



**ADDIS ABABA UNIVERSITY
COLLEGE OF LAW AND GOVERNANCE CENTER FOR
HUMAN RIGHTS**

**AN APPRAISAL OF THE EFFECTIVENESS OF THE ETHIOPIAN
HUMAN RIGHTS COMMISSION TO PROMOTE AND PROTECT
HUMAN RIGHTS IN ETHIOPIA: WITH PARTICULAR EMPHASIS TO
HAWASSA BRANCH OFFICE**

BY: ZEWDNESH ZEGEYE

Advisor:- ANCHINESH SHIFERAW

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**A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE MASTERS IN HUMAN RIGHTS**

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Declaration

I, ZEWDNESH ZEGEYE ZELEKE, hereby declare that this thesis is original and the result of my own work and has never been submitted to any other institutions. I also declare that any secondary sources or materials used in this thesis have been duly acknowledged.

ZEWDNESH ZEGEYE

Date

Abstract

This study aimed at examining the role of the Ethiopian Human Rights Commission- Hawassa Branch Office to promote and protect human rights in SNNPR. Overall, the finding of the study shows, that the Ethiopian EHRC efforts to establish branch office in SNNPR is a good beginning to make its activities geographically and operationally accessible . It was, however, revealed that the its promotional and protective activities were held operationally inaccessible and inadequate to conform with the minimum standards of the Paris Principles due to financial, manpower, institutional and co-operational hurdles. It was found that the branch office promotional activities and strategies were inadequate to create meaningful awareness to target groups as well as the public at large. It was also observed that, the Office's protection efforts by redressing human rights allegations to victims and reliefs to victims and averting the risks of secondary victimizations were insufficient. Moreover, its protective functions through monitoring, research, as well as advisory roles remain inadequate. So the paper propose the possible recommendation that the office should have to strengthen its operational effectiveness.

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List of Acronyms

ACPHR	African Charter on Peoples and Human Rights
AU	African Union
ECOSOC	Economic Social Council
EHRC	Ethiopian Human Rights Commission
FDRE	Federal Democratic Republic of Ethiopia
GA	General Assembly
HTDS	Harmful Traditional Practice
NGO	Non Governmental Organizations
NHRIs	National Human Rights Institutions
OAU	Organization of African Union
OHCHR	Office of the High Commissioner of Human Rights
PP	Paris Principles
SNNPRS	Southern Nation Nationalities, peoples' Regional State
UN	United Nations
UDHR	Universal Declaration of Human Rights

Chapter One

1. General Back Ground of the Study

1.1 Back ground of the Study

Human rights are rights which are inherent entitlements to all human beings by virtue of their humanity without any discrimination based on their nationality, color, sex, race or religion. These rights are recognized in various treaties, conventions at international, regional and national levels. Following the atrocities of the two world wars, the international community had embarked its international concern to rescue the dignified existence of human race.¹

The 1948 Declaration of Human Rights (UDHR) is the first formal standard that lays the stepping stone of international instruments that could serve as the benchmark for the subsequent international standards.² Its adoption marked the first time in history that the international community cooperatively granted that the fundamental rights and freedoms are entitlement of all human people by virtue of their humanity and also it is one of the mechanisms where human rights can be expressed; and it set the mile stone of the international human rights law.³

After the declaration of the UDHR the International Community promised that to rescue peoples of the universe from scourge of war, to respecting the fundamental human rights

¹ See paragraph one and two of , UN (1948) Universal Declaration of Human Rights adopted and Proclaimed by the UN General Assembly in resolution 217 A (III) of 10 December 1948 at Paris .

² Ibid.

³ The United Nations Human Rights System: *How to Make it Work For You*, (United Nation New York and Geneva) (2008) p.3

and to protect social progress and better standard of life for people of the world.⁴ The UDHR explicitly declare that the United Nations is to create an international cooperation in order to promote and encourage the respect of human rights and fundamental freedoms at the universal level without any distinction in respect to race, color, sex, language, religion or other grounds⁵.

The declaration of the UN to create an extensive of human rights machinery among the member state opened the venue to develop international standards to monitor the implementation of such rules, to promote compliance and to investigate human rights violations.⁶ In order to realize such objectives and implementation of such rules the UN has played a major role by developing a comprehensive strategy and mechanism in order to meet the specific goal which is set on the declaration (UDHR).⁷ The United Nations have a responsibility to provide a practical assistance to States in their efforts for the protection and promotion of human rights and creation of awareness among the public about the rights which they are entitled to⁸.

The organizational structure and activities of the UN permits it to play the leadership role in the struggle for the protection and promotion of human rights and fundamental freedoms.⁹ The role of leading and the support of the UN only is not enough in the enhancement of the rights and the fundamental freedoms unless each state party cooperates for the realization.

⁴ Office of the United Nations High Commissioner Center for human Rights National Human Rights Institutions: *History Principles ,Roles and Responsibilities (2010)*, New York and Geneva , p.7

⁵ UDHR supra note 1, Article, 2

⁶ Office of the United Nations High Commissioner, Center for Human Rights National Human Rights Institutions: *History Principles, Roles and Responsibilities,(2009)*,p.11.

⁷ Ibid.

⁸ United Nations Center for Human Rights, Fact Sheet No.19, *National Institutions for the Promotion and Protection of Human Rights*, p.1.

⁹ Ibid.

On the other hand, it is important to acknowledge that the United Nations has limited resources and innate limitations on its capacity not to take a direct action particularly in the individual cases.¹⁰ It is a denial fact that one organization can never have a capability to investigate every alleged violation of human rights and come up with the relief to all victims.¹¹ So, the UN human rights protection system needs cooperation from different organs, the cooperation and the willingness of those organs is very essential in-order to achieve the specific objective which relates to the realization of the rights and fundamental freedoms which the international societies give recognition too.

These international normative standards remain mere black letters unless backed by regional and national cooperation and enforcements. The strengthening of the international human rights standards and protection system relies very much on the regional level to serve as accessibility, and functional complementarities roles in reinforcing of the international instruments by taking into consideration the particular social, historical and political context of the specific regions¹². Even if human rights are universal by its very nature, the enforcement mechanisms may depend on the historical, social and cultural background of the specific geographical area. Due to such reason, the degrees given to some specific human rights issue are varying from one region to another.

Like the regional human rights system the role of the national government in the realization of human rights is very important as nations are party to the international normative standards which are the main actors for the protection of these commitments at national level. Human rights by its very nature create relationship between individuals and between

¹⁰ Ibid.

¹¹ Ibid.

¹² Centre for Human Rights Geneva: *A Hand book on the Establishment and Strengthening of a National Institutions on the Protection and Promotion of Human Rights*(1995) (Professional Training Series # 4), P.3.

individuals and states as horizontal and vertical effects of human rights respectively.¹³ In the past two decades many countries became parties to the major international human rights treaties which imposed upon them an international responsibility and a legal obligation to respect, protect and full fill on parties to the conventions and impose the primary duty on national governments through adoption of adequate legislation and institutional frameworks with that respect.¹⁴ Promotion and protection can be done at national level through adoption and incorporation of various treaties and international conventions pertaining to fundamental human rights and freedoms guaranteed in the national legal system. For such end establishing competent institutional frame work is a tool kit to give practical life for legally guaranteed human rights documents.

As a result; at the UN level the establishment of National Human Rights Institutions (here in after referred to as NHRIs) took top priority with the need to maintain a government's commitment for human rights protection and promotion in order to ensure its compliance with the international standards as well to oversee its own loopholes by its own established institution. The first International Workshop held in 1991 at Paris on National Institutions for the Promotion and Protection of Human Rights brought a land mark achievements towards determining the minimum standards that NHRI should conform with. This is commonly known as the "Paris Principles." Now- a- days, the Paris Principles are broadly accepted as the test of an institution's legitimacy and credibility, and have become part of the human rights lexicon¹⁵.

¹³ The United Nations Fact Sheet No.19,(1993) *National Institutions for the Promotion and Protection of Human Rights*, Geneva, p.1.

¹⁴ Ann-Ellina Pohjolainen(Dr.), *The Evolution of National Human Rights Institutions, The Role of the United Nation*. The Danish Institute for Human Rights, 2006, PP.1. (Source: <http://www.humanrights.dk> internet source accessed on 16 January/2016 at 3:00 a.m.)

¹⁵ National Human Rights Institutions, supra note 6 , P.7.

It is conventional that in this 21st century, NHRIs play a pivotal role to ensure the promotion and protection of naturally vested human as well as democratic rights and freedoms. It can also play an indispensable role to furnish accessibility, co-operation and functional complementarily in line with the international and regional protection mechanisms. Hence, today, the need to establish NHRIs considered as essential partners in the task of protecting and promoting human rights at the national and regional levels in the presence of other democratic institutions of in a domestic sphere.¹⁶

The standards of NHRIs can be measured in accordance with the Paris Principles which drawn the broad normative framework of the institutions status, mandate, composition and methods, of operation. Accordingly, the principles set requirement where national institutions be official state-funded bodies where their mandate and powers come from a constitutional or a legislative text and have a specific competence to promote and protect human rights¹⁷. The national institutions should be governmental agencies that enjoy independence to ensure adequate funding which enable them to have their own personnel and premises and to carry out their work efficiency and to protect their autonomy from outside interference. The independence of the officials who work for the institutions should have to be guaranteed by ensuring the impartial appointment procedures and regulating this procedure and the duration of their mandate in an official capacity. In accordance to the principles; the composition of the national institutions should have to be pluralistic which incorporate the representatives of social forces who are involved in the promotion and

¹⁶ International Council on Human Rights Policy, *Assessing the Effectiveness of National Human Rights Institutions*. (2005), p.3.

¹⁷ Anna-Elina Pohjolainen, *supra note 14*, p.11.

protection of human rights. These can be expressed by incorporating different NGOS, social and professional organizations, leading proponents of religious and philosophical thought, universities and qualified experts.¹⁸

When we look at their establishment mechanisms, NHRI are established to ensure the protection and promotion of human rights at the national level. Their establishment can depend on the context of a certain country¹⁹. Countries can choose their institutional model based on their national concern, historical background, and political situations. Hence; NHRIs have differences in their legal basis and jurisdiction from one country to another²⁰. Today, the establishment of NHRIs is one of the mechanisms to enhancing good governance and improves domestic human rights protection especially in the countries where their democratic culture is very young.

To come to the study at hand, as compared to the Ethiopian constitutional past, the 1995 Federal Democratic Republic of Ethiopia (FDRE) constitution has given adequate recognition for fundamental human rights as well as democratic freedoms in a decorated and remarkable fashion.²¹ Furthermore; like the legal systems of countries of the Western, global North and other African Countries, the pinnacle law of the land acknowledges the establishment of NHRI by virtue of art 55(14) of it.²² Accordingly, the Ethiopia Human Rights Commission (*here in after EHRC*) has been established as per proclamation 210/2000 with a view to promote and protect fundamental human rights as well as

¹⁸ Ibid.

¹⁹ *Anna-Elina Prohjolaine, supra note, 14, p.16*

²⁰ *Id. P.17.*

²¹ The Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No.1, *Federal Neg.Gaz.* Year 1, No.1,(1995), Chapter Three, provides adequate recognitions to fundamental human as well as democratic rights and freedoms.

²² *Id.* Article, 55(14)

democratic rights and freedoms so as to enshrine in the constitution and international instruments ratified by Ethiopia.²³ These were the spirit of the legislator and statutorily / literary motive to accomplish up on establishment. In reality however; its effectiveness towards its mandated obligations as per the constitution and the proclamation *per se* is the very vexing point. Its successes in its promotional and protective activities remain confusing and questionable. Its functions remain unknown among the public, Civil Societies even by the government responsible for its viability of the EHRC.²⁴ Bearing this in mind, this paper tries to examine the effectiveness of the activities of the Commission to promote and protect human rights with specific reference to the Hawassa branch of the Commission in South Nation Nationalities and Peoples Region(*here in after referred to as SNNPR*) and tries to clean up these confusions by addressing institutional challenges that impede from rendering meaningful services with the need to forward possible recommendations that may excel its efficiency and operational effectiveness.

1.2 Statements of the problem

In spite of the fact that the relevancy to establish NHRIs as said earlier is the un-disputable fact among the international population; its intended outcomes to promote and protect human rights remain fragile especially in most of countries to the region of Africa.²⁵ For the Author, Chris Mania, “*there are five major challenges that held African Human Rights institutions incapable to promote and protect human rights: illiteracy among the public,*

²³ The Ethiopian Human Rights Commission Establishment Proclamation, No. 210\2000,Art.5.

²⁴ An Assessment conducted by EHRC with the need to assess the public awareness towards the existence and activities of the Commission in 2015, Unpublished.

²⁵ C. Mania peter, *Human Rights Commissions in Africa: Lessons and challenges*,(2004),P.370.

lack of sufficient funding, lack of political will by the politicians ,bad legislations as well as lack of independency.”²⁶

When we come to the study at hand, deviant to the constitutional past as mentioned earlier; the existing constitution has recognized the need to establishing NHRIs, whereby the EHRC has been established as per proclamation No.210/2000. Lately, five years from its establishment, it has commenced its operation in 2005.²⁷ It has done a number of tasks of promotion and protection of human rights. Since then, the Commission has conducted a number of investigation up on complaint or up on its own initiation. It has provided dozens of awareness creation trainings to the police officers, justice sectors, the students’ populations on issues regarding human rights and fundamental freedoms. It has monitored different detention centers such as; prisons, police stations with the need to cross check whether the minimum standards were fully complied throughout the country in the detention centers. More over; it has observed the national election campaigns of the country. In order to comply with accessibility requirement of the Paris Principles, it has set up 8 branch offices in different regions of the country. After its 10 years of commencement and no matter what the commission has done so far , however; it is ineffective to fully accomplish its mandated obligations as pursuant to the proclamation as well as to achieve the minimum standards of the Paris principles. These are because of a number of cumulative reasons that held the commission to fail to build trust upon the public, the opposition political parties, Medias and the international civil societies.

²⁶ Ibid.

²⁷ *Inaugural Report of the Ethiopian Human Rights Commission, published in 2011.*

Maintaining independence particularly from the government, which set up and funds NHRI is one of the key challenges for not guarantee their effectiveness of the independence of institutions²⁸. In order to encourage independence of NHRI should be given essential autonomy; resources and power to exercise their purportedly broad mandate optimally²⁹ ensuring such mandate is not an easy task for NHRI especially in the regions where their democratic culture is very young like Africa³⁰. The Commission as any other NHRIs which are found in the region where there democratic tradition is young is subjected to such problem. The independence of the commission (which is the cardinal principle of the Paris to be credible in its activities) is always national, regional as well as international agenda. The Commission has failed to investigate issues that raise serious issues of human rights and raised the media, opposition parties and human rights advocates which may bring about accountability against the government officials rather it focuses on the issue of private matters which can easily be observed from the annual report of the commission which was released in 2015. ³¹Most of the time the commission ends up being the other communication voice of the government while it publishes its investigation as well as monitoring findings which praised the government by the very reason that it should be blamed . Investigating sensitive human rights issues and transparency are the main important elements which helps the Commission to express its independents status and reinforce its trustworthiness.

²⁸ Mohammed Abdo Mohammed , *Ethiopian and Wider African Perspective on Human Rights and Good Governance (2006)*,P.36 .

²⁹Ibid.

³⁰ Id. page 40

³¹ The Ethiopian Human Rights Commission Annual Report .Published in 2014, Vol. 2, P.15

The promotional mandate is one of the Commission's duties which vested under the proclamation and in the Paris principles. From the commencement of its operations EHRC has provided awareness raising tasks including the legislators, the police officers, the military, the youth leaders and others through face to face training, the media, workshops and celebrations and observance of numerous human rights day.³² In addition to that the Commission has conducted different studies in order to integrate human rights in the curricula of the police training center and secondary schools.³³ Even so, such promotional activities were not focused on Private enterprises, the general public as well as it was not adequate enough as compared to its requirements enshrined in the Paris Principles which require NHRI to undertake wide range of promotional activities including trainings for targeted society living with illiteracy, creating awareness to address the public through Training of the Trainers (ToT), as well as through well planed permanent media strategies. It has no adequate success story in its protective functions as mentioned earlier. Even so; its failure to publish its investigation reports to the public at large makes the transparency of the commission's umbra of the penumbra. Moreover; human rights observers deplored the commission as geographically, politically and operationally inaccessible.³⁴ Along with the cliché of its infancy; it was established and became functioning recently together with its operational inefficiency in disposing its activities through branch offices; lack of awareness on the part of citizens as to what are the catalogues of their rights as well as the very existence and whereabouts of the Commission and its branch offices, held the commission unable to serve its core intended objectives of establishment.

³² Ibid.

³³ T. Wondemagen, *The Ethiopian [National] Human Rights Commission and its contribution to Constitutionalism.*(2009), P.26. See also annual report supra note 31,

³⁴ Id.p.60.

With the ultimate motive of disposing its physical accessibility requirements of the Paris Principles, it has set up 6 branch offices throughout the nation including the Hawassa Branch office in 2012 and 2 more branch offices in 2014.³⁵ However; their effectiveness has been held threatened due to the said reasons of EHRC. The present study therefore, intends to look at the operational loopholes and factors that impede the EHRC Hawassa branch Office in SNNPR from disposing its international responsibility, constitutional recognition as well as statutory mandates and responsibilities of promotion and protection of human rights as per the spirit of the establishment proclamation as well as the Paris principles.

