarian access and the delivery of humanitarian supplies, including across conflict lines, to ensure that humanitarian relief reaches all civilians in need, in particular internally displaced persons and those in vulnerable situations, to respect the independence of humanitarian agencies and guarantee the protection of humanitarian personnel, and to end attacks on and the intimidation of humanitarian workers and agencies;

6. *Calls upon* all parties to the conflict that have not yet acknowledged responsibility and committed to concrete measures with clear time frames for implementing the recommendations made by the Office of the United Nations High Commissioner for Human Rights and the Ethiopian Human Rights Commission in the report on the joint investigation and by the International Commission of Human Rights Experts on Ethiopia to do so without delay;

7. *Welcomes* the steps taken to date by the Government of Ethiopia to implement the recommendations made by the Office of the High Commissioner and the Ethiopian Human Rights Commission in the report on the joint investigation, and encourages the Government to proceed without delay and in an impartial and transparent manner to ensure accountability and redress for the victims of violations and abuses committed in the conflict;

8. *Notes with concern* that the current circumstances of ongoing hostilities may not be conducive to ensuring prompt, independent, transparent and impartial investigations at the national level in line with the standards of international law;

9. *Decides* to renew the mandate of the International Commission of Human Rights Experts on Ethiopia for a further period of one year;

10. *Requests* the International Commission of Human Rights Experts on Ethiopia to present an oral briefing to the Human Rights Council at its fifty-second session, to be followed by an interactive dialogue, and to present a written report to the Council at its fifty-fourth session, to be followed by an interactive dialogue, and to the General Assembly at its seventy-eighth session, to be followed by an interactive dialogue;

11. *Requests* the Office of the High Commissioner to continue to provide, in consultation with the Government of Ethiopia, advice and technical assistance in order to strengthen the capacity of the Ethiopian Human Rights Commission and the criminal justice system, and transitional justice, including accountability and reconciliation processes in general;

12. *Requests* the Secretary-General to provide all the resources and expertise, including additional expertise on sexual and gender-based violence, transitional justice and forensics, necessary to enable the Office of the High Commissioner to provide such administrative, technical and logistical support as is required to implement the provisions of the present resolution;

13. *Reaffirms* the critical importance of the International Commission of Human Rights Experts on Ethiopia receiving all necessary funding to be able to implement its mandate in the most effective way possible;

14. *Calls upon* all parties to the conflict to grant the International Commission of Human Rights Experts on Ethiopia and its members unhindered access without delay and to allow them to visit sites, and to meet and speak freely and privately with whomever they wish to meet or speak;

15. *Decides* to remain seized of the matter.

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