Ethiopia's Compliance with the Convention on the Rights of Persons with Disabilities

Suggested List of Issues Relating to:

The Death Penalty

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status with ECOSOC since 1996

and

The World Coalition Against the Death Penalty

for the 35th Session of the Committee on the Rights of Persons with Disabilities
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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. This report addresses the Federal Democratic Republic of Ethiopia's compliance with its obligations under the Convention on the Rights of Persons with Disabilities in the context of laws and policies concerning the death penalty and people with disabilities who are in contact with the law.

2. Article 19 of Proclamation 1234 (2021) calls on courts to provide support for cases involving persons with disabilities.[1][2][3][4] Yet criminal legal system actors do not receive any specific training or guidance for providing accommodations to people with psychosocial or intellectual disabilities who are in contact with the law. An[5]d authorities have not issued sentencing guidelines for judges hearing cases in which persons with disabilities are defendants.

I. Ethiopia does not ensure access to justice or due process for people with disabilities in contact with the law, elevating the risk that authorities will arbitrarily deprive them of the right to life (Concluding Observations paras. 29-32).

3. In its 2016 Concluding Observations, the Committee recommended that Ethiopia "ensure compulsory and regular training of justice and police staff on the rights of persons with disabilities," and make "procedural accommodation . . . effectively available at all stages of investigations and court proceedings."[6] Ethiopia's combined second and third periodic reports concede that Ethiopia has not established "compulsory and regular training programs for the justice professionals" but describes some trainings on disability rights.[7] None of these trainings appears to be specific to providing accommodations to people with disabilities who are charged with criminal offenses. In the context of the right to life, the reports state that "efforts are being made to train the police and the justice sectors to aware them on disability and investigation of crimes against persons with psychosocial and/or intellectual disabilities,"[8] but those training efforts seem to be limited to training about people with disabilities *as victims* of crime and do not seem to include relevant training about people with disabilities as potential offenders.

4. The Committee's Concluding Observations expressed further concern that "persons with disabilities who are declared to be unfit to stand trial are subjected to security measures and, on that account, deprived of their liberty without a time limitation."[9] The Committee recommended that Ethiopia repeal "laws that allow for persons with intellectual or psychosocial disabilities to be declared unfit to stand trial," and "allow that such persons benefit from due process of law guarantees."[10] The combined second and third periodic reports concede that Ethiopia has not taken any "significant measure . . . to repeal the existing criminal law," and contend that "it requires thorough study on how to ensure due process of law for persons with psycho social and/or intellectual disabilities and how to balance the striking interest of the society for security and the rights of these peoples to the due process of law before repealing the criminal law."[11] The report asserts that "in the upcoming years" authorities "will undertake appropriate assessment to take legislative measures to ensure due process of law instead of making these peoples unfit for trials."[12]

5. Ethiopia has had a *de facto* moratorium on the death penalty since 2007.[13] The Ethiopian Criminal Code authorizes the death penalty for "serious criminal offenses."[14] The

Prevention and Suppression of Terrorism Crimes Proclamation 1176/2020 and the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation in 2015, permit the death penalty in instances of non-violent offenses and other crimes that do not entail an intentional killing by the person charged with the capital crime.[15]

6. The Criminal Code provides that a "[d]eath sentence shall not be carried out on fully or partially irresponsible or seriously ill person . . . , while they continue to be in that state."[16] The law does not define "seriously ill person" or provide guidelines regarding how the criminal legal system should accommodate or support people with psychosocial and intellectual disabilities who face criminal charges.

7. Without accommodations and supports for people with intellectual and psychosocial disabilities charged with capital crimes, Ethiopia violates the rights of those people to due process and places those people at risk of arbitrary deprivation of life.

II. Ethiopia does not collect and publish sufficient data regarding persons with disabilities who are in contact with the law or under sentence of death (Concluding Observations para. 66).

8. The Committee in its 2016 Concluding Observations recommended that Ethiopia "increase significantly the availability of timely and reliable data, including through consultation with representative organizations of persons with disabilities."[17] The combined second and third periodic reports state that the central statistics agency worked "to properly mainstream disability in the national census that was scheduled for 2019," but states that authorities postponed the census "for security issues."[18] The reports mention that the Ministry of Education, the Ministry of Health, the Civil Service Commission, and the Ministry of Labor and Social Affairs are undertaking additional data collection efforts, but makes no reference to any data collection relating to people in disabilities who are in contact with the law, in detention, or under sentence of death.[19]

9. During its fourth-cycle Universal Periodic Review in 2024, Ethiopia stated that a "national monitoring, reporting and follow-up mechanism had been established to implement recommendations from human rights mechanisms. A national human rights data-collection mechanism had been developed in collaboration with OHCHR."[20] Ethiopia has not stated whether the mechanism will collect data about people in conflict with the law and people in detention, including people with disabilities.