1.3. Objective of the Study

1.3.1 General Objective of the Study

This study tries to appraise the Effectiveness of the Ethiopian Human Rights Commission Hawassa branch Office to promote and protect human rights in SNNPR.

1.3.2. Specific Objective of the Study

- It describes the national and international standards pertaining to the operation of EHRC towards its basic functions.
- Examine the practice of promotion and protective functions of the EHRC-Hawassa branch office.
- The paper attempts to explore the operational gaps of the branch office and proposes potential areas of intervention to maximize the effectiveness of the Commission towards achieving its fundamental roles of establishment.

³⁵ .Annual Report, Supra note,31,P.5

1.4 Research Questions

Based on the aforementioned objectives, this study intends to answer the following research questions.

- What are the international and national legal frameworks pertaining to the operation of EHRC towards achieving its promotional and protective roles?
- What has the commission done to dispose its promotion function to reach the beneficiaries and stakeholders in SNNPR?
- What has the commission done to protect and redress human rights violation allegations lodged to it in SNNPR branch office?
- What are the operational challenges of the branch office that curtail the effectiveness of its promotional and protective functions to ensure the enforcements of fundamental human rights and freedoms in SNNPR?

1.5 Significance of the Study

Human rights violations and in human treatment is a long standing and frequent allegation in Ethiopia. The EHRC is one of constitutionally and legally mandated responsible organ to entertain and redress these allegations in Ethiopia. In order to address the demand of various complainants and stakeholders towards the promotion, respect and protection of human rights call for the commission's strong operational competency and effectiveness to achieve its objectives of establishment. Therefore; this study aims at contributing to identify operational gaps of the EHRC, SNNPR branch office that curtail from rendering its effective protective and promotional functions to address the demands of the residents of the region and majority rural residents of the region with harmful traditional practices and deep rooted human rights

illiteracy and ignorance. Second, It may also serve the purpose of spurring further research on this particular issue and area which is un researched so far.

1.6 Scope of the Study

The area of the research as can be understood easily from the nature of the problem and the issue it involves is very wide. However, the scope of this research is limited in terms of place Even though, the Ethiopian human rights commission has started its operation in Addis Ababa and in order to comply with its accessibility requirement of the Paris principle ; it has established 8 branch offices in different regions of the nation. This study limited to analyzing the effectiveness of the performance of EHRC Hawassa branch Office in SNNPR.

1.7 Methodology of the Study

The research has employed qualitative research design. This approach is opted for the fact that the research has been conducted through observations of complainants from Hawassa branch office who may bring human rights complaints and allegation there to. Qualitative research methodology is appropriate for this study as it satisfies at least three of the various areas qualitative research is suitable for. According to Peräkylä, qualitative research approach is important, among other things, to study about issues involving public responsibility, the role of institution, and episodes that take place in specific geographical areas.³⁶ Hence, qualitative data is appropriate to gather basic information from Hawassa branch and other concerned stakeholders as they interpret is an appropriate approach to this particular study.

³⁶ A. Peräkylä , & Ruusu vuori , J., (2011) , “Analyzing Talk and Text” , in: N.Denzin&Yvonna Lincoln (eds) , *The Sage Handbook of Qualitative Research*,(Fourth Edition),London: Sage Publications, p.873

1.7.1 Method of Data Collection

In-depth interview has been the major means for collecting the necessary data in conducting this research using semi-structured interview guide. The justification for using this tool of data collection for the research is that interview is very useful to understand past events and experiences of those participated in the incidence of human rights violations as well as key informants whose tasks are highly related to the matter in one way or another which otherwise would be inaccessible using other techniques.³⁷ This tool of data collection is relevant to secure complex and detailed information from target interviewees. Accordingly, 25 individuals were interviewed for the purpose of this paper. Out of which 12 of them were complainants for human rights violations allegations to Hawassa branch. 7 of them were the Hawassa branch office high officials and senior experts. In addition 6 individuals representing governmental and nongovernmental organizations were also interviewed. Amongst whom 5 of them were government representatives, 1 of them were local NGO representative.

The research has also employed two focus group discussions with complainants to Hawassa branch office. Focus group discussion is found to be essential in conducting this research for two reasons.³⁸ First, it helps to generate new information that might be overlooked or unobserved by individual interviewees. The second and most important justification to use it here is that; there would be the possibility of forgetting relevant

³⁷ Ibid.

³⁸ George Kamberelis, and Greg Dimitriadis, (nd), "Focus Groups: Strategic Articulation of Pedagogy, Politics and Inquiry," in: Denzin, Norman K and Yvonna Lincoln, (eds.), *the sage Handbook of Qualitative Research*, (Third Edition), Thousand Oaks: Sage Publications, Inc, pp. 887.

Information by individual interviewees and to triangulate the information obtained from individual interviewees. Hence, focus group discussion could fill this gap by creating collective memory which is essential advantage of focus group discussion.

Moreover; to complement, the primary data, secondary sources: literature review by way of referring books, articles in scholarly journals, legal documents, unpublished as well as official reports employed and data were collected and analyzed. Moreover, online/Internet sources have also been employed to gather recent information.

1.7.2. Sampling Techniques

In identifying relevant sources of data, combinations of different sampling techniques have been utilized. In order to identify concerned governmental, non- governmental stakeholders purposive sampling method has been employed. The criteria for selection was on the basis of their functional and operational dependency and complementary as stakeholders to it. In addition to this, purposive sampling has been utilized in selection of complainants who look for relief from the Office. Furthermore; snowballing sampling technique has also been to find individuals who were victims of human rights violations and lodged their complaint to the branch in order to examine the status of their case by referring their where about from other interviewee.

Participants of the focus group discussions were identified taking into account their human rights allegations, sex, types of cases, their educational back ground.

1.7.3. Ethical Considerations

For Blaxter, ethical issues are the center piece of research designs that use qualitative methods of data collection.³⁹ This is because of the closer relationships between the researcher and researched which gives rise to a range of ethical issues around such as privacy, informed consent, anonymity, secrecy and so on.⁴⁰ The researcher owes a duty to the subjects to respect and protect research participants to exercise responsibility in the processes of data collection, analysis and dissemination.⁴¹ For such end, hence the researcher in advance informed its subjects the very purpose of the researcher was academic with a need to culminate suspicion as well as the possibility of over or under statement about the facts of their testimonies. The other ethical consideration taken into account by the researcher was securing willingness of participants involved in the research. This principle is the foundation of any research involving “human sample subjects.”⁴² Since the subject matter of the research alleged to involve some privacy issues which may cause psychological discomfort to participants, the researcher had first obtained informed Consent of the respondents to interview and record. The researcher also guaranteed anonymity for some returnees particularly who are victims of human rights violations.

³⁹ Blaxter Loraine, et al, (2010) *How to Research*, (ed.4th) Open University Press, p.161.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Singh, Kumar Y., *Fundamental of Research Methodology and Statistics*, (2006), New Delhi: New Age International (P) Limited Publishers, p. 220.

1.8 Limitations of the Research

The research has encountered dual limitations. First, due to limited number of professional experts in the office, the researcher was unable to conduct focus group discussions with promotional and protection wings experts. Second, as a result of time limitations the researcher was unable to contact as many complainants as possible who are residents in remote areas of the branch office, who had been lodged complaints to the Office with the need to assess their human rights situations. Moreover due to lack of comprehensive case flow management system the researcher was unable to sort out every case based on their types.

1.9 Organization of the Study

In this research, an attempt has been made to clear out the challenges that impede the effectiveness of the performance of EHRC – Hawassa branch office in SNNPR branch office in the protection, promotion and enforcement of human rights. To this end, the research is organized in four chapters. The first chapter of the paper will introduce the background of the problem, objective of the study, research methodology, and the scope and limitation, significance of the study, and organization of the study.

The second chapter deals with literature review of NHRIs and with particular emphasis to historical and conceptual frameworks of the national human right institutions which illustrate historical development of NHRIs at international, regional and its development in Ethiopia as well as attributes of NHRIs in lights of the Paris Principles and basic tasks of NHRIs.

Chapter three has tried to examine the practical activities and challenges of the SNNPR-Hawassa branch Office in the promotion and protection of human rights in the region. The last chapter draws the conclusion and the possible recommendations.

Chapter Two

2. The Evolution and Conceptual Framework of the National Human Rights Institutions (NHRIs)

2.1. The Evolution of the National Human Right Institutions.

The international movement towards the need to have NHRIs had embarked two years before the coming to scene of the Universal Declaration of Human Rights (UDHR) when the Economic and Social Council (ECOSOC) invited member states in order to consider the importance of establishing of NHRI.⁴³ Afterwards, a resolution was adopted by ECOSOC and it requested member states to consider over the importance of establishing local information groups or human rights committees. Which serve as vehicles for the partnership with the United Nations Human Rights Commissions ⁴⁴(*herein after the Commission*). In 1960 the issue of local bodies was raised again and the ECOSOC adopted a resolution which provided the involvement of the UN is go beyond providing a contact point locally but also active participation in monitoring of the local human rights situations⁴⁵.

In 1978 the Commission had organized a seminar entrusted with preparing a draft guideline which serve as determining the structures and functions of NHRI. Thereafter, the Commission along with the UN General Assembly (*hereinafter GA*) endorsed the guideline and the GA invited member states in order to establish the institutions and to submit a detail report about the nature and functions of NHRIs to the GA despite NHRIs were non

⁴³ Center for Human Rights, *supranote*,4 P.4.

⁴⁴ Hugo Stokkee,(2007), *Taking the Paris Principles to Asia: A Study of the Human Rights Commissions in Southeast Asia*. P. 2

⁴⁵ *Ibid*.

existence factually.⁴⁶ Consequently, there was strong pressure for the establishment of NHRI at the UN level with the need to serve as a source of information for the government and the people. NHRI was aimed at assisting governments in educating people about the catalogues of human rights; preparing a report on the review of status of legislation; and judicial decision at national level.⁴⁷

According to the guideline national institutions were categorized in to two, the first category is that an institution which occupied the general promotion of human rights by providing information and carry out awareness rising and the second category takes direct action in the form of reviewing the national policy which related to the legislative, judicial and administrative measures and decision, and reporting recommendations to the state⁴⁸.

Regarding the organizational structure the guide line propose that national institution should be composed in a mode of reflecting a cross-section of society with the intention to facilitate popular participation⁴⁹. Also they should be immediately accessible to the member of the public, functioning in regular basis, whenever necessary they are capable of assisted by local or national advisory organ⁵⁰.

After the endorsement of the guide line ,the GA invited all member states to take appropriate steps for the establishment, where they didn't already exist, of national institutions for the promotion and protection of human rights, and requested the Secretary-General of the United Nations to submit a detailed⁵¹ report on existing national institutions⁵¹.

⁴⁶ Centre for Human Rights, Supra note,4 P.4.

⁴⁷B. Lindsanaes etal (2001): *National Human Rights Institutions: Articles and Working Papers*. p. 5.

⁴⁸Ibid.

⁴⁹ Id. P.6

⁵⁰ Id.P.7

⁵¹ Fact Sheet #19 supra note,13 PP.3-10

Throughout the 1989, the United Nations continued to take an active interest in this topic, and a series of reports, prepared by the Secretary General of the UN, was presented to the GA⁵². It was during this time, a considerable number of national institutions were established-often with the commission on human rights called for a workshop to be assembled with the participation of national and regional institutions involved in the protection and promotion of human rights⁵³. The work shop was to review patterns of cooperation of national institutions with international organizations such as the UN and other UN specialized agencies and to explore ways of increasing their effectiveness⁵⁴. Accordingly, the first international workshop on national institutions for the promotion and protection of human rights was held in Paris from 7 to 9 October 1991⁵⁵. Its conclusions were endorsed the first normative landmark principles pertaining to the status of national institutions by the Commission and subsequently adopted by the GA as the principles relating to NHRIs commonly known as (*The Paris Principles*). These principles give broad mandate to the institutions so that human rights under international as well as regional human rights instruments are protected and enforced. The institutions will also make human rights protection and enforcement a living reality in the domestic context. According to the Paris Principles, which represent a refinement and extension of the guidelines developed in 1978, national institutions NHRIs are supposed to undertake the following functions:⁵⁶

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Professional Training Series #4, Supra note, 12 PP.5-10

⁵⁶ Paris Principles Relating to the Status and Functions of national Institutions for the Promotion and Protection of Human Rights of the UN G/A Res.A/48/134 of December 1993.

“Protect human rights, including by receiving, investigating and resolving complaints, mediating conflicts and monitoring activities. As well as to Promote human rights, through education, outreach, the media, publicans, training and capacity building as well as by advising and assisting Governments”

Furthermore, the general concept of the Paris Principles is focused on three important spots⁵⁷:

“The first point is that the competence and responsibilities of national institutions concerning their legislative foundation as well as their primary tasks and roles. Second, the Composition of national institutions and the grantees of independence and pluralism, listing criteria for appointment designed to ensure plurality of representation as well as financial independence. Third, the methods of operation of the national institutions including the mandate to take up matters as well as their cooperation with civil society.”

The role and contribution of national institutions in Africa were never clearly defined at the early days of formation as they couldn't be differentiated from the states themselves and NGOs, clearly⁵⁸. They were assumed that to assist the African Commission in the promotion and protection of human rights at the national level according to the decision passed by the Commission in its 24th session⁵⁹. However; they had neither an affiliate status as NHRIs to conform to the Paris Principles nor defined the role of the institutions in a clear and express manner by statutes. Later on, in 2004, the African Union along with the

⁵⁷ B. Lindsnaes, supra note, 47, P.10.

⁵⁸ Frans Viljoen, (2007), *International Human Rights Law in Africa*.P.413.

⁵⁹ Ibid.

Office of the High Commissioner of Human Rights (*herein after OHCHR*) and the coordinating committee of African national human right institutions organized the first African Union conference of national human right institutions at the head quarters of the African Union in Addis Ababa, Ethiopia from the 18th-21st October⁶⁰. The sole purposes of the summit were:

1. To encourage some African states, which have not yet established national human rights institutions to do so;
2. To exchange ideas between existing national human rights institutions; and
3. To identify areas where national human rights human rights institutions could improve in their work as well as workout mechanisms for implementing existing African human right instruments.

At the end, the summit calls on all the existing institutions which might be established in the near future to continue to seek effectiveness in the delivery of their mandate through capacity building, professional staffing and self-funding. It also called on the institutions to reinforce collaborations among themselves, to work on the issue of democratic governance, peace and security and the right to development, to work together closely with the African Union organs, the African Commission on Human and People's Rights, non-governmental organizations and other institutions with human rights agenda and to introduce a right based approach in their operation and make effort to ensure that this concept is known by the various institutions and state organs⁶¹.

⁶⁰ .Id. p. 413

⁶¹ C.Maina Peter Supra note, 25, P.351

Today, after long and protracted struggles, and pressures of the international community more than 31 African countries have established human rights institutions.⁶² These institutions follow their own peculiar features with regard to mandate, mode of establishment as well as in terms of political willingness of the state concerned to conform to human rights standards.⁶³

When we come to the crux of the study at hand, the evolution and development of national human rights institutions in Ethiopia does not go beyond two decades. Historically, Ethiopia is a country where the notion of human rights and national human rights institutions were highly neglected conceptually and factually.⁶⁴ However; the existing FDRE constitution has provided adequate attention to human rights and the need to setting up NHRIs to implement with that respect. The existing Ethiopian constitution has given adequate recognition for human rights as well as democratic freedoms in a decorated fashion. Chapter three which covers one-third of the constitution deals with these rights and freedoms⁶⁵.The Constitution, furthermore, acknowledges all international instruments which are ratified by Ethiopia considered as part and parcel of the law of the land⁶⁶. It has also imposed a duty on government and nongovernmental actors and all individuals to go forward towards the promotion, protection, and respect of the human rights provisions in their day to day pursuits⁶⁷.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Adem Kassie Abbebe,(2010), *Human Rights Under the Ethiopian Constitution: A descriptive overview*.P.1

⁶⁵FDRE Constitution Supra note, 21 (Chapter three)

⁶⁶ Id.Art 9(4)

⁶⁷ .Ibid.

On top of that the pinnacle law of the land has recognized the need to have NHRI have been established in accordance to the article 55(14) of the FDRE Constitutions⁶⁸ and Proclamation No 210/2000 and proclamation No 211/2000 respectively.⁶⁹ According to the establishment proclamation of the Ethiopian Human Rights Commission, it has confer the mandate to educate the public to be aware of human rights and to see to it that human rights are protected, respected and fully enforced as well as to have the necessary measure taken where they are found to have been violated.⁷⁰ For such end the Commission has now opened up 8 branch offices in different regions of the country to comply with its accessibility requirements of the Paris Principles and to address the demands of 92 million people of the nation.

2.2 Definition and Types of National Human Right Institution

The notion of NHRI is a broad concept and one cannot plausibly claim that there would be any single, universally accepted definition of national human rights institutions. Instead, there is a bulk of recommendations that have been developed and endorsed by different international institutions, non-governmental organizations, professional associations and expert bodies with a view to persuade governments to create the most suitable and efficient national institutions pertinent to their socio, political and economic context.⁷¹ Nonetheless, the concept is not neglected to have a working definition. Different scholars, literatures and international documents defined NHRI in terms of their function, responsibilities, establishment nature and their status in the overall national human rights institutions by

⁶⁸ Id.Art. 9(2), Art. 13(1).

⁶⁹ The Ethiopian Human Rights Commission and the Institution of the Ombudsman were established by virtue of Proclamation No. 210/2000 on 4th July on the same day and both become operational in late 2005.

⁷⁰ EHRC Establishment Proclamation, Supra note 23, Article 3 and Article 6

⁷¹ Ann-Ellina Phjulinen , supra note 14, P.6.

comparing it with the others bodies like ombudspersons and specialized institutions.⁷²For instance according to Doctor Anna-Elina Pohjolainen definition National Human Rights Institution defined as “*an independent body established by a national government for the specific purposes of promoting and protecting human rights at the domestic level without rendering binding decisions.*”⁷³

On the other hand, the human rights fact sheet No.19 issued by the Center for Human Rights defined these institutions as “*bodies whose functions are specifically defined in terms of promotion and protection of human rights*”⁷⁴. Pursuant to the Professional Training Series Hand book No.4: “*A national human rights institutions can be described as a body established in the constitution or by law to perform particular functions in the field of human rights.*” Despite such controversies towards the meaning of NHRI, the common denominator of these institutions encompasses:

- NHRI created and recognized by government as independent (autonomous) bodies.
- They are established by law regardless to the statuesque of the law in the given legal system
- They are established to particularly with the purpose of promoting and protecting human rights issues in the domestic sphere.

Be that as it may, as far as, it’s dichotomy is concerned at the international level, there are a number of approaches to classify different types of NHRIs depending on the historical and political rhetoric and situations of the countries, political willingness and the regions. Today at the international level, the very common types or models are the human rights commission

⁷² Ibid.

⁷³ Ibid.

⁷⁴ UN Fact Sheet #19, supra note, 8 p.7

and the ombudsman institutions.⁷⁵ While, in categorizing such institutions there are three approaches /systems of establishing thereof such as the single system, the dual system and the multi system approaches/model.⁷⁶ A single system approach is a system in which there exists a single Human Rights Commission pertaining complaint concerning the infringements of human rights or an ombudsperson with a holistic competence to investigate claims of maladministration from citizens.⁷⁷

A dualistic approach, on the other spectrum, is a system in which there are Ombudsperson institution charged with redressing grievance arising out of maladministration and entrusted with making legislative supervisions of maladministration's and there is also Independent Human Rights Commission empowered to promote and protect human rights.⁷⁸ The office of both National Human Rights Institutions and Ombudsman is now established in a number of countries since its creation by some of the Nordic/Scandinavian countries in the 1940's and 50's.⁷⁹ The Ombudsman institutions serves dual functions: Redressing individual grievance arising out of maladministration as well as making more effective legislative supervisions on issues of maladministration⁸⁰. The last system is the multiple organ system which is a legal system in which various human rights and ombudspersons institutions are established in a country.⁸¹ For example, there are independent Human Right Commissions/Ombudsperson institutions for women rights, child rights, the rights of persons with disabilities, protection for minorities and refugee rights".⁸² These types of institutions are also known as specialized

⁷⁵International Council on Human Rights Policy: *Assessing the Effectiveness of National Human Rights Institutions* (2005),P.5.

⁷⁶G. Bertrand (ed) (2005),*The Protection Role of National Human Rights Institutions*. P.113.

⁷⁷ Professional Training Series # 4 Supra note 12, P.115.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Kumar, Supra note 42, P.150

⁸¹ Supra notes 5, P.116

⁸² Ibid.

institution which are established to promote government and social policy that has developed for the protection of the rights of those vulnerable groups.⁸³

Coming to the experience the Ethiopia, with the need to curb historical maladministration and human rights dilemma along with the need to overcome possible workloads and to allocate specific promotional and protective tasks for NHRIs; it has adopted dualistic approach. Whereby, Ombudsman/person institution has been established as per proclamation number 211/2000 to handle issues of mal administrations of governmental institutions and Independent Human Rights Commission has been established as per proclamation number 210/2000 mandated to handle all human rights promotional and protective issues safe for cases pending before courts of laws as well as federal and regional Councils respectively.⁸⁴

When we come to the study at hand and the definitional aspect of National Human Rights Commission as it has been discussed in the definitional aspects of NHRIs, like any other NHRIs; it looks hard to come up with a single definition for the term National Human Rights Commission or simply Human Rights Commission as all most, all literatures defined it in terms of its function, responsibilities, nature and status in the overall National Human Rights Institutions by comparing it with the other bodies like the Ombudsman. For insistence, the author Linda Reif, a Human Rights Commission can be understood by its mandate, composition, jurisdiction, appointment and specific functions⁸⁵. According to her,

⁸³ Ibid.

⁸⁴ The Ethiopian Human Rights Commission and the Institution of the Ombudsman were established by virtue of Proclamation No. 210/2000 and Proclamation No.211/2000 on 4th July on the same day and both become Operational in 2005.

⁸⁵ C.Linda, *Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection*, Harvard Human rights Journal, Vol.13(2000) P.10.

“The Human Rights Commission has its express mandate the protection and promotion of human rights. A human right commission is composed of a number of members who should have human right expertise. A human rights commission may be appointed by the executives, the legislature or some combination of the two. The powers of a human right commission include but not limited to providing advice to the government on human right laws and policies, conducting research, undertaking human right education and investigating complaints made by members of the public that their human rights have been violated. A human right commission may also have jurisdiction over both the public as well as in the private sector. It may have also the power to receive and investigate complaints made alleging the violation of socio economic rights.”⁸⁶

By the same token, according to the Human Right fact sheet# 19,

“Human rights commissions are concerned primarily with the protection of nationals against discrimination and with the protection of civil and other human rights. Their precise function and powers of particular commission will be defined in the legislative act or decree under which it’s established. These laws or decrees will also serve to define the commission’s jurisdiction by specifying the range of discriminatory or violate conduct that it is empowered to investigate. One of the most important functions vested in a human right commission is to receive and investigate complaints from individuals and groups alleging human right abuses committed in violation of existing national law. In order to properly carry out its tasks, the commission will usually be capable of obtaining evidence relating to the matter under investigation.”⁸⁷

⁸⁶ Ibid.

⁸⁷ UN Human Right Fact Sheet No. 19 Supra note, 13,P.11

Therefore, what we can learn from the aforementioned assertion and analysis enunciated by different scholars and international documents here is that National Human Rights Commissions are the compartment of NHRIs which are mandated with the powers and responsibilities of promoting and protecting human rights recognized internationally, regionally and nationally in the municipal legal sphere without making or rendering binding decisions⁸⁸. Human Rights Commissions can be distinguished from the other types of National Human Rights Institutions like the ombudsman, specialized institutions and others in that Human Rights commissions are empowered inter alia, to investigate alleged human rights violations, to advise the government on human rights issues/ matters and to comment on the policies and laws of the government in light of internationally and constitutionally recognized and protected principles of human rights and fundamental freedoms, in this sense, the jurisdiction/ scope of power of National Human Rights Commission seems much broader than the other institutions⁸⁹.

When seen the definitional aspect of human rights commission coined in Ethiopian legal system, the power conferring legal documents of EHRC provide no definition for the notion. However, close scrutiny and reading of the preamble and broad mandates conferred up on it by the establishment proclamation implies that : a human rights commission refers to an independent organ established by the government to promote and protect fundamental rights and freedoms recognized in the constitution and those enshrined in the international agreement ratified by Ethiopia.

⁸⁸ Ibid.

⁸⁹ Paulo Pinheiro,(2011): *National Strategies-Human Rights Commission, Ombudsmen and National Action Plans, Concept Note*, P.6

2.3 Basic Paris Principles' Standards for Effective functions of NHRIs

The basic role of NHRIs is complimentary to governments at domestic levels and regional instruments to the extent that states have responsibility to implement regional and international instruments⁹⁰. National Institutions ensure the principle that the government should shoulder primary responsibility to promote and protect human rights, so that all sectors of society must see it as their functions to human rights are observed and fully implemented.⁹¹ Hence, NHRIs are important avenue for ensuring accountability of government and civil society for the maintenance of human rights⁹². For such end, it has become necessary to set out clear guidelines for the efficient and effective operation of national institutions⁹³. This is relevant with the need to balance two extreme polarities: on the one hand NHRI should not be an instrument of oppositions towards democratically fabricated government.⁹⁴ On the other spectrum, NHRI should not end up with being the other communication voice of the government at the expenses of individual human rights and fundamental freedoms.⁹⁵ For the purposes of compromising these kaleidoscopic extremes as it has been discussed under section 2.1 of this chapter, the state should conform to the minimum standards of the Paris Principles. These basic elements enshrined in the Paris Principles are competence and responsibilities, independence, and impartiality, financial autonomy, powers, accessibility, cooperation, operational efficiency and capacity and

⁹⁰ Id. P.8

⁹¹ Betrand supra note, 76 ,P.25.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Paris Principles, Supra note 56.

⁹⁵ Ibid.

accountability⁹⁶. This section hence highlights these basic elements as described in the Paris Principles concisely.

A. Competence and Responsibility

The mandate of NHRI should be provided by law and it should be broad and comprehensive, regardless to the status of the law in a given country.⁹⁷ *“The institution should be established in such a manner that its viability will not be affected by a change of government and should it be held responsible for such tasks.”*⁹⁸ *The mandate of national human rights institution should be broad and comprehensive*⁹⁹.” This is to ensure that the human rights commission should not be curtailed by want of sufficient mandate.

B. Independence and Impartiality

Independence and impartiality is the other cardinal element of the structural and functional independence and impartiality of human rights institutions¹⁰⁰. An effective national institution will be one which is capable of acting independently of government or party politics and of all other entities and situations which may be in a position to affect its work.¹⁰¹ Furthermore, the institution can be trusted to act with integrity and impartiality in the conduct of their business.¹⁰² This independency and impartiality will be reflected in four mechanisms.

⁹⁶ Ibid.

⁹⁷ Professional Training Series #12, Economic, social and Cultural Rights: Hand book for National Human Rights Institutions, Center for Human Rights, Geneva, 2005, P34.

⁹⁸ Professional Training Series #4, supra note 12, P10.

⁹⁹ Kumar, supra note 42, P.150.

¹⁰⁰ Paris Principles Supra note 56, Section B

¹⁰¹ Ibid.

¹⁰² Professional Training Series #4, supra note 12,p.10

➤ **Independent through Composition**

It refers to a degree of sociological and political pluralism.¹⁰³ This principle call up on national institutions to develop procedures which ensure the representative of all relevant social forces, in particular non-governmental organizations, trade unions, professional organizations and trends in philosophical and religion thoughts.¹⁰⁴ It is ensured by promoting a wide across section of the social, cultural, gender and professional spectrum of society.¹⁰⁵

➤ **Independent Through Appointments and Dismissal Procedure**

The method of selection or appointment should be on personal capability and merit and should not be to represent any particular sector of society or political group.¹⁰⁶ *“The method of selecting should not only make by the government of the day but also the opposition leaders and the general public should involve to its credibility.”*¹⁰⁷ The chairpersons and members need to function independently, need not be subordinate to any one in regard to the discharge of their duties.¹⁰⁸ The chairpersons and members of the institutions should have security of tenure. They should not hold office at the pleasure of the leader.¹⁰⁹

➤ **Independent through Legal and Operational Autonomy**

There should be all times act within the founding law and constitutions but should not receive instructions from the government or any other sources.

¹⁰³ Id. P.11

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

➤ **Financial Autonomy**

The nature and source of funding should be guaranteed and specified in its founding legislation. The budget should be adequate and continuing and should not be arbitrarily cut its activities curtailed by the instrumentality of budget constraints. At this Juncture, the Paris Principles asserted that:¹¹⁰

“The national institutions shall have an infrastructure, which is suited to the smooth conduct of its activities, in particular, adequate funding. The purpose of this funding shall be to enable it to have its own staff and premises, in order to be independent of the government and not be subject to financial control, which might affect its independence”.

C. Powers/Mandate

The power of NHRIs is the other significant point for the effective operation. Any National Human Rights Institution should have adequate broad mandates to carry out its business.¹¹¹

With this to say that the institution powers in founding law to its protective functions: enter premises, call witness, compel and gather evidences necessary to conduct its investigations as well as necessary powers to its promotional functions.¹¹² Since the institution has a quasi-judicial administrative body, it does not need to have powers to have binding decisions as to

¹¹⁰ the Paris Principles ,Supra note 56, Section B (2)

¹¹¹ Id. Sec. 3(C).

¹¹² Ibid. see also Professional Training Series #12, *Economic, social and Cultural Rights: Hand book for National Human Rights Institutions*, Center for Human Rights, Geneva, 2005, P.34.

courts, which are armed, to safeguard individual's rights and freedoms.¹¹³ Usually, the institution is expected to have powers to recommend measures of redress, make declarations, and injunction recommendations.¹¹⁴

D. Accessibility

Accessibility presupposes the people awareness the very existence of the institution and its functions so that they can physically contact the commission and properly treated by an officer in charge with, when they need benefit from it.¹¹⁵ It should consider creative means of making it visible especially to reach to those most vulnerable groups who are often difficult to reach and reluctant to voice their concerns to an official body and unable to get informed through standard channel of communications.¹¹⁶

Besides, the National Human Rights Institutions should be physically accessible to its community.¹¹⁷ Accessible facilities like services and information for persons with disabilities and appropriate treatment are critical. Working methods and procedures must also be appropriate for victims and potential victims of violations.¹¹⁸ Services and documents should be provided in a range of relevant languages and vernaculars. Members and staff of the institution should consider persons drawn from historically marginalized groups.¹¹⁹

¹¹³ Ibid. P. 13

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Id. P14

¹¹⁸ Professional Training Series #4, supranote, 12, P.13.

¹¹⁹ Ibid.

E. Co-operation

Cooperation with other entities is the other cardinal Principle of NHRIs .Since the national institution will not and cannot function alone but should establish and strengthen co-operative relationship with a wide range of other institutions and groups.¹²⁰ National human rights institutions have unique mandates and functions and these should be exercised along with other democratic institutions with the responsibility for the promotion and protection of human rights.¹²¹ *“NHRI should have to cooperate to different institutions for example, effective collaboration with the legislative, executive, judiciary organs, NGO’s, civil society organization, intergovernmental regional and international organizations and academic institutions.”*¹²²

F. Accountability

A national institution is not an end in itself and can only be as strong or as humble as its achievements.¹²³ Institutional effectiveness requires the development of a system of accountability based on specific, ascertainable goals.¹²⁴ There are three layers of accountability:

- **Formal:** - it implies to the textual requirement NHRI supposed to submit through annual report and special report to the authority that appoints them.¹²⁵

¹²⁰ See of the Paris Principles Supra note,56 Sec. C (7). See also Professional Training Series#4, P.14.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Id. P.17

¹²⁴ Ibid.

¹²⁵ Ibid.

- **Public:** - It indicates the accessibility of the commission and its day to day activity reports to the general public through different electronic and printed Medias.¹²⁶
- **Broader:-** Accountable to NGO, civil society groups and professional human rights organizations by creating relationships to monitor the performances of these organization as well as it benefits from the grassroots knowledge, experience and expertise¹²⁷.

Hence, the state should guide its NHRIs in light of these basic standards with the need to enjoy in the very purposes of establishing NHRIs as briefly discussed under the next section.¹²⁸

2.4 Significance of National Human Rights Commission in Domestic Sphere.

“Some have argued that there is no reason for establishing special machinery devoted to the promotion and protection of human rights like Human Rights Commissions...such bodies are not a wise use of scarce resources and that an independent judiciary, democratically elected president and parliament, and a vibrant civil society are sufficient to ensure that human rights do not occur. However; when Human Rights Commissions fulfill the prerequisites to effective functioning, there is no doubt that they play an important role in the promotion and protection of human rights. They are complimentary to already established institutions and by the nature of their work are in a position

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Id.

to make unique contributions to a country's efforts to protect its citizens and to develop a culture that is respectful of human rights and fundamental freedoms.”¹²⁹

In the past, democratic institutions principally regular courts could have been considered as a fully fledged organ to safeguard individuals' fundamental human rights as well as democratic freedoms¹³⁰. However, the practical full enforcement of human rights through the regular courts found inefficient enough in the protection /enforcement of human rights in comprehensive manner¹³¹. The incapacities of regular courts are shown as a result of a number of reasons: lack of expertise knowledge that judges in courts may not have the required professional expertise and specialization in the field of human rights promotion and protection, they are reluctance due to files congestion despite the fact that legally speaking, courts are constitutionally obliged to respect and enforce the constitutionally guaranteed human rights and freedoms together with the other organs of the government as per art. 13 (1) of 1995 the FDRE Constitution. Whereas, practically speaking, they are not competent and willing enough in providing attentions to cases that involve human rights issues. Suffice here to say that; due to procedural rigidity courts are obliged to follow a legally prescribed stringent procedure so that non-compliance of which results in the closing of one's substantive as well as procedural rights¹³².

¹²⁹ M. Sekaggya,(2004), A United Nation Special Rapporteur on Situations of Human Rights Defenders.(2004).

¹³⁰ Ann-Ellina Phjulinen ,Supra note14, P.3

¹³¹ Ibid.

¹³² Ibid.

In support of the need to independent and autonomous NHRIs, the author C.Raj Kumar contends that:

“The protection and promotion of human rights are clearly important functions of the state. While fundamental rights are generally couched in the language of negative rights against the state, the state apparatus ought to function in active manner that protects the rights and freedoms of its people. In fact, the important wings of the government- the legislative, executive or the judiciary function with a view towards ensuring the rights and freedoms of people. Yet there is something fundamental and basic about NHRC that is different of the state and its afore mentioned instrumentalities that unlike other institutions, which are vested the tasks of governing a country (Legislative and Executive), as well as the Judiciary, National Human Rights Commissions” exclusive mandate involves promotion as well as protection of human rights. On the other hand; various functions of other institutions can ensure the protection and promotion of human rights, this is the basic and the core mission of NHRC”¹³³.

On the other spectrum many scholars contend otherwise that provided that perusal of NHRCs activities reveal that most of the time they end up with the other voice of the state apparatus, producing less accessible bureaucratic styles of responding to human rights violations¹³⁴.

Moreover, NHRC deplored that they focus on Civil and political Rights, and economic, Social, and cultural rights are neglected to be enjoyed by their mandate despite the fact that the Committee on (ICESCR) issued general Comment No. 10 in 1998 on the role of NHRCs to promote and protect Economic, Social and Cultural rights.¹³⁵ Nonetheless;

¹³³ Kumar supra note,42,P.759.

¹³⁴ Id.p.760.

¹³⁵ General Comment on the Role of NHRIs in the Protection of Economic, Social and Cultural Rights, H.R.C General Comment No.10, UN Doc.E/C. 12/1998/25 (1998).

NHRCs deplored not only their ignorance to entertain ECSCRs even to the worst, they are blamed that they become institutions that give a title of good certificate of the government and failed to intervene when deliberate gross human rights of violations of civil, political, economic, social and cultural rights¹³⁶.

Despite scholars' controversy over the usefulness of the NHRCs to protect and promote human rights, the need to have NHRIs in general and NHRCs in particular remain undisputable fact among the international as well as national communities and reached consensus to their viability and believe that the institutions should be empowered and strengthened to the extent Possible.¹³⁷

2.5 Basic Functions of National Human Rights Commissions'

This section briefly looks at the basic functions of National Human Rights Commissions. Basically, HRCs have dual basic functions. The promotion and protection of human rights and fundamental freedoms recognized internationally and locally. When we say human rights commission promote human rights to mean that the inculcation of a greater respect for human rights among the general public, governmental and non state actors, NGOs and business organizations¹³⁸ Whereas; the protective function involves the examining and the taking of actions on complaints alleged violations of human rights, monitoring, advisory roles, researches and other strategies¹³⁹ Therefore, protection of human rights implies the taking of measures to secure the respect for human rights.

¹³⁶ Kumar supra note 42, pp.758

¹³⁷ Ibid.

¹³⁸ J. Lebalene, supra note 47, p.28.

¹³⁹ Ibid.

2.5.1. Promotional Function

Promotional function implies that the creation of immense Human rights awareness to the public at large throughout the nation using the mass media and other printed media with a view to enhancing its tradition of respect for, and demand for enforcement of rights so as to enshrine under the constitutions and other human rights instruments ratified by the country. In other words, when we say Human Rights Commission promotes human rights; it implies the inculcation of a greater respect for human rights among peoples, governmental and other private sectors as well as target groups¹⁴⁰.

A. Developing Awareness by Way of Collecting, Producing and Disseminating

Information Materials on Human Rights

It is a statutory mandate that Citizens should not ignorant about their rights. Thus, NHRI Informs the general public of the nature and catalogues of their rights vested for in the constitution and human rights instruments.¹⁴¹ NHRI should put its carved efforts to collect and make available a number of basic information materials which involves:¹⁴²

- Inform the very existence of the Commission and annual reports.
- International instruments and standards ratified by the state and its reservations.
- Reports of the state to treaty bodies and comments thereof.
- Domestic legislation relating to human rights together with administrative decisions and make accessible basic statistical data to that effect.

¹⁴⁰ Ibid.

¹⁴¹ Id.

¹⁴² Professional Training Series #4, Supra note 12 , See also Sec A(1) of the Paris Principles Supra 57.

B. Organizing Promotional Events and Encouraging Community Initiatives

A Human Rights Commission can play an indispensable role to wide spread awareness of human rights through this mechanism.¹⁴³ This mechanism involves: preparing competitions with human rights for school age children, organization of lectures in universities, exhibitions, special human rights anniversaries such as Human Rights Day, Women's day, and the 16 days of Activism against gender based violence.¹⁴⁴ Furthermore, it is expected to use the previously existing structures within the society by participating in the initiatives of others concentrated on promoting awareness and knowledge on human rights.¹⁴⁵

C. Working with Media

This promotional task, be it electronic or print media plays a valuable role in the democratization process whereby the ideas are formed and opinions are freely expressed.¹⁴⁶ The role of the media in promoting human rights presupposes an encouraging social and political climate in which they function.¹⁴⁷ They should not be subject to the government, no freedom of expression be hampered by undemocratic private interests.¹⁴⁸

The human rights commission should co-operate to inform the public to the birth of the commission, functions, and the activities being undertaken to perform its mandate.¹⁴⁹

Collaboration to educate the community about their human rights, co-related horizontal

¹⁴³ Id. P.17.

¹⁴⁴ Id. P.19

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Toby Mendel(2003), *Freedom of Information, A Comparative Legal Survey*, UNESCO. P.34.

duties imposed one another and those institutions entrusted with implementing those rights, bringing current national and international human right issues or situations and expressing the opinion of the commission on human rights aspects of those issues and public opinions.¹⁵⁰ Active solicitation of free or subsidized air time, news paper space could be an important strategy.¹⁵¹

D. Ensuring the Visibility of the Commission and Its Role

A national human rights institution cannot function properly, unless the community is aware of its very existence.⁶⁷ For such end a national human rights institution should have a policy goal targeting those individuals and groups highly benefit from what it has to offer.¹⁵²

When using the co-operation of Non Governmental Organizations, International Organizations and others the ultimate end result with the institution should be for ensuring that the public is well aware of its viability by disseminating the proceedings and results of work undertaken by it widely. In the due course, it can give public support for its position and employ the opportunity to market its own existence.¹⁵³ The same holds true when publicizing the terms of reference of a public inquiry that the institution is to undertake and the final results of any investigation.¹⁵⁴

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

¹⁵² Professional series #4, Supra note, 12, P.20

¹⁵³ Ibid.

¹⁵⁴ Ibid.

2.5.2 Protective Functions

Protective function is the resultant force of promotion function; when citizens are more aware of their rights, and what is expected from others for the enjoyment of their rights, they quest to see them respected effectively.¹⁵⁵ They request for protection and redress of such rights when they feel that violated. Protective function encompasses the examining and taking actions on petition of an alleged violation of human rights, it also implies the taking of measures to secure the respect for them.¹⁵⁶

A. Ensuring the Compatibility of Subordinate Laws with Cardinal Principles and Standards of Human Rights

The HRC should act as a watching dog in the legislative process. This task could be possible by reviewing the existing and proposed legislations and policies of the government that have an impact on human rights of citizens.¹⁵⁷

This mechanism can be realized by proposing legislations and assisting in the drafting of new laws and policy formulation to secure the proper protection and implementations of human rights.¹⁵⁸

In its course of protection, participating in the legislative process enables it to examine the practical effectiveness of the existing laws; to identify the problems escaped from the legislative attention or other implementing agencies to suggest amendment and

¹⁵⁵ Professional Training Series # 4 Supra note 12 , P.23.

¹⁵⁶ Ibid.

¹⁵⁷ See Sec. A(3) /a/ of the Pairs Principles supra note,57. See also Professional Training Series # 4 NHRI, Supra note,12, P. 24.

¹⁵⁸ Ibid.

improvements.¹⁵⁹ Improvements of laws may be required as technical defects in a law, which have come to the attention of the commission during its overseeing of the laws implementation or because certain human rights problems have been identified during its course of operation as areas not adequately addressed by existing legislations.¹⁶⁰

The ability to comment or advice on proposed legislation is believed to be easier to amend or repeal an existing one. Designing policies or assisting or pushing the government to review its already existing or to issue new and human right friendly policy is the other task with which human rights commission is entrusted.¹⁶¹

B. Undertaking Investigations and Taking Appropriate Actions

This chore of the human rights commission is a key to be entrusted and creditable among the national and international community.¹⁶² This function may include, effective compliant handling mechanism, investigating cases involving human rights violations, awarding compensation to victims, providing an amicus curie to a court, forwarding, and injunction order, public shaming, holding perpetrators responsible before a competent justice organ and awarding recommendations.¹⁶³ An effective investigation mechanism presupposes an adequate legal capacity, organizational competence on defined and appropriate set of priorities and a political will to pursue its work.¹⁶⁴

C. Monitoring Functions

This task of a Commission involves the systematic collection, verification and use of information to address human rights problems or compliance of different governmental

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Professional Training Series #4, supra note, 12, P.128.

¹⁶⁴ Id.

and private sectors.¹⁶⁵ To undertake this function, the human right commission is expected to monitor potential areas for human rights violations such as police detention centers, prisons, rehabilitation centers, as well as institutions of orphanages, charity organizations, eldest aid institutions, intra and inter country adoption agencies, health and educational institutions and employment agencies.¹⁶⁶

It undertakes such supervisions to examine the compatibility of these sectors with the minimum standard of human rights treatment and enjoyment imposed by national as well as international human rights instruments with the purpose of proposing for improvement, recommending for better human rights friendly facilities. It also aimed at pushing the closures of corrupted institutions and the responsibility of the identified perpetrators in the process and ensuring better protections for the victims.

D. Human Rights Study and Research

One of the duties of human rights Commission is to carry out studies and researches on human rights and related issues throughout the country. The core objectives of such research is to propose guidelines for actions to be taken by the Commission itself and/or by concerned bodies, about phenomena that could serve as potential source of human rights violations or about existing or new developments, mechanisms that could contribute to ensuring respect for human rights.¹⁶⁷

Hence, it is an international obligation and national commitment for Ethiopia as a party to a large volume of international human rights conventions to establish Human Rights

¹⁶⁵ Anette Faye Jacobsen(2008,).*Human Rights Monitoring*. P.1

¹⁶⁶ Ibid.

¹⁶⁷ See Section #3 (e), of the Paris Principles Supra note 57.

Commission and to create conducive room to see to it its international commitments are respected and fully enforced through the Ethiopian Human Rights Commission along with other NHRIs partaking in the promotional and protective activities of Human Rights; in domestic legal system in light of the afore mentioned PARIS PRINCIPLES minimum standards. Therefore, the next chapter will examine the effectiveness of the practice of the Ethiopian Human Rights Commission-Hawssa branch office towards achieving its basic promotional and protective functions in regional sphere based on the basic Paris Principles standards.

Chapter Three

3. An Assessment of the Practice of the Ethiopian Human Rights Commission Hawassa Branch Office to Promote and Protect Human Rights in SNNPR

Introduction

As it was briefly discussed under the introductory chapter of this paper, the Ethiopian Human Rights Commission has been established as per article 55/14/ through establishment proclamation No. 210/2000, to promote and protect human rights so as to enshrine under chapter three of the FDRE Constitution as well as those conventional instruments ratified by Ethiopia, which are part and parcel of the domestic legal system as pursuant to art 9(4) of the parcel law of the land.

Emanating from this constitutional recognition, and legislative empowerment, scope wise, EHRC has mandated to promote and protect all human rights allegations encountered in Ethiopia. It implicates that extra-territorial human rights violations allegations is out of the scope of the commission's mandate.¹⁶⁸ With the need to comply with its constitutional responsibilities the founding law has provided adequate mandate to set up branch offices nationwide as clearly indicated under article 9 of it.¹⁶⁹ For such end EHRC has submitted its proposal to House of Peoples Representatives (Which is the highest legislative organ for whom the commission is formally accountable) with the need to full fill its accessibility requirement of the Paris Principle on the day of 6th of September 2011. Consequently; the parliament acknowledged the establishment of 6

¹⁶⁸ EHRC Establishment Proclamation, Supra note,23,Article,4

¹⁶⁹ Id. Article, 9.

branch offices on its 10th regular session of December 19/2011 including the SNNPR branch office and 2 more branch office in its 12th regular session in June/2014.¹⁷⁰

The establishment proclamation has no clear illustration of the powers and responsibilities specifically delegated, to branch offices. However; the branch offices mandates are inferred from Art 21 of thereof which stipulates, the branch offices' Commissioners' powers and responsibilities. With this to mean that, branch offices can exercise all the powers and responsibilities vested to the Commission in addition to exercising within the local jurisdiction , except the powers exclusively reserved for the head office Chief Commissioner as clearly mentioned under art 6(7) and (9).¹⁷¹ Therefore, as a branch to the head office there exist no territorial limitations of exercising their role of promotion and protections. Even, they can undertake their activities outside of their locality of establishment in other regions of the nation as the law clearly acknowledges. As a formal accountability issue, the head office shall be accountable to HPR where as the branch offices are accountable to the head Office.¹⁷²

Following the approval of the proposal to set up the branch office by HPR, the EHRC SNNPR- branch office (*here in after referred to as branch office*) has been established in Hawassa after 5 years of the commencement of the head office in 2012. Its Organogramic composition of it involves one Chief Commissioner, 4 line directorates, one Auditor and

¹⁷⁰ The FDRE House of Peoples' Representatives has Acknowledged the Opening of 6 branch offices on its 10th regular session of December 19/2011 in SNNPR, AMHARA, TIGRAY, SOMALI, OROMIA REGIONS AND 2 more branch offices in BENSANGUL GUMUZ AND GAMBELLA in its 12th regular session in June/2014

¹⁷¹ The Branch offices' Commissioners are suffered dual limitations. First, they are prohibited from forwarding their opinion on human rights reports to be submitted to international organs (Art. 6(7)). Second, they suffer limitations in participating in international human rights meeting, conference or symposia

¹⁷² The EHRC Establishment Proclamation supra note, 23, Article,13.

other experts and supportive staffs.¹⁷³ In sum there are 35 staff members in the office.¹⁷⁴ Accordingly, for SNNPR branch Office, Promotion and Protection of human rights and fundamental freedoms in line with the minimum standards of the Paris Principles are held to be an international responsibilities; constitutional obligations and statutory requirement.

Depending on the data gathered during the field work through in-depth interviews, focus group discussions, observations and the data obtained from official reports of concerned government organs, the gaps and limitations of the branch office with respect to its basic tasks of promotion and protection of human rights will be examined. The data utilized under this chapter were obtained from victims of human rights violations who lodged their complaints to the office, senior experts as well as higher officials of the branch office, concerned government and non-governmental officials, CSOs who are stakeholders whose tasks are inter linked with promotion and protection of human rights.

3.1. Promotional Functions

As it has been discussed under previous literature review part of chapter two, sections 2.4.2 of this paper multi-dimensional and various tasks must be under taken by the branch office with the need to create immense human rights awareness to the target groups, concerned government and nongovernmental sectors as well as to the public at large throughout the region. Promotional tasks of the office is the statutory mandate as pursuant to Articles, 5, 6 and 21 of the establishment proclamation to educate the public be aware

¹⁷³.Id. Article, 31.

¹⁷⁴ Interview with Ato Kifle Reda, Human Resource Director at Hawassa Branch, on 28May2016.

of human rights using different strategies.¹⁷⁵ In order to undertake its promotional functions in light of the minimum standards of the Paris Principles, the office is need to undertake five basic tasks:¹⁷⁶ developing awareness by way of providing awareness creation trainings, collecting, producing and disseminating, information materials; organizing promotional events, working with medias and ensuring its visibility and roles. Hence, under this section we will briefly examine the effectiveness of the office towards disposing these basic promotional tasks.

3.1.1 Developing Awareness by way of providing Human Rights Education and Trainings

Developing awareness by way of providing trainings and public awareness either for the general public or target groups is one strategy that the office exercises to promote human rights.¹⁷⁷ This targets the formal governmental and nongovernmental sectors, informal sectors, schools as well as professional trainings (ToT).¹⁷⁸ The Office's awareness creation records reveal that; it has provided awareness creation trainings to different government officials and law enforcement officers of the region such as presidents of courts at zonal and woreda levels, police officials, co-coordinators of militia offices in the region , members of the parliaments as well as members of child rights conventions committee at Zonal level.¹⁷⁹ Moreover; to comply with its promotional mandates, it has provided different awareness creation trainings on

¹⁷⁵EHRC Establishment Proclamation, Supra note,23, Articles, 5, 6 and 21

¹⁷⁶ Tsegaye Regassa, Making *Legal Sense of Human Rights: the Judicial Role in Protecting Human Rights in Ethiopia*, Mizan Law Review, Vol. 3 No. 2, September 2009. P.307.

¹⁷⁷ Professional Training Series#4,supra note,12,p.58.

¹⁷⁸ Ibid.

¹⁷⁹ Magazine published by the Ethiopian Human Rights Commission Hawassa Branch Vol.1 No.1 Oct.2012

harmful traditional practice to the public, residing in which immense harmful traditional practices are prevalent.¹⁸⁰

As Ato Belete Yilma, who is a Director of the Promotion Directorate of the Office interviewed by the researcher express at this juncture that in order to dispose the promotional role of the office; employee different mechanisms and strategies. Some of its activities are preparing awareness creation trainings. With such end, the office have delivered trainings to different justice organs that are responsible to maintain peace and security of the region as well as law enforcement organs whose works are highly linked with the protection of human rights and also the office provide human rights trainings both at the request of different governmental offices or by its initiation. For example, as the biggest promotional success, the office gave trainings on human rights for 900 police officers candidates up on the request of the Regional Police Commission in 2016.¹⁸¹

With the need to identify relevant topics for trainings and concerned participants for awareness creation training program the office utilizes different mechanisms. For instance, the office conducts need assessment from potential stakeholders by administering questionnaire, observations, and discussion with concerned organs for the proposed trainings. To mention some scenario in collaborations with prison administration offices, and police stations, it has tried to select the topics relevant to the law enforcement officials and to decide the numbers and composition of participants for the trainings. However; its trainings were few and the training programs coverage was not inclusive. It was highly limited to these organs and in the urban areas. It has come across a quandary to make extensive trainings to

¹⁸⁰ Ibid.

¹⁸¹ Interview with Ato Belete Yilma Director of Promotion and Communication Directorate at Hawassa Branch office , on 31March 2016.

the general public due to the infancy of the office; lack of expertise knowledge, financial and manpower scarcities.

In addition, according to the opinion of experts in the promotion wing of the branch office there are some promotional efforts to promote human rights in the region. Nevertheless; its promotional activities and topics for the trainings are highly minimal.¹⁸² Its promotional trends are confined to justice sectors and other governmental organs in the region that are relatively in better situations to know the catalogues of human rights.¹⁸³ That highly ignored other private enterprises which may have little knowledge of human rights and frequently blamed in violations of human rights of individuals and the general public at large.¹⁸⁴ Most of the trainings concentrated on Civil and Political rights instead of Economic and Social and Cultural rights which are frequently trampled in the region at the same level with Civil and Political rights as a result of development program of the government.¹⁸⁵ NHRIs have a responsibility to promote not only civil and political rights but also the economic, social and cultural rights, and this responsibility spans promotion and protection. Since this is one of the target areas of human rights promotion and it needs particular attention¹⁸⁶.

These are a result of a number of factors: financial; institutional, operational and manpower. For instance, when seen the number of experts in the office, there are only two experts in the promotional wing of the office which is extremely disproportional for 14,929,548 residents

¹⁸² Interview with Promotion and communication expert at Hawssa Branch office, on 31 March 2016

¹⁸³ Ibid.

¹⁸⁴ Ibid.

¹⁸⁵ Ibid.

¹⁸⁶ UN Office of High Commissioner, Toolkit for the Role of NHRIs (accessed on 12 May 2016 at 6PM. Available at <http://www.ohchr.org/Documents/Countries/NHRI/1950-UNDP-UHCHR->, See also Human Rights Council General Comment: *on the Role of NHRIs in the Protection of Economic, Social and Cultural Rights*, No.10, UN Doc.E/C. 12/1998/25, (1998).

of the region, of which 13,433,991 (89.%) are rural residents.¹⁸⁷ Moreover; there exist no practical records of training of the trainers(ToT) and follow up to see if those who took part in ToT are disseminating the knowledge they partake or propagate pamphlet to reach to as maximum number of beneficiaries in their trainings as possible.

Furthermore; with regard to the inadequacy of the Office's training experience; Ato Temesgene Assefa (SNNP Regional Prison Administration Rehabilitation and Correction Center High Official contend that:¹⁸⁸

“The trainings that have been provided by the office were not well planned and sufficient to address intensified lack of awareness prevalent in the region with more than 56 Nations, Nationalities and People residents in the region. On the one hand, it is highly limited to urban areas and law enforcement organs ignoring the general public with harmful traditional practice and deep rooted human rights illiteracy of the notion of human rights. On the other spectrum; it was not even sufficient to create awareness to staffs of the prison administration centers. For example; there are 23 prisons centers in the region, whereas its awareness creation efforts highly limited to urban prisons for limited participants mainly for higher officials because of shortfall of budgetary, man power and commitments.”

¹⁸⁷ Based on the 2007 Census Conducted by the Central Statistical Agency of Ethiopia(CSA), the SNNPR has an estimated total population of 14,929,548, of whom 7,425,918 were men and 7,50,630 women. 13, 433, 9991 or 85.98% of the population are estimated to be rural inhabitants.

¹⁸⁸ Interview with, Ato Temesgene Assefa (SNNP Regional Prison Administration Rehabilitation and Correction Center High Official, on 30, March 2016.

As a minimum standard of the Paris principle along with physical accessibility of NHRIs, their activities and operations should have be accessible to the general public especially to indigent and vulnerable groups. The promotional activities of the office should be accessible highly planned in identifying relevant topics and participants.¹⁸⁹ However, the tendency of the office shows highly minimal and inaccessible to the target groups, governmental and private sectors and to majority populations.¹⁹⁰ Most of the trainings mainly focused on prison administration centers and police detention centers for a short period of time. It failed to address other governmental and private enterprises, whereby broad human rights violations and ill- treatments are frequently complained against in nut shell of lack of financial and man power resources.¹⁹¹

According to Ato Yidnekachew, opinion for instance, there are different private enterprises and government owned public enterprises against which considerable number of allegations of violations of minimum labor conditions of the workers prevalent in the region.¹⁹² So that, that could be the offices awareness creation target, and fertile area thereto; surprisingly, they are highly ignored by the office.¹⁹³ For him, the other fertile area for the office involves harmful traditional practices (HTP).¹⁹⁴ There are various harmful traditional practices, rampant in the region, that the office's training proposal need to consider creating a significant awareness to the society about the harmful consequences of HTP against the health and human rights of the society. For instance, according to the 2012 Ethiopian

¹⁸⁹ Interview with, Ato Yidnekachew Ayele- Dean of Law Faculty at Hawassa University, 29 March 2016.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Ato Yidnekachew, supranote,189

¹⁹³ Ibid.

¹⁹⁴ Ibid.

Ministry of Health survey on HTPs in Ethiopia, the occurrences of HTP in SNNPR envisaged that, female genital mutilations 2 %,milk teeth extraction 94% percent, early marriage 51%, abduction 92%.¹⁹⁵

Moreover; the trainings need to be prepared based on research to identify the gaps and to fill out these gaps thereof. There should be indigenous knowledge of the target group, with the need to grasp the real concern of the society and to change their attitude by themselves through their own languages. However, the Offices awareness creation custom failed to consider the above facts. If any, they have been provided in official working language (Amharic) that exclude the majority of the population who have no the skills to learn from. Because of these drawbacks, the promotional effort of the office is in a weak position to create an enormous awareness to large population so far as possible and to accomplish its accessibility roles of its establishment in the region.

The ignorance of the office to aware the public can also easily be visualized from the illiteracy of the public to demand their human rights and freedoms when violated as the assessment conducted by the head office in 2014 indicated¹⁹⁶ and key Official in SNNPR, Sidama Zone Police Office informed to the researcher.¹⁹⁷ For instance; there are a large number of population in Sidama Zone, who have no knowhow about the scope of their rights and how could they enjoy them.¹⁹⁸ There are different situation the police officers arrested individuals and detained them in jails without any justifiable reasons.¹⁹⁹ However,

¹⁹⁵ Harmful Traditional Practices in Ethiopia, Survey Conducted by The Ethiopian Ministry of Health in Collaboration with Hawassa University 2012 p.p.12-33.

¹⁹⁶ EHRC, Assessment Survey, supra note,23,p29.

¹⁹⁷ Interview with Tesfaye Heliso Deputy Commander at SNNPR Sidama Zone, Police Division Office on 1 April 2016.

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

these individuals thank the police officers when they get released instead of challenging their illegal detention due to lack of knowledge about their rights, and the whereabouts to lodge their complaints.²⁰⁰

Even those trainings provided to police officers and prison administration mainly targeted for the higher officials who have no direct contact to the grass-root community as well as it failed to reach the local militias who have, direct and close relation with general public with little knowledge's of the catalogues of human rights of the people in day to day law enforcement activities. That should have to be incorporated with the training program and it should be the target area of the offices while preparing such trainings.²⁰¹

Last yet importantly, even those trainings which had been delivered to those government organs in Amharic language were one time training for a short period of time that limit its capacity to bring fundamental attitudinal changes up on participants. The office training trends seem aimed at decorating its report which is expected to submit to the authorities rather than creating an immense awareness to bring an attitudinal change upon the law enforcement officers and the general public. Even so, there exist no mechanisms to verify the attitudinal impacts of such trainings through administering questionnaires or through conducting personal observations of the activities of the participants who partake in the trainings.

²⁰⁰ Ibid.

²⁰¹ Interview with Endale Abera, Commander at SNNPRS Police Commission Public Relation and Indoctrination Department, on 30 March 2016.

3.1.2. Developing Awareness by Way of Collecting, Producing and Disseminating Information Materials on Human Rights

Developing awareness through collecting, producing, and disseminating information materials: local vernacular translated human rights documents, magazines, pamphlets, annual activity reports, and human rights newspapers is one of the mandated duties of the office towards its promotional roles as pursuant to article 6(3)and(8)of the establishment Proclamation.²⁰² The office has undertaken few tasks with this respect though inadequate. There are few works towards collection and dissemination of information materials. It tried to disseminate the Amharic version of international documents ratified by Ethiopia, the FDRE constitutions as well as the commission's establishment proclamation to prison administration officers and police offices in occasion of different training workshops prepared by the offices. It was highly limited to justice organs of the region that had a chance to participate in different Workshops organized by the office; it doesn't consider the mass population and ethnic minorities who are highly vulnerable to human rights violations because of lack of awareness and other governmental and nongovernmental organizations.²⁰³

Its experience of disseminating human rights information materials through local language also remain imaginary to address the demands of more than 56 Nation, Nationalities and Peoples of the residents in the region²⁰⁴. The distribution of the material only focused on participants who partake in the training with limited number, distribution of such materials should not be a side work but it should have been

²⁰² The EHRC Establishment Proclamation, supra note,23 Article 6(3)and (8).

²⁰³ Ato Belete,supra note,181.

²⁰⁴ The diversity of Nation and Nationalities in the SSNPR estimated more than 56Available at <http://www.rippleethiopia.org/page/snnpr>,(accessed on 14may 2016 at5:25)

conducted within particular budget and program to enhance the promotion of human rights within the region.

NHRI typically develop core ²⁰⁵human rights material that allows the public to increase a general understanding of human rights, as well as to learn about their works; so that the institutions have to explain the NHRI and what it does, and how to contact it; explaining key human rights and basic principles; explaining the rights of a particular groups; also it should have to produce the annual activity report magazine and specialized human rights materials.²⁰⁶

Although the NHRIs should have to use elaborated language and clear lay out is important while preparing such material. It should be visually attractive, and easy to find and understand²⁰⁷. In a country with more than one official language, material should be made available in the different languages to promote accessibility; also should be easily accessible in alternative formats to person who has special needs; such as brail and audio books. Publication alone is not enough and effective dissemination important too and also information should be available online, at the NHRI office and the community organizations, for example in the municipal offices it should be

²⁰⁵ Some of Core International Human Rights Documents involve: UN (1948) Universal Declaration of Human Rights adopted and Proclaimed by the UN General Assembly in resolution 217 A (III) of 10 December 1948 at Paris . UN (1965) International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the UN General Assembly in Resolution 2106 A (xx) of 21 December 1965 at New York. UN (1966) International Covenant on Economic, Social and Cultural Rights, adopted by the UN General Assembly in resolution 2200 A (XXI) of 16 December 1966, New York . UN (1966) International Covenant On Civil and Political Rights, adopted by the UN General Assembly in resolution 2200 A (XXI) of 16 December 1966, New York. (1979)Convention On The Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly in resolution 34/180 of December 1979, New York. UN (1984) Convention against Torture and Other Cruel, Inhuman Or Degrading Treatment Or Punishment, adopted by the UN General Assembly in resolution 39/46 of 10 December 1984 at New York .

²⁰⁶ Professional Training Series # 4, supranote,12, p.70.

²⁰⁷ Ibid.

routinely distributed at local awareness-arising or training events sponsored or conducted by the institution. Sadly, under the shelter of infancy, lack of expertise knowledge and financial hurdles the office failed to do so.

As far as its annual report is concerned though it is a statutory obligation that the office supposed to publish every year and disseminate to the concerned stakeholders and general public as pursuant to article 6 and 21 of the founding law. However; except the inauguration Magazine published in October 2012;²⁰⁸ it has never published annual performance report so far. Even so, it has not been communicated let alone to the public at large for whom it stands for; they are even alien to the head office and staff members of the office.

3.1.3. Coordinating and Preparing Promotional Events and Encouraging Community Initiatives.

Community-based activities are promotional activities that directly involve local group of people or subsectors, opinion leaders, tribal chiefs. Using different occasion to organize awareness raising initiatives for the public is very important for instance during the occasion of International Women's Day (March 8), AIDS, International Human Rights day (December 10) , International 16 Days of Activism (25 November to 10 December) can be used as the means of initiating the public about human rights and also NHRI may use the social events which are entertained in the community that are un related to human rights such as during festivals, exhibitions, community anniversaries etc.²⁰⁹ For such end, the Office has done few activities which cannot be as such institutional proud. It has

²⁰⁸ Magazine published the Ethiopian Human Rights Commission Hawassa Branch Vol.1 No.1 Oct.2012

²⁰⁹ Professional Training Series # 4 ,supranote,12, p.71.

celebrated International Children's day ,Human Rights Day, Sixteen days of Activism against Gender Violence, Women's day ,Labor Day.²¹⁰ However; Most of these anniversaries and participants are highly limited on universities and urban areas that are relatively in better situation to know human rights and protection thereof. It failed to reach the remotest public highly dominated by cultures and harmful traditional practices which highly violate human rights. Even so, most of them do not go beyond a day long seminars which are insufficient to bring fundamental attitudinal changes among the participants and the society. It seems aimed at decorating its report which is expected to submit to the authorities rather than educating the public their catalogue of rights and what they are expected from to effective enjoyment of their rights and correlated obligations with full passionate and commitment.

With regard to its efforts to encourage community initiatives; the office has undertaken few activities in collaboration with school mini Medias and different women associations operating in the region.²¹¹ It has prepared awareness creation campaign to combat sexual harassment against women in 2016; Moreover, the office has celebrated women's day as well as international disabilities day in collaboration with Yirgalem Junior and High schools.²¹² The office in collaboration with the head office tried to establish human rights army in the region; which is composed of members of different governmental and non-governmental organizations as well as different stakeholders in 2015.²¹³ However, its

²¹⁰ Interview with, W/ro Aynalem Kebede Senior expert of the women children affairs at Hawassa Branch office of on 1 April 2016.

²¹¹ Interview with Promotion and communication expertise, supra note, 182.

²¹² Interview with W/ro Aynalem Kebede supra note,210.

²¹³ Interview with, promotion and communication expertise supra note,182.

operation was unsuccessful, due to the fact that it does not define the roles and responsibilities of the office; no one is responsible to monitor the activities.

Although collaboration scheme with stakeholders is valuable to furnish promotional activities at the lower level using the already established institutional structures with the available limited resources; the office had no meaningful achievements so far. Most of its activities concentrated on urban and zonal levels that ignore the demands of the forgotten majority at woredas and kebele levels tied under the yolk of deep rooted harmful traditional practices and vulnerable to multifaceted gross human rights violations.

For Ato Yidnekachew who is Law Faculty Dean at Hawassa University, the office activities in terms of preparing promotional events and its community initiatives schemes remain a drop in the ocean²¹⁴. For instance, the office has had a single story in its promotional event held with Hawassa University. It has celebrated human rights day in 2015 from its commencement in the region. However; using Universities as a venue of promotion has a paramount importance to promote human rights for the society at large.²¹⁵ He further enunciated that using universities as a potential partner is relevant because the students' populations in universities are composed of individuals from different regions of the country having diversified cultural, ethnicity, and linguistic and human rights backgrounds, so that the office can easily reach the society at large through them while rejoin their society without further expenditure. It also helps the office to identify potential factors, and areas of human rights violations prevalent in different

²¹⁴ Interview with, Ato Yidnekachew Ayele, supra note,189 .

²¹⁵ Ibid.

places and could be a venue to create awareness with that effect. Nonetheless; its collaboration effort is insignificant which prevented to exploit such opportunities.²¹⁶

3.1.4 Working with Media

This promotional tasks' plays an indispensable role to create an immense awareness about the catalogues of human rights and fundamental freedoms in a democratic society whether through electronic or print media to reach the remotest society as clearly discussed under chapter two, section 2.5.1(C) of this paper.²¹⁷ In its drive to propagate awareness about human rights through Medias the office has done few activities. The office had 6 months radio transmission program and announcements through locally broadcasted radio Station which is limited in urban areas(Radio Fana FM Program) in preparing promotional events, awareness creation program about the powers, responsibilities and jurisdictional limitations of the commission, compliant lodging mechanisms to the office, informing the public about the human rights of people with disabilities, as well as the human rights impacts of harmful traditional practices such as female genital mutilations.²¹⁸ Furthermore, in collaboration with popular Radio Station of the Region (Dehub FM); it has transmitted awareness creation program about basic human rights and freedoms enshrined in the constitution and international instruments ratified by Ethiopia as well as the impacts of harmful traditional practices towards human rights violations for 13 weeks.²¹⁹ These few strategies cannot be sufficient as compared to what ought to be done to comply with the minimum requirement of the Paris Principles to reach the 14,929,548 million people reside in the region of whom

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ Interview with W/ro Aynalem Kebede, supra note, 210.

²¹⁹ Interview with promotion and communication expertise, supra note, 182.

13,433,991 (89.98%) are Rural inhabitant²²⁰. Nevertheless, they were not adequate. On the one hand, the transmission was not permanent and for limited duration and in Amharic language which ignored to address the demand of the forgotten majority in country side with their local vernaculars (cannot listen or speak Amharic language) to learn and participate in the business of the office and to benefit from the services of thereof.

Be as it may, the promotional experts of the office also share the inadequacy of its media promotional efforts on human rights in the region.²²¹ Its effort of promotion using Medias is highly minimal to address more than 56 Nation, Nationalities reside in the region, and this is because of budget constraint that limits to buy permanent /continual air time on Television or Radio stations.²²² Its awareness creation mainly focuses on face to face trainings for limited participants who have got the chance to participate rather than using different electronic media²²³.

Ato Endale has explained the media inadequacy of the office in comparison with the activities of other governmental organizations. For him the Regional Police Bureau and SNNPR Ethics and Anti Corruption Commission for instance, have permanent air time on SNNPR Television Program; and Ethiopian Broadcasting Corporation (EBC) with the need to intensify awareness of the public awareness and knowledge about their activities.²²⁴ So, they are popular in the region and educate the public about crimes; its consequences as well as how the public report the crimes when committed in the localities along with public wings

²²⁰The demographic Picture of SNNPR, supra note,186.

²²¹ Interview with promotion and communication expertise, supra note, 182.

²²² Ibid.

²²³ Ibid.

²²⁴ Interview with Commander Endale Abera, supra note,201.

of the organizations through permanent television programs.²²⁵ However, due to the office failure to promote itself through media outlets most of the residents of the region have no clue not only about their fundamental human rights and freedoms but also about the very existence of the office and its whereabouts²²⁶.

In conclusion, Electronic Medias play a significant role to reach the public at the grass root level using local vernaculars of the public. However; the office has failed to do so because of budget constraints and lack of commitments from the top management. Those radio transmission and TV spots have been done by the office only transmitted through Amharic languages which highly ignored rural residents with local vernaculars that jeopardized its effort of promotion. The office also lacks to have a permanent air time in any of the electronic media within the region; particularly FM Radios which are transmitted in the region with the various languages. Thus, using such opportunity is very necessary to reach the people resides remote from the office.

3.1.5 Ensuring the Visibility of the Office and its Role

The National Human Rights Commissions shoulder a public accountability under the Paris Principles as well as a statutory requirement to inform the public about the roles and activities of thereof as it has been described under chapter two sections 2.4.1 (D) of this Paper. For this purpose, the office has tried to announce its purpose and its establishment for SNNPR higher officials including the president, governmental and NGO representatives; and local elders on

²²⁵ Ibid.

²²⁶ Ibid.

the occasion of workshop held on October 29/2011 at Lewi Resort²²⁷. There are few efforts to introduce the powers and responsibilities of the offices in some trainings and radio channels.²²⁸

The early years of the office to exercise its tasks to this effect curtailed its visibility to the public as well as brought great confusion to the public as to what kind of institution it is.²²⁹

Most people are unfamiliar as to its existence and the tasks undertaking to safeguard human rights on their behalf. Most of them considered it as NGO and other believed that it's Human Rights Watch which is famous for their report on human rights situations in Ethiopia²³⁰ which is popular even among the ordinary citizen.²³¹ Others also confused it with Ombudsperson Institution as envisaged from large number of inadmissible complaints lodged to the office which involve maladministration issues in the period of 2012-2015 as shown under table one and two of this paper below.²³² Moreover, most of the residents are unaware of its existence, roles and responsibilities of the office. This can be envisaged from individuals and group complainants who frequently lodged their complaints to the head office rather than to the Hawassa branch office.²³³

For Ato Daniel W/Senbet Ethiopian Women Lawyer Association Hawassa Branch Office coordinator, despite the fact that the establishment of the office is a remarkable beginning, its

²²⁷ Magazine published the Ethiopian Human Rights Commission Hawassa Branch Vol.1 No.1 Oct.2012

²²⁸ Ibid.

²²⁹ Participant 1, in Focus Group Discussion 12 April 2016.

²³⁰ Ibid.

²³¹ Ibid.

²³² EHRC, Assessment, Survey Report, supra note,24

²³³ Ibid.

activities to promote and to make itself accessible to the public remain in vain. According to him:²³⁴

“I have not encountered any occasions that the offices promotes itself, through different mechanisms, such as media, leaflets, magazines can be used to announce about its activities and roles. I have the chance to know its establishment only through mutual work relationships rather than other mechanisms. For him one of the mechanisms to publicize the existence of the office is through publishing of investigation findings and recommendations, activity reports, thematic reports. However, none of those activities have been done by the office to the best of my knowledge. Even though the offices publish one commencement magazine in 2012 which shows the activities that have been done upon establishment, it could not be made accessible to the general public”.

Among participants of the focus group discussion, 3 of them informed the researcher saying that due to lack of information about the mandates of the office, they brought cases that had been decided by courts. However; the office rejected on the ground of that the complains were outside of its mandate, this happened on them because the office did not effectively promote itself and the scope of its mandate and jurisdictions²³⁵.The inadequacy of the office to ensure the visibility of the Commission and its Role somehow could be reflected from greater number of inadmissible complaints lodged to it in the fiscal year of 2012-2015 one can observe that the short coming of the office in related to ensuring its visibility and roles. From 820 of the total cases which lodged to the office only 383(46.71%) of the cases are

²³⁴ Interview with, Ato Daniel W/Senbet Ethiopian Women Lawyer Association Coordinator, on 30 March, 2016

²³⁵ Anonymous Focus group Discussion Participants, 2 and 3 ,on 12April2016.

admissible and conducted an investigation the remaining 437(5.29%) cases were inadmissible.²³⁶ So accordingly to this data the office should have to strength its mechanism of ensuring its visibility and role to the public at large.

3.2. Protective Functions

Introduction

The other basic role of the EHRC involves the protective wing as any other NHRI. The commission is clearly empowered to investigate and redress any human rights violations committed in any Region.²³⁷ As it has been discussed in the previous section of this paper save for the dual limitations imposed on the branch offices, they are empowered to exercises all the protective powers vested to the EHRC/ head office. Hence, the cumulative readings of Article 4, 6, 9 and article 21 made clear that the branch offices have the mandate to investigate any human rights violations on the basis of complaints submitted to it as well as empowered to conduct investigations, on its own initiation, where it so finds necessary; to undertake human rights study and research; ensuring the compatibility of subordinate laws with cardinal principles and standards of human rights and monitoring functions using its branch offices.²³⁸ Therefore, protective tasks are the statutory mandate of the office to effectively compliment to protect human rights in its locality. At this juncture, the proclamation looks generous to conform to the Paris principles standard for effective protective role of the Commission *inter-alia with the* office. Protective function is the outcome of promotion activities; when citizens are more aware of their rights, and what

²³⁶ Report prepared by Budget and Planning Directorate EHRC un published

²³⁷ The EHRC establishment proclamation, supra note,23, Article 4.

²³⁸ Id. Articles 4, article 6(4), article 9 and article 21.

is expected from others for the enjoyment of their rights, they claim their rights.²³⁹ They request for protection and redress of such rights when they are violated. Protective function encompasses the examining and taking actions on petition of an alleged violation of human rights, it also implies the taking of measures to secure the respect for them.²⁴⁰ This role of the office has encompasses four major tasks. Undertaking Investigations and Taking Appropriate Actions; Human Rights Study and Research; Ensuring the Compatibility of Subordinate Laws with Cardinal Principles and Standards of Human Rights and Monitoring Functions. The effectiveness of the practice of the office towards these core protective tasks will be scrutinized under this section.

3.2.1. Undertaking Investigations and Taking Appropriate Actions

This task of the office is a key to maintain the creditability of its operations among the national and international community as it has been explained under chapter two, section 2.4.2 of this paper. With the purpose of disposing these statutory obligations, as the case management data of the office shows 820 complaints have been submitted to the Office from Fiscal year of 2012-2015 using different methods such as in person, postal mails, telephone, though complaints lodged in person took the highest proportion. Of these, 437 (53.29 %) of the complaints submitted to it held inadmissible due to want of jurisdiction and rejected by giving advice to complainants to lodge their complaints to competent organ having jurisdictions.²⁴¹ Among 820 cases only 383(46.7%) complaints lodged to it were held admissible of which 179(21.83%) were resolved through preliminary investigation and

²³⁹ Professional Training Series #4, NHRI, Hand book, Supra note 12, P.23.

²⁴⁰ Ibid.

²⁴¹ Hawassa Branch Office Performance Report submitted, to the head office Planning Directorate (from September 2012-to May 2015).

advices; 88(10.73) cases were deemed to be redressed amicably through mediation; 14 cases (7.9%) were closed due to lack of sufficient evidences; 9 cases (1.10) were referred to the head office and 93 cases were investigated as shown under table two here in under.²⁴²

Table two.

Cases lodged to the Office in the Fiscal year of 2012-2015

No.	Cases lodged to the office	Fiscal year				
		2012	2013	2014	2015	Total
1	Total number of cases	284	196	163	177	820
2	***Inadmissible referred to other institutions	159(55.9%)	73(37.24)	106(65.03%)	99(55.93%)	437(53.29%)
3	Admissible cases	125(44.01)	123(62.76%)	57(34.97%)	78(44.07%)	383(46.71%)
4	Solved with preliminary investigation and counseling	63(22.18%)	79(40.31%)	26(15.95)	11(6.21)	179(21.83%)
5	Cases investigated	27(9.51%)	19(9.69%)	20(12.27%)	27(15.25)	93(11.34%)
6	Amicably settled	35(12.32)	20(10.20%)	9(5.52%)	24(13.56)	88(10.73)
7	Cases blocked lack of substantiation evidence	-	--	--	14(7.91%)	14(1.71%)
8	Cases referred to the Head office or other branch office	0	5(2.55)	2(1.23%)	2(1.13%)	9(1.10%)
Total sum						820

**** Cases referred to the (ombudsman, Anti-corruption commission, courts and free legal aid.²⁴³

²⁴² Ibid

²⁴³ Ibid.

All the cases that have been handled by the office were based on individual and/or group complaints. Hence, it shows the office has no record of conducting investigation by its own initiation. With regard to the office redressing mechanisms when the cases are private cases lodged by individuals and fall under the scope of the mandate of the office, the office investigates the case and when the outcome envisages human rights violations, it provides a copy of the investigation report both the complainants and for the alleged perpetrators for redressing based on the investigation findings.²⁴⁴ As far as group rights allegations concerned, the office conduct investigation to vindicate the truthfulness of the human rights allegations (which amounts to be 15% of the total complaints regarding on forced eviction, self determinations as well as displacement allegations, and 83 % of group complaints was on forced eviction allegations) then it prepares an investigation report and sends a copy of the report to the concerned government organs for execution and to the Head office for further follow up.²⁴⁵

As Ato Berhanu Atoro- Human Rights investigation and Monitoring Directorate Director, enumerated the protective mandate of the office, that the establishment proclamation provides broad mandate to the commission and to the office to protect the human rights of the people in the region. The investigation wing of the office has two core functions. The first role encompasses the human rights investigation whereas the second role involves the monitoring aspect so the office is supposed to undertake investigation upon compliant or through own initiation based on the information gathered from medias', magazine, and other reports and unanimous sources. Nonetheless; the offices' investigation experience

²⁴⁴ Interview with, Senior investigation Experts of the Branch Office, on 1April 2016.

²⁴⁵ Ibid.

envisages mainly upon complaints be it individual or group rather than on its own initiation though there are numerous issues that demand the latter. Most of the complaints lodged to the office held to be inadmissible due to two main reasons. The first reason is that the cases are, are inadmissible because they are maladministration allegations that are the mandate of Ombudsman institution. On the other hand, those inadmissible cases fall under the mandate limitation of the office-either pending before the courts of laws or issues which are vested to state council²⁴⁶:

With regard to the techniques and mechanisms of redressing complaints lodged to the Office Ato Birhanu further explained that to comply with article 26 of the establishment base on the investigation manual which in 2014 the office try to solve disputes amicably, if they involve no gross human rights violations which cannot be redressed through mediation (civil and family matters, as well as labor disputes. The other mechanisms of redressing complaints, is in office investigation by a preliminary investigation- through phone calls as well as official letters, if they are easily resolved through it. The third mechanism is through field investigation and producing a report. In addition to investigation mandate, the office supposed to monitor different governmental and private organizations and institutions, whose activities are somehow related to human rights and which may invoke human rights issues. Despite the fact that there are some activities in the monitoring role of the office, they are highly insignificant. The very problem underlies, the branch office is

²⁴⁶ Interview with, Ato Berhanu Atoro, Investigation Directorate Director ,Hawassa Branch office 1April 2016)

not fully equipped in resources as well as prohibited from partaking in monitoring activity of police custody and prisons by the former Chief Commissioner.²⁴⁷

In order to ensure the effectiveness of the NHRI adequate budget and man power is very essential. In such case the office is not well operational in financial, and there are constraint in man power. In concerning the budget the yearly budget of the office was for instance, the 2014 was 1,725,130 birr and for 2016, it was 3,025.126 birr of which the investigation directorate portion is not beyond 300,000 and the office is prohibited from generating other financial sources from aids by the head office. This highly hampered its protective functions to effectively plan and dispose its responsibilities. With regard to man power; there are only 3 experts for more than 14, million residents of the region of which more than 13, million are rural residents. Although there are some success stories in investigation efforts on complaints, most of the investigations findings were not redressed no single incidence that shows record to conduct investigation by the initiation of the office. After 5 years of the commencement of the office in the region, the chief commissioner has been appointed to it by the FDRE House of people Representative up on the recommendation of the head office and the regional council in 2015 that had also its own negative impact towards its success in related to ensuring its independency.

As we have seen the investigation record of the office, it has shortcomings in regards to satisfying demands from large populations in the region. The number of complaints for the last four years were few in numbers as well as up on complaints even the greatest proportion among lodged complaints were held inadmissible that put its promotional efforts

²⁴⁷ The branch offices are prohibited from Monitoring detention centers and Prisons by the head office through Circular No. EHRC/1.2/3/2013 07/ February /2013.

questionable. Moreover; as we have discussed under this section the investigation records of the office is highly limited upon complaints and no experience of investigation upon its own motion. There is no kind of investigation related to the systemic issue such as systems, laws that give rise to gross human rights violations with the need to dry the root causes. For instance, there are a considerable number of private organizations and public enterprises in which most of minimum labor conditions and labor rights are frequently alleged to be violated that could have been a fertile area for the office to undertake systemic investigation, unfortunately due to its incapacity and infancy it failed to do so.²⁴⁸

With regard to the incapacity and reluctance of the office to undertake investigation up on its own initiation Ato Yidnekachew contends that²⁴⁹:

“When seen the trends of investigation of the office, it awaits in the office to receive complaints and conducting investigation. However, there are potential sectors in the region that highly demand the office to conduct investigations up on its own motion. For example, there are governmental owned public organization such as Ethiopian Electric Power Agency (ELPA) and Ethiopian Telecommunication Authority(Ethio Telecom) which hire employees for 17 and more than years in contractual wok basis in contravening of the Ethiopian Labour Laws Proclamation as well as International Labor Instruments which are part and parcel of the domestic laws of the land. Currently, such labor issues are pending before the courts of the law in the region. Moreover; no exemplary than, the newly emerged human rights phenomenon in the region following the newly introduced social security proclamation by the

²⁴⁸ Interview with protection experts 1April 2016.

²⁴⁹ Interview with Ato Yidnekachew Ayele, supra note,189.

government that obliges the private organizations for escrow to pension allowances for their employees. Simply, the office remains ignorant when many private factories demoted their permanent employees to be daily laborers/ planned to escape their responsibility to deposits for pension allowance.

The other limitation with regard to the investigation task of the office is its inaccessibility. The very propose of the establishment of the branch office under the auspice of the head office here is that to maintain accessibility of the EHRC because it lacked physically and operational accessibility. From the very outset, the office does not have its own premises having sufficient office rooms to handle a huge number of complaints. Lack of effective working guidelines that directs investigation experts and there exists no hotline complaints handling service to reach the rural residents at large.²⁵⁰

The office confined in ill-equipped and small compound in Hawassa and has no complaints handling centers at woreda levels to reach the remotest and forgotten majority of rural residents.²⁵¹ Even so, this is not accessible to elders and people with disabilities because the office is located in the 4th flour building which rented from some religious organization. With regard to its operational accessibility, it suffers bitter scarcity of investigation experts, work rules, no mechanisms to address the demand of vulnerable and look for special needs.²⁵²

The other shortcoming of the office is lack of adequate investigation experts.²⁵³ There are only 3 experts for more than 14 million residents of the region to handle complaints, conduct investigation, to prepare investigation reports and to follow up its execution that

²⁵⁰ Interview with, protection expertise, supra note,244.

²⁵¹ Ibid.

²⁵² Ibid.

²⁵³ Ibid.

absolutely hampered the quality and efficiency of the investigation services.²⁵⁴ The other critique which mentioned for the office is that the cases entertained by the office up on individual complaints are large in number as compared to its group rights investigation. And as the practice of the office envisages that it conducts investigation and handovers the investigation findings to complaints and concerned organs where the complaint has been lodged whereas, there exist no follow up mechanisms for their enforcements. As far as group rights allegations concerned, in 2016 the office has investigated human rights allegations related to self determination allegations lodged by Kucha peoples reside in Gamo Gofa Zone and sent the investigation report to the head office. Moreover; the office has investigated cases lodge by Konso people, requesting redress for an illegal detention by the police, during the conflict occurred in Konso area in 2016.²⁵⁵ This is the only successful experience in related to the group rights.

As the investigation data under table two illustrated among 437 of entertained cases by the office in the period of four fiscal years 93 were investigated and 88 cases were deemed to be solved through mediation. Nonetheless, it is more of numerical and exaggerated since there are no mechanisms of follow up to know whether cases forwarded for solution have been redressed. Suffice here to say that, should there appear some success stories the ultimate fates of those cases subject on the good will of the offices for whom letters or reports forwarded.²⁵⁶ If an official for whom a letter forwarded to comply is honest and co-operated he will comply with the recommendations otherwise the commission has no mechanisms or collaboration links with justice sectors

²⁵⁴ Human resource department profile which indicate the current man power of the branch office

²⁵⁵ Interview with protection expertise, supra note,244.

²⁵⁶ Ibid.

to force and to address the allegations for perpetrations where the recommendations were not addressed.

As the investigation experts in the office interviewed by the researcher affirmed that the office has no system/mechanisms of verifying whether investigations reports forwarded to concerned organs were executed, had no single activity to held perpetrators legally responsible due to their failure to comply with the office's recommendations to exercise its power vested to it under article 41 of the establishment proclamation.²⁵⁷ No cooperation culture to give effect for its investigation findings along with justice organs and other stakeholders.²⁵⁸

With regard to the office's execution incapacity for its investigation findings anonymous respondent 1, who was a participant in the focus group discussion told the researcher that²⁵⁹:

“I had a controversy with an individual who had a work agreement with me. After I disposed my obligations as per our pact, the individual denied my payment and when I began to challenge him he bribed the police officers and put me in jail illegally for a month. On my dismay, I lodged my compliant to the police alleging my illegal detention, where as they rejected my complaints. Then I have taken my complaints to ombudsman office in the region, however, it referred me back to lodge my complaints on the ground of its out of their mandate and finally I submitted my complaints to EHRC Hawassa Branch office. The investigation officers welcomed my complaints filed my application. Thereafter; they conducted investigation and proved that my complaints were valid and the detention was illegal. They

²⁵⁷ EHRC, Establishment Proclamation, supra note 23, Article, 38.

²⁵⁸ Ibid. Paris Principles Section 3 (c), supra notes 56.

²⁵⁹ Anonymous respondent 1 in Focus group 1 discussion , 12 April 2016

gave me a copy of the investigation report with recommendation to me while they failed to send a copy of the report to the police station and concerned organs to held the perpetrator responsible for violation of my liberty. Even during investigation, I had a look that the investigation officers of the office have been harassed and embarrassed by the police officers in the station. On top of that because of its incapacity, I could not have justice and I was exposed to unnecessary expense by the very reason that I demanded justice. And it had no coercive power and mechanisms to execute its investigation findings. I have seen many individuals who were illegally detained and had no one to stand for their rights. This incapacity of the office tends the opinion of the public to believe that the office is superficial who stand for the government rather than protecting the rights of the public that highly jeopardizes the independency and creditability of the office in the region.”

Anonymous Respondent 5, FGD2 who lodged a complaint to the office has also similar story on the inefficiency of the office, to execute its investigation findings contends that²⁶⁰:

“I reside in Yirgalem town in the region. Due to urban development policy of the government, I and other 26 residents of the town evacuated from our legally owned houses without any land/home for replacement; neither compensation had been awarded. Accordingly; we lodged our complaints to the office, then the cases has been investigated and the violations of our property rights have been acknowledged by the office. Consequently, a copy of the investigation report sent to the concerned city administration offices for execution. However; the report has not been executed for the last ten month’s yet. We day and night complained to the office alleging that the

²⁶⁰ Anonymous Respondent/Participant 5, in Focus group discussion 2 ,on 12 April2016

violations have not been redressed and city administration has harassed due to our claim for rights. The response that has been given from officials of the office was offensive and heart breaking. They told us that was the best they could do and could have no power to guarantee for redressing of the violations. If that is so, the establishment of the office is superficial and meaningless wastage of resources without having adequate power and mechanisms to forward binding recommendations.”

Furthermore; Anonymous Respondent/Participant 2, in FGD 1, has the same unsuccessful story for her human rights violation complaint in the office. For her, she approached the office alleging that her employment was terminated illegally by one private organization operating in the region.²⁶¹ The office investigated the case and found that the termination was illegal and recommended the organization to reinstate her to the organization.²⁶² However, the organization threw the recommendation and embarrassed her for her accusation before the office.²⁶³ Sadly, the office gave her a response that was the best they could do and advised her to go to formal court.²⁶⁴

The other limitation that curtailed the efficiency of the office to enforce its recommendation, lies, its failure to create collaborative network with justice organs and potential stakeholders to enforce the penalty clause of the establishment proclamation which articulates that:²⁶⁵

²⁶¹ Anonymous Respondent/Participant 2 ,in FGD 1, 12April2016.

²⁶² Ibid.

²⁶³ Ibid.

²⁶⁴ Ibid.

²⁶⁵ The EHRC establishment Proclamation, supra note,23,Art. 41.

“Any summoned person who failed to appear without good cause, who abstract evidences and causes harm to witnesses as well as a person who failed to take measures, having a document produced before it, and also failed to take appropriate measures or response for the Commission reports, recommendations and suggestions within three months shall be punishable with imprisonment from three to five years or with a fine from six thousand or ten thousand Birr or with both; unless punishable with more severe penalty under the penal law”.

Nonetheless, due to the infancy and incapacity of the office to exercise this power; its investigation recommendations as discussed above remained dead letters without binding effect to redress the human rights violations of the complainants approached to it. Neither the office had a public shaming record to condemn potential perpetrators before the responsible regional higher organs or House of Peoples’ Representatives for whom it is formally accountable.

3.2.2 Monitoring Functions

As clearly discussed under chapter two, section 2.5.2 of this study, this role of the Commission involves monitoring of the compatibility and humane treatments of law enforcement institutions such as prisons and detention centers as well as various care giving institutions such as orphanages, charity organizations, eldest aid institutions, intra and inter country adoption agencies, health and educational institutions and employment agencies with the minimum standard of human rights treatments and enjoyment imposed by national as well as international human rights instruments .²⁶⁶

²⁶⁶ Ibid.

The office is empowered under article 6 of the establishment proclamation to monitor the compatibility of law enforcement institutions such as police detention and prison administration centers with International Minimum Standard Rules for the Treatment of Prisons²⁶⁷ However, due to the circular circulated (*against the spirit of the proclamation which allows to exercise every mandates of the office including monitoring in their locality as pursuant to article 21 of thereof*) by the former Chief Commissioner of EHRC that prohibited the branch offices from monitoring and releasing a report on these institutions, they are unable to exercise such functions by its own periodical monitoring plan.²⁶⁸ Their monitoring experience with regard to these institution is only when individuals lodged complaints to the office through its investigation wing rather than through its monitoring wing²⁶⁹.

As far as the monitoring role of the office is concerned, it has had very few insignificant experiences. It participated in monitoring campaign of the head office following the nationwide monitoring report released by the head office in 2011 to verify whether recommendations of the said monitoring report were executed by concerned government organs.²⁷⁰ It has also participated in the 2015 national election camping along with the head office to monitor the adherence of the election process to democratic election processes as well as the fairness of the election atmosphere.²⁷¹ It has also tried to monitor three selected orphanage centers, and child care giving centers in the region since its establishment.²⁷²

²⁶⁷ Standard Minimum Rules for the Treatment of Prisoners, Adopted by the first United Nations Congress on the prevention of Crimes and The treatments of Offenders. held at Geneva in 1955 and Approved by the Economic and Social Council by Its Resolutions 663 c(XXIV)of 31 July 1957 and 2076 (LXII) of May 1977 available at <http://www.Unodc.org/pdf/> accessed May 13,20016

²⁶⁸ EHRC Circular, supra note, 246.

²⁶⁹ Interview with protection expertise supra note, 244.

²⁷⁰ Ibid.

²⁷¹ Ibid.

²⁷² Ibid.

However; it produced no reports or took no action for the violations in these centers due to lack of willingness and lack of enforcement .In addition to this, as it has been explained in the previous section, there exist rampant allegation of the labor abuses in different factories and governmental owned public enterprises such as Omo Kuraz project; ELPA and TELE and other mining extraction associations situated in the region that call for the monitoring intervention of the office.²⁷³ The office also needs to make accessible its activities, to child caring/ orphanage/ centers of the region in which rampant abuses frequently alleged in relation to inter-country adoption that the office could address such allegations, however it failed to do so.²⁷⁴

For Ato Tesfaye Heliso, Chief Administrator of Sidama Zone Police, even though the establishment of the office in the region is a remarkable beginning, its capacity is observed to be fruitless. According to him there are 23 prisons administration and police station in the region that demand the office's strong monitoring intervention, in education, monitoring and improving the treatments of prisoners. However, the office is institutionally incapable to monitor these prisons and to forward its recommendation for better human rights treatments avail for prisoners.²⁷⁵ There are countless loopholes that give rise to the violations of prisoner's rights that should be monitored and remedied.²⁷⁶ Sadly, the office had no such practices.²⁷⁷ Its monitoring experience was limited only through individual complaints rather

²⁷³ Interview with Ato Yidnekachew Ayele, supra note, 189.

²⁷⁴ Ibid.

²⁷⁵ Ibid.

²⁷⁶ Interview with, Tesfaye Heliso, supra note, 197.

²⁷⁷ Ibid.

than through planned monitoring activities because of in nutshell of financial and man power constraints.²⁷⁸

In entertaining the monitoring activities of the office, the women and children directorate try to look the situation of 11 orphanages center out of 26 which are registered in the region in the year of 2015 on the basis of allegations lodged to it.²⁷⁹ This is the only experience where the office has conducted since its establishment in related to the monitoring of the orphanages. This is because of the lack of sufficient budget and the limitation in the man power in the directorate.²⁸⁰

3.2.3. Ensuring the Compatibility of Subordinate Laws with Cardinal Principles and Standards of Human Rights

The office needs also to act as a watching dog in the legislative organ of the government to examine the compatibility of enacted laws as well as legislative drafts with fundamental human rights and freedoms. This is the very task of the office empowered as per the requirement of the Paris principles and the founding law of the commission, which reads as follows:²⁸¹

“The commission shall have the powers and duties to ensure that laws, regulations and directives as well as government decisions and orders do not contravene the human rights of citizens granted by the constitution.”

This provision of the founding law clearly empowers the office and imposes a duty for such functions. However, the infant, ill-equipped office is ignorant with this respect. There have

²⁷⁸ Ibid.

²⁷⁹ Interview with W/ro Aynalem Kebede, supra note, 210.

²⁸⁰ Ibid.

²⁸¹ EHRC Establishment Proclamation, supra note, 23, Article, 6.

been no meaningful activities undertaken by it for this role under the lame excuses of financial and budget constraints. However; following the appointment of the Chief Commissioner to the office in 2015, the office alleged to prepare a proposal that requires the regional parliament to involve the office in the legislative drafting and enacting processes.²⁸²

3.2.4. Human Rights Study and Research

One of the mandated duties of human rights office is to conduct studies and researches on human rights and related issues in the region. The main purpose of conducting research by the office itself and/or in collaboration with other stakeholders is to identify potential areas which give rise to human rights violations or about existing or new developments, mechanisms that could contribute to ensuring respect for human rights.²⁸³ However; the office has conducted no research so far. Even, there exists no responsible department in the branch office's structure entrusted with this task or no professional expert that has been assigned to undertake research in the office. It has also no experience to conduct human rights research in collaboration with other stake holders.

At this point Ato Yidnekachew further asserted that:²⁸⁴

“In order to excel its protection roles of the office establishing a system of co-operational network with potential stakeholders play a fundamental role. For instance, Universities and Academic institutions are a good venues for the office, to undertake researches, on potential areas of violations as well as violations of human rights frequently complained in the region to dry the root causes using the universities populations

²⁸² Interview with protection expertise, supranote,244.

²⁸³ See the Paris Principles, supra note,56, Section #3 (f).

²⁸⁴ Interview with Ato Yidnekachew Ayele, supra note,189.

*without further financial and man power expenditures through establishing deliberate well planned and co-operational systems. However, the office failed to use such remarkable opportunities as a result of reluctance to establish the system”.*²⁸⁵

Conclusion

As it has been discussed under this chapter with the need to comply with accessibility requirement of the Paris Principles, EHRC has opened up branch office in SNNPR. The branch has done a number of activities to dispose its promotional and protective tasks ever since of its establishment though inadequate. It has done various programs and projects to fulfill its promotional role. However; much work remains to be done as compared to what ought to be done in light of the international benchmarks for effective promotional functions. Its few promotional roles are confined to urban centers and law enforcement organs of the region. It failed to provide adequate attention for mass vulnerable rural residents in which culture and ignorance highly dominate against the entire human rights protection. Even the majority populations are unaware of its very existence and whereabouts. Those populations if any who may know its existence remained confused as to its very nature and its major functions to benefit from. Its ineffectiveness in its promotional role fuels the ignorance of the population to contact and to enjoy its protective role.

It has done little protective activities while which have a valuable impact to establish trust among the public. Nevertheless, they are inadequate to comply with the international standards and to address the high demands of residents in the region. It doesn't effectively

²⁸⁵ Ibid.

redress the complaints lodged for violations throughout the region due to factors such as:
Institutional, financial, manpower and lack of operational co-operation systems.

Chapter Four

4. Conclusion and Recommendations

4.1. Conclusion

Today the need to have NHRIs in the existence of the international regional and other domestic institutions like courts and parliaments in the democratic order of a municipal sphere is not vexing point. Thus, there are more than 200 NHRIs in the world to spur human rights promotional and protective tasks in line with the minimum standards of the Paris Principles.

Likewise democratic governments of the globe, the existing government of Ethiopia which tries to fix the grave violation of human rights in the past history of the country has given recognition for the importance of having NHRIS under article 55(14) of the constitution and established EHRC as proclamation 210/2000 to maximize its commitments and prime responsibilities to promotion and protective roles of human rights and fundamental freedoms at the national level. Hence, ever since its commencement of operation after 5 years establishment in late 2005 the commission has undertake a number of promotional and protective functions, even it is not adequate enough to address the demand of the public at large and to comply with the minimum requirements of the Paris Principles.

With the need to comply with the accessibility requirements of the PPs; the founding law has provided the mandate to set up branch offices nationwide as clearly indicated under article 9 of the establishment Act. For such end House of Peoples' Representatives has established the Hawassa branch in December 19/2011. *Accordingly, the SNNPR branch*

office has been established after 12 years of the establishment of the EHRC and embarked its operation in 2012. The branch office is mandated with all the promotional and protective mandates and responsibilities vested to the commission under article 6 of the founding law, save for the powers exclusively reserved for the Head office Chief Commissioner such as *“forwarding opinion on human rights reports to be submitted to international organs as well as participating in international human rights meeting, conferences as pursuant under 21 of thereto”*.

The office has started its operation in 2012 and has undertaken a number of promotional and protective functions, though not as such sufficient enough to comply with the minimum standards of the PPs. It has done a number of activities to dispose its promotional duties however; highly curtailed by man power, financial, lack of work manuals, lack of cooperation with stakeholders. Its few promotional roles were highly limited to urban centers and concentrated on governmental institutions particularly, justice and law enforcement organs which highly ignored the private organizations and local vulnerable. Even so, it was unplanned and inadequate to bring meaningful awareness among them. Moreover, it failed to provide adequate attention for the forgotten majority of vulnerable rural residents with harmful traditional practices in which lack of awareness highly dominated that hamper the enjoyment of their human rights and fundamental freedoms. Even the majority of the urban residents are unaware of its viability and whereabouts. Those residents who may have the information about its existence are remaining confused as to its very nature and its major functions to benefit from. Some are confused so as to be NGO, some are consider the office to be Human Rights Watch or ombudsman institution which are relatively popular than the office.

Regarding the protection role, the office has done little protective activities Nevertheless; they are inadequate to comply with the international standards and to provide effective response to the human rights questions/dilemma of residents in the region.

