



General Assembly

Distr.: Limited
14 December 2021

Original: English

Human Rights Council

Thirty-third special session

17 December 2021

Austria, Belgium,* Bulgaria, Croatia,* Cyprus,* Czechia, Denmark, Estonia,* Finland,* France, Germany, Greece,* Hungary,* Ireland,* Italy, Latvia,* Lithuania,* Luxembourg,* Malta,* Netherlands, Poland, Portugal,* Romania,* Slovakia,* Slovenia,* Spain* and Sweden*: draft resolution

S-33/... 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 resolution 47/13 of 13 July 2021 on the situation of human rights in the Tigray region of Ethiopia, 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,

Welcoming 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 of international human rights and humanitarian law and refugee law committed by all parties to the conflict in the Tigray region of Ethiopia, of 3 November 2021, and commending the Office of the High Commissioner and the Ethiopian Human Rights Commission for the impartial and transparent conduct of their work,

Expressing grave concern about the conclusion in the report that there are reasonable grounds to believe that there have been widespread 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 international crimes, in particular war crimes, and, to the extent that they are widespread or systematic, crimes against humanity,

* State not a member of the Human Rights Council.



Appalled by the reports of the deliberate targeting of civilians and indiscriminate attacks resulting in civilian casualties, including children, older persons and persons with disabilities, and of civilian objects enjoying special protection under international humanitarian law, including houses, hospitals, health centres, schools and places of worship, by all parties to the conflict, which indicates a flagrant disregard for human life and dignity,

Deeply concerned by the reports of widespread unlawful killings and extrajudicial executions, including wilful killings on the basis of ethnicity, torture and other cruel, inhuman or degrading treatment or punishment of civilians and captured combatants, arbitrary detentions, abductions and enforced disappearances, and widespread sexual and gender-based violence, including rape, against women, girls, men and boys, committed by all parties to the conflict,

Deeply concerned also by the violations of the rights of refugees and internally displaced persons under international human rights law, international humanitarian law and international refugee law, the forcible displacement of civilians largely on the basis of their ethnicity, the 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,

Deeply concerned further by the unjustified restrictions on freedom of movement, freedom of expression and access to information, by the widespread instances of pillage, looting and destruction of public and private property and objects indispensable to the survival of the civilian population, including crops and livestock, and by the violations of economic, social and cultural rights, including the rights to adequate food, safe drinking water and sanitation, education, health care and access to basic services, including telecommunications and Internet access and electricity and banking services,

Taking into consideration that, in the report on the joint investigation, the Office of the High Commissioner and the Ethiopian Human Rights Commission indicated 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 that serious human rights violations and abuses, as well as violations of international humanitarian law and international refugee law, had continued to be committed by all parties across a number of regions in Ethiopia, including Afar, Amhara, Oromia and Tigray, since the end of the period under investigation, prompting the need for inquiries to continue to ensure accountability and justice for victims and survivors,

Stressing that the gravity and seriousness of the findings of the joint investigation call for 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,

Cognizant that the Government of Ethiopia has acknowledged the fact that the report contains troubling accounts of violations and abuses committed by members of the Ethiopian National Defence Forces and regional security forces and has committed to taking steps with a view to ensuring accountability,

Welcoming in that regard the decision of the Government of Ethiopia to set up an interministerial task force to oversee redress and accountability measures in response to human rights violations committed in the context of the conflict in northern Ethiopia, and encouraging the task force to promptly fulfil its mandate,

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

Alarmed by the recent escalation of hostilities in northern Ethiopia and by the impact of the current crisis on the already dire human rights and humanitarian situation of the civilian population, as well as on the stability of the country and the wider Horn of Africa region,

Reiterating its firm support for the ongoing mediation efforts of the African Union High Representative for the Horn of Africa Region to find the urgently needed political, non-military solution, and 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,

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

Calling upon the Government of Ethiopia to implement the state of emergency declared on 2 November 2021 in a manner that respects the principles of strict necessity, proportionality and non-discrimination, and to publish the list of detainees and guarantee the right to visits in detention centres, while expressing deep concern about the reports of the targeting, arrest and detention of people on the basis of their ethnicity and the poor conditions of detention for those arrested, the allegations of ill-treatment in detention and lack of judicial review and the reports of the increase in incidents of hate speech by all parties, including on social media,

Bearing in mind that impunity for gross violations and abuses of human rights and serious 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 post-conflict transitional justice and reconciliation, and emphasizing that the gravity 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;

2. *Calls for* an immediate halt to all human rights violations and abuses and violations of international humanitarian law and international refugee law and for the strict observance of all human rights and fundamental freedoms;

3. *Urges* all parties to the conflict to cease the deliberate targeting of civilians, including on the basis of their ethnicity or gender, to refrain from incitement to hatred and violence, to avoid further damage to critical civilian infrastructure, to end any measures that may exacerbate the already acute humanitarian crisis, in particular removing restrictions on access to humanitarian relief and ceasing attacks against objects indispensable to the survival of the civilian population, including crops, livestock and medicines;

4. *Also urges* all parties to the conflict to heed the repeated calls to immediately end hostilities and seek a permanent ceasefire, 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;

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

6. *Calls upon* all parties to the conflict that have not yet done so to acknowledge responsibility and commit to concrete measures with clear time frames for implementing without delay 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;

7. *Notes* the first steps taken 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 to ensure accountability and redress for the victims of the violations 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 establish, for a period of one year, renewable as necessary, an international commission of human rights experts on Ethiopia, to be appointed by the President of the Human Rights Council, with the following mandate:

(a) To conduct a thorough investigation into allegations of violations and abuses of international human rights law and violations of international humanitarian law and international refugee law in Ethiopia committed since 3 November 2020 by all parties to the conflict, including the possible gender dimensions of such violations and abuses, by building upon the report of the Office of the High Commissioner and the Ethiopian Human Rights Commission;

(b) To establish the facts and circumstances surrounding the alleged violations and abuses, to collect and preserve evidence, to identify those responsible, where possible, and to make such information accessible and usable in support of ongoing and future accountability efforts;

(c) To provide guidance on transitional justice, including accountability, reconciliation and healing, as appropriate, and to make recommendations on technical assistance to the Government of Ethiopia to support accountability, reconciliation and healing;

(d) To integrate a gender perspective and a survivor-centred approach throughout its work;

(e) To engage with all relevant stakeholders, including the Governments of Ethiopia and Eritrea, the Office of the High Commissioner, the interministerial task force, the Ethiopian Human Rights Commission, the African Union, the African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development and civil society;

10. *Requests* the international Commission of Human Rights Experts on Ethiopia to present an oral briefing to the Human Rights Council at its fiftieth session, to be followed by an interactive dialogue, and to present a written report to the Council at its fifty-first session, to be followed by an interactive dialogue, and to the General Assembly at its seventy-seventh 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 accountability and reconciliation processes in general;

12. *Requests* the immediate operationalization of the mandate, and requests the Secretary-General to provide all the resources and expertise, including on sexual and gender-based violence, 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. *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 with;

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