10. Amnesty International reports that Ethiopian courts continue to sentence people to death, including at least five people in 2025—an increase from three death sentences in 2024.[21] An unknown number of people are on death row.[22] In 2023, the Government of Ethiopia provided the Committee against Torture with a list of 124 people under sentence of death as of November 2022.[23] The list includes the name, sex, age, crime of conviction, court of conviction, date of conviction, and the prison where each person resides.[24] It omits any information about disability. [25] It does, however, show that several people are under sentence of death for crimes that do not rise to the level of "most serious," such as "rape and robbery" and "aggravated robbery."[26]

III. Suggested Questions for the Government of Ethiopia

11. The coauthors suggest that the Committee request the following information from the Government of Ethiopia:

- Provide comprehensive data from 2016 to the present about the number of persons charged with capital crimes or sentenced to death, disaggregated by disability, sex/gender, age, race/ethnicity, nationality, relationship to any codefendants or victims, crime of conviction, date of conviction, sentencing authority, status of any appeals or petitions of clemency, current sentence, and current location.
- Provide comprehensive data about all persons declared unfit to stand trial between 2016 and the present, including the charged offense, the basis for the declaration of unfitness, the person's current location, and the person's current status under the law.
- What steps, if any, has the government taken to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights?
- What efforts are underway to ensure that, consistent with international human rights standards, no person is sentenced to death except for in a case in which the person intended to kill and did in fact kill?
- What steps have courts taken to adhere to the requirements laid out in Article 19 of Proclamation 1234 (2021)? Describe the measures that are in place to provide accommodations and support for people with intellectual and psychosocial disabilities who are in contact with the law, including from the moment of arrest, through and including interrogation, court hearings, trial, sentencing, appeals, and petitions for clemency or pardon.
- In what circumstances may persons with disabilities under sentence of death be kept in solitary confinement?
- How do authorities ensure that no court sentences a person with a disability to death as a result of legal proceedings that did not accommodate the person's disability?
- What policies and procedures are in place to ensure every person with a disability who is charged with a capital offense has access to qualified legal counsel with prior experience in such cases and who has the necessary training and resources to accommodate their client's disability? How does the State Party ensure that legal counsel has adequate resources to conduct investigations and hire experts to mount an effective defense?
- What policies and procedures are in place to ensure that sentencing authorities take full account of any mitigating factors related to discrimination and stigma faced by people in conflict with the law who have psychosocial or intellectual disabilities?
- What training is available to capital defense counsel representing persons with disabilities regarding disability-based defenses and mitigation?
- What policies are in place to ensure that persons with disabilities under sentence of death have timely and adequate access to healthcare?

- Describe the training that correctional officers receive to address the specific needs of persons with disabilities, including people with physical, sensory, and psychosocial disabilities.
- What safeguards exist to protect persons with disabilities on death row from abuse, neglect, or discrimination by other people on death row or correctional staff?

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[1] Federal Courts Proclamation, Proclamation No. 1234/2021, art. 19(g), *Fed. Negarit Gazeta*, 27th Year, No. 34, May 27, 2021 (Ethiopia).
[2] Federal Courts Proclamation, Proclamation No. 1234/2021, art. 19(g), *Fed. Negarit Gazeta*, 27th Year, No. 34, May 27, 2021 (Ethiopia).
[3] Federal Courts Proclamation, Proclamation No. 1234/2021, art. 19(g), *Fed. Negarit Gazeta*, 27th Year, No. 34, May 27, 2021 (Ethiopia).
[4] Federal Courts Proclamation, Proclamation No. 1234/2021, art. 19(g), *Fed. Negarit Gazeta*, 27th Year, No. 34, May 27, 2021 (Ethiopia).
[5] Federal Courts Proclamation, Proclamation No. 1234/2021, art. 19(g), *Fed. Negarit Gazeta*, 27th Year, No. 34, May 27, 2021 (Ethiopia).
[6] Committee on the Rights of Persons with Disabilities, *Concluding observations on the initial report of Ethiopia*, (4 Nov. 20160, UN Doc. CRPD/C/Eth/CO/1, ¶ 30.
[7] Convention on the Rights of Persons with Disabilities, *Combined second and third periodic reports submitted by Ethiopia under article 35 of the Convention, due in 2020* (Oct. 29, 2025), CRPD/C/ETH/2-3, ¶ 26.
[8] Convention on the Rights of Persons with Disabilities, *Combined second and third periodic reports submitted by Ethiopia under article 35 of the Convention, due in 2020* (Oct. 29, 2025), CRPD/C/ETH/2-3, ¶ 21.
[9] Committee on the Rights of Persons with Disabilities, *Concluding observations on the initial report of Ethiopia*, (4 Nov. 20160, UN Doc. CRPD/C/Eth/CO/1, ¶ 31.
[10] Committee on the Rights of Persons with Disabilities, *Concluding observations on the initial report of Ethiopia*, (4 Nov. 20160, UN Doc. CRPD/C/Eth/CO/1, ¶ 32.
[11] Convention on the Rights of Persons with Disabilities, *Combined second and third periodic reports submitted by Ethiopia under article 35 of the Convention, due in 2020* (Oct. 29, 2025), CRPD/C/ETH/2-3, ¶ 26.
[12] Convention on the Rights of Persons with Disabilities, *Combined second and third periodic reports submitted by Ethiopia under article 35 of the Convention, due in 2020* (Oct. 29, 2025), CRPD/C/ETH/2-3, ¶ 26.
[13] Cornell Center on the Death Penalty Worldwide, "Death Penalty Profile," https://dpw.lawschool.cornell.edu/database/#/results/country?id=25#fn-21038-T27Y65D817542.
[14] Constitution of the Federal Democratic Republic of Ethiopia, art. 15, Proclamation No. 1/1995, effective as of Aug. 21, 1995.
[15] Birmingham City University, *The UPR Project at BCU: Ethiopia* (2024), https://www.bcu.ac.uk/research/law/centre-for-human-rights/consultancy/upr-project-at-bcu/country-specific-consultancy/ethiopia.
[16] The Criminal Code of the Federal Democratic Republic of Ethiopia, art. 119, Proclamation No. 414/2004, May 9, 2005.
[17] Committee on the Rights of Persons with Disabilities, *Concluding observations on the initial report of Ethiopia*, (4 Nov. 20160, UN Doc. CRPD/C/Eth/CO/1, ¶ 66.

[18] Convention on the Rights of Persons with Disabilities, *Combined second and third periodic reports submitted by Ethiopia under article 35 of the Convention, due in 2020* (Oct. 29, 2025), CRPD/C/ETH/2-3, ¶ 61.
[19] Convention on the Rights of Persons with Disabilities, *Combined second and third periodic reports submitted by Ethiopia under article 35 of the Convention, due in 2020* (Oct. 29, 2025), CRPD/C/ETH/2-3, ¶ 61.
[20] Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Ethiopia* (Dec. 18, 2024), U.N. Doc. A/HRC/58/15, ¶ 5.
[21] Amnesty International, Death sentences and executions in 2025, (London: Amnesty International, May 2026), 33, available online at https://www.amnesty.org/en/documents/act50/0778/2026/en/.
[22] Amnesty International, Death sentences and executions in 2025, (London: Amnesty International, May 2026), 33, available online at https://www.amnesty.org/en/documents/act50/0778/2026/en/.
[23] Committee against Torture, *Replies of Ethiopia to the list of issues in relation to its second periodic report: Annex VI*, (20 Feb. 2023), UN Doc. CAT/C/ETH/RQ/2.
[24] Committee against Torture, *Replies of Ethiopia to the list of issues in relation to its second periodic report: Annex VI*, (20 Feb. 2023), UN Doc. CAT/C/ETH/RQ/2.
[25] Committee against Torture, *Replies of Ethiopia to the list of issues in relation to its second periodic report: Annex VI*, (20 Feb. 2023), UN Doc. CAT/C/ETH/RQ/2.
[26] Committee against Torture, *Replies of Ethiopia to the list of issues in relation to its second periodic report: Annex VI*, (20 Feb. 2023), UN Doc. CAT/C/ETH/RQ/2.