As far as its investigation role goes from the very outset it has had no single practice to conduct investigation to give solutions by its own initiation though its statutory obligation and the factual situations of the region demand so. Second, its few investigation experiences conducted by it upon complaints lodged to it were remain unexecuted and to bring practical solutions to complainants' allegations. On the other hand, its monitoring functions remained very poor due to lack of operational independency. It has no practice to dispose its protective obligations through its advisory role as well as through conducting human rights researches. These incapacity of the office towards this basic role has appeared as a result of a number of cumulative factors such as absence of follow up mechanisms for its decisive recommendations, operational independency, absence of directives and work manuals, lack of sufficient and professional experts, lack of awareness the scope of its powers as well as lack of physical and operational accessibilities as well as lack of co-operational frameworks with the stakeholders. Hence, with the need to alleviate these lags of the office from effectively realize human rights promotion and protection efforts of the next section propose possible recommendations that the EHRC should consider.

4.2 Recommendations

1. In order to ensure that human rights are protected and promoted through the office, the government and the head office should allocate adequate financial and material support to improve the effectiveness of the office towards its mandated obligations and examine and challenge its effectiveness.
2. The government shall have to take immediate measures to implement proposed recommendations, advices and suggestions communicated to it by the office as well as should take corrective measures to held perpetrators responsible for the perpetration, ordering and permitting the violations of human rights and report to the office as much as possible.
3. The office should ensure its viability and accessibility to all organizations and sectors as well as to persons with disabilities of the region by way of creating accessible procedures; by way of establishing different mobile offices in potential areas where the prevalence of human rights violations are high.
4. The office should be strong and committed in pressuring the government to comply with its mandated functional outcomes, participate in legislative initiations and the possible amendment of the existing anti human rights laws and naming and shaming the perpetrators through different media.
5. The office should prepare and adopt institutional directives and manuals to provide, accessible, effective, predictable and efficient institutional services.
6. The Office must buy permanent air time and transmit permanent program to educate the public and to bring visible attitudinal change on the notion of human rights and fundamental freedoms.

7. The office should create a strong bond with potential governmental, Private as well as non-governmental stakeholders for the realizations of its mandated obligations.
8. Instead of concentrating in urban areas, the office should focus on the forgotten majority of rural residents with harmful traditional practices and deep-rooted human rights ignorance and potential areas for human rights violations in its promotion and protective undertakings.
9. The office should establish effective case flow management system that, it could be, easier to identify recurrent human rights violations to undertake systemic investigation and solve the root causes as well as the need to establish comprehensive and easily accessible compliant handling system for research and other purposes.

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Appendices

Profile of Informants

Governmental and Non Governmental Institutions

No	Name	Sex	Age	Office	Occupation	Date
1	Ato Yidenekachew Ayele	Male	39	Hawassa University	Dean of Law faculty	March 29,2016
2	Endale Abera/Commander/	Male	44	SNNPRS Police Commission	Public relation and Indoctrination officer	March 30,2016
3	Tesfaye Heliso /Commander/	Male	40	Sidama Zone Police Administration	Administration Officer	April 1,2016
4	Ato Daniel W/Senbet	Male	34	Ethiopian Women Lawyers Association	EWLA Hawassa Branch Office Coordinator	March 30, 2016
5	Ato Temesgene Assefa	Male	40	SNNPR Prison Administration	Rehabilitation and correction Department high officer	March 30, 2016

Hawassa Branch Office Officials and expertise

No	Name	Sex	Age	Office	Occupation	Date
1	Ato Berhanu Atoro	Male	46	EHRC Hawassa Branch Office	Investigation and monitoring Directorate Director	April, 1
2	Ato Belete Yilma	Male	37	EHRC Hawassa Branch Office	Promotion and communication Directorate Director	March 31, 2016
3	W/ro Embet Teshome	Female	32	EHRC Hawassa Branch Office	Investigation Expert	April 1, 2016
4	Ato Tsresedengel Haregwoin	Male	35	EHRC Hawassa Branch Office	Investigation experts	April 1, 2016
5	W/ro Aynalem Kebede	Female	40	EHRC Hawassa Branch Office	Women and children high experts	April 1, 2016
6	W/ro Seble Taddesse	Female	34	EHRC Hawassa Branch Office	Promotion expert	March 31, 2001
7	Ato Ashenafi Tora	Male	29	EHRC Hawassa Branch Office	Promotion expert	March 31, 2016

Focus Group I Participants

No.	Name	Sex	Age	Address	Cases	status	Date
1	Ato Gizachew Getachew	Male	27	Addis Ababa	Unlawful detention	Private worker	April 12,2016
2	W/Ro Mekedes Megene	Female	33	Hawassa	Unlawful termination of work	Employee of NGO	April 12,2016
3	Sajin Thomas Ayele	Male	35	Yirgalem	Property rights	Police officer	April 12,2016
4	Hile Woledede	Male	52	Hawassa	Property rights	Private worker	April 12,2016
5	Ato Derese Dana	Male	45	Hwassa Zuria Bona Keble	Right for justice	Private worker	April 12,2016
6	W/ro Aster Angelo	female	29	Hawassa Tula	Right for justice	unemployed	April 12,2016

Focus Group II Participant

No	Name	Sex	Age	Address	Cases	status	Date
1	W/ro Almaz Gergedu	Female	48	Hawassa	Property rights	Civil servant	April, 12 2016
2	Ato Deneke Dersemo	Female	40	Hawassa /Tabor subcity/	The right to work	Civil Servant	April 12 2016
3	Ato Tsegaye Leulseged	Male	45	Hawassa Keble 04	Property rights	Civil servant	April 12 2016
4	W/ro Sara Mere	Female	44	Hwassa	Property rights	unemployed	April 12 2016
5	Ato Ashagre Abate	Male	52	Yirgalem worda	Eviction without compensation	Merchant	April 12 2016
6	Solomon Boreda	Male	46	Wondogenet	Property rights	Private worker	April 12 2016

Part I Interview Questions for Hawassa Branch office officials and expertise

A. Interview question to Hawassa Branch Office Protection Directorate Director

I am Zewdensch Zegeye and a graduating class at Addis Ababa University post graduation program Human Rights Center, Human Rights Stream. I am working my graduating thesis on the research title of **An Appraisal Of The Effectiveness Of The Ethiopian Human Rights Commission To Promote And Protect Human Rights In Ethiopia: With Particular Emphasis To Hawassa Branch Office**” The very purpose of this interview is for academic purpose not go beyond that. I assure you that every profile and the contents of your interview are kept confidential.

1. Respondent Profile

1.1 Name of Respondent

1.2 Sex: Male ___ Female ___

1.3 Age: _____

1.4 Educational Background: -----

1.5 Represented institution -----

1.6 Official capacity -----

1.7 Duration of engagement with the institution represented-----

B. Interview Questions for Hawassa Branch Office Protection Directorate Director

1. What were the main objectives to open branch office in Hawassa?
2. Do you think that the branch office has been established so as to be competent enough to entertain its protective functions effectively?
3. What activities have the branch office done to enhance its accessibility to its stakeholders?
4. What activities do the office to protect human rights in the region, in the period of 2008? How many? What are the successes stories?
5. What does the office collaboration efforts with potential stake holders?
6. How do you measure the effectiveness to the branch office in the protection of human rights in the Region?
7. What constraints do you observe about enhancing of the protection mandate of the branch office?
8. In your opinion, what must be done to foster the competence of the office to promote and protect human rights effectively for the future?
9. What is the relationship of the branch office with the main office?
10. How many monitoring activities/ government advising or researches on human rights issues, the branch has given? Who benefited from such program? Were they successful in terms of achieving their objectives?
11. What do you suggest for the future to foster the protection of human rights in the region with collaboration together with the head office or other stakeholders?

C. Interview Questions For Protection Experts

I am Zewdensch Zegeye and a graduating class at Addis Ababa University post graduation program Human Rights Center, Human Rights Stream. I am working my graduating thesis on the research title of **“An Appraisal Of The Effectiveness Of The Ethiopian Human Rights Commission To Promote And Protect Human Rights In Ethiopia: With Particular Emphasis To Hawassa Branch Office”** The very purpose of this interview is for academic purpose not go beyond that. I assure you that every profile and the contents of your interview are kept confidential.

2. Respondent Profile

1.1 Name of Respondent

1.2 Sex: Male ___ Female ___

1.3 Age: _____

1.4 Educational Background: -----

1.5 Represented institution -----

1.6 Official capacity -----

1.7 Duration of engagement with the institution represented-----

D. Interview Questions For Protection Experts

1. Do you think that the branch office has been established so as to be competent enough to entertain its protective functions effectively?
2. What kind of recurrent cases does the branch office entertain?
3. What kind of remedies is provided?
4. What mechanisms do you use to get your recommendations on complaints executed/accepted?
5. What does the office collaboration efforts with potential stake holders in regarding the protection of human rights?
6. How do you rate the commission ability in terms of protection of human rights? In providing the appropriate remedy?
7. What do you think the major challenges that curtail the effectiveness of the office

E. Interview question to Hawassa Branch Office Promotion Directorate Director

I am Zewdensch Zegeye and a graduating class at Addis Ababa University post graduation program Human Rights Center, Human Rights Stream. I am working my graduating thesis on the research title of **“An Appraisal Of The Effectiveness Of The Ethiopian Human Rights Commission To Promote And Protect Human Rights In Ethiopia: With Particular Emphasis To Hawassa Branch Office”** The very purpose of this interview is for academic purpose not go beyond that. I assure you that every profile and the contents of your interview are kept confidential.

1. Respondent Profile

1.1 Name of Respondent -----

1.2 Sex: Male ___ Female ___

1.3 Age: _____

1.4 Educational Background: -----

1.5 Represented institution -----

1.6 Official capacity -----

1.7 Duration of engagement with the institution represented-----

F. Interview Questions for Hawassa Branch Office Promotion Directorate Director

1. What were the main objectives to open branch office in Hawassa?
2. Do you think that the branch office has been established so as to be competent enough to entertain its promotional functions effectively?
3. What activities have the branch office done to enhance its accessibility to its stakeholders?
4. What activities do the office to promote human rights in the region, in the period of 2008? How many? What are the successes stories?
5. What activities have the branch office done to promote human rights in the region? For whom?
6. What does the office collaboration efforts with potential stake holders?
7. How do you measure the effectiveness to the branch office in the promotion of human rights in the Region?
8. What constraints do you observe about enhancing of the promotional mandate of the branch office?
9. In your opinion, what must be done to foster the competence of the office to promote human rights effectively for the future?
10. What is the relationship of the branch office with the main office?
11. How many trainings/awareness raising campaigns on human rights issues, the branch has given? Who benefited from such program? Were they successful in terms of achieving their objectives?

G. Interview Questions For Promotion Experts

I am Zewdensch Zegeye and a graduating class at Addis Ababa University post graduation program Human Rights Center, Human Rights Stream. I am working my graduating thesis on the research title of **“An Appraisal Of The Effectiveness Of The Ethiopian Human Rights Commission To Promote And Protect Human Rights In Ethiopia: With Particular Emphasis To Hawassa Branch Office”** The very purpose of this interview is for academic purpose not go beyond that. I assure you that every profile and the contents of your interview are kept confidential.

I. Respondent Profile

1.2 Name of Respondent

1.3 Sex: Male ___ Female ___

1.4 Age: _____

1.5 Educational Background: -----

1.6 Represented institution -----

1.7 Official capacity -----

1.8 Duration of engagement with the institution represented-----

H. Interview question for promotion expertise

1. Do you think that the branch office has been established so as to be competent enough to entertain its promotional functions effectively?
2. How do you explain the awareness of the people in the region in regarding human rights violation? Are they well aware enough where to lodge their complaints?
3. What mechanism should the EHRC use to promote its work particularly in the branch offices?
4. How many trainings/awareness raising campaigns on human rights issues, the branch has given? Who benefited from such program? Were they successful in terms of achieving their objectives? How do you select the topics/issues for human rights promotion?
5. What does the office collaboration efforts with potential stake holders?
6. How do you rate the commission ability in terms of promotion human rights?
7. What constraints do you observe about enhancing of the promotional mandate of the branch office?
8. In your opinion, what must be done to foster the competence of the office to promote human rights effectively for the future?

Part II Interview Questions to Stakeholders such as (prison administration, police administration, civil societies, Universities)

A. Regional Prison Administration

I am Zewdensch Zegeye and a graduating class at Addis Ababa University post graduation program Human Rights Center, Human Rights Stream. I am working my graduating thesis on the research title of **An Appraisal Of The Effectiveness Of The Ethiopian Human Rights Commission To Promote And Protect Human Rights In Ethiopia: With Particular Emphasis To Hawassa Branch Office**” The very purpose of this interview is for academic purpose not go beyond that. I assure you that every profile and the contents of your interview are kept confidential.

1. Respondent Profile

1.1 Name of Respondent

1.2 Sex: Male ___ Female ___

1.4 Age: _____

1.5 Educational Background:

1.6 Represented institution

1.7 Official capacity

1.8 Duration of engagement with the institution represented

Interview Questions

1. Do you know the fact that the establishment and where about of the EHRC, Hawassa Branch Office? Have you ever involved in any of its activities?
2. How do you describe your working relationship with the Hawassa Branch Office of EHRC with regard to the human rights protection of the rights of persons held in your custody?
3. Have you ever had any involvement in the awareness creation campaign of the branch office towards the rights of prisoners under the police custody?
4. Does the branch office frequently monitor the humane treatment of prisoners in the region? What kinds of solution did its monitoring activities bring about?
5. How do you examine the effectiveness of the Hawassa Branch office in promote and protect Human Rights in the Region? Particularly, with regard to prisoners, suspected and Convicted persons rights in particular?
6. How do you measure the work of the EHRC Hawassa Branch office in promoting human rights for the administrative officials and other staff of the prison administration?
7. How do you observe the working relationship of EHRC branch office with stakeholders and other organizations?
8. Do you think the branch office has been effective in executing its recommendations based on the complaints?
9. What do you suggest, to the Branch office, to dispose its obligation of promotion and protection in the future effectively?

B. Zone Police Administration

I am Zewdensch Zegeye and a graduating class at Addis Ababa University post graduation program Human Rights Center, Human Rights Stream. I am working my graduating thesis on the research title of **“An Appraisal Of The Effectiveness Of The Ethiopian Human Rights Commission To Promote And Protect Human Rights In Ethiopia: With Particular Emphasis To Hawassa Branch Office”** The very purpose of this interview is for academic purpose not go beyond that. I assure you that every profile and the contents of your interview are kept confidential.

1. Respondent Profile

- 1.1 Name of Respondent
- 1.2 Sex: Male ___ Female ___
- 1.3 Age: _____
- 1.4 Educational Background:
- 1.5 Represented institution
- 1.6 Official capacity
- 1.7 Duration of engagement with the institution represented

Interview question

1. Do you know the fact that the establishment and where about of the EHRC, Hawassa Branch Office? Have you ever involved in any of its activities?
2. How do you describe your working relationship with the branch with regard to the human rights protection of the rights of persons held in your custody?
3. Does the branch office frequently monitor the humane treatment of prisoners in the region? What kinds of solution did its monitoring activities bring about?
4. Have you ever recognize and take remedial measure following the visit or monitoring recommendation on the situations of the human rights treatments of suspected persons under your custody?
5. How do you observe the working relationship of EHRC branch office with stakeholders and other organizations?
6. Do you think the branch office has been effective in executing its recommendations based on the complaints?
7. How do you measure the work of the EHRC Hawassa Branch office in promoting human rights for the police officers?
8. What advantage/disadvantage do you think the branch office has in promoting and protecting human rights?
9. What do you suggest, to the Branch office, to dispose its obligation of promotion and protection in the future effectively?

C. Regional Police Commission

I am Zewdensch Zegeye and a graduating class at Addis Ababa University post graduation program Human Rights Center, Human Rights Stream. I am working my graduating thesis on the research title of **“An Appraisal Of The Effectiveness Of The Ethiopian Human Rights Commission To Promote And Protect Human Rights In Ethiopia: With Particular Emphasis To Hawassa Branch Office”** The very purpose of this interview is for academic purpose not go beyond that. I assure you that every profile and the contents of your interview are kept confidential.

I. Respondent Profile

1.1 Name of Respondent

1.2 Sex: Male ___ Female ___

1.3 Age: _____

1.4 Educational Background:

1.5 Represented institution

1.6 Official capacity

1.7 Duration of engagement with the institution represented

Interview question

1. Do you know the fact that the establishment and where about of the EHRC, Hawassa Branch Office? Have you ever involved in any of its activities?
2. How do you describe your working relationship with the branch with regard to the human rights protection of the rights of persons held in different police custody of the region?
3. Does the branch office frequently monitor the humane treatment of prisoners in the region? What kinds of solution did its monitoring activities bring about?
4. Have you ever recognize and take remedial measure following the visit or monitoring recommendation on the situations of the human rights treatments of suspected persons under different police custody in the region ?
5. How do you observe the working relationship of EHRC branch office with stakeholders and other organizations?
6. Do you think the branch office has been effective in executing its recommendations based on the complaints?
7. How do you measure the work of the EHRC Hawassa Branch office in promoting human rights for the police commissioners and officers?
8. What advantage/disadvantage do you think the branch office has in promoting and protecting human rights?
9. What do you suggest, to the Branch office, to dispose its obligation of promotion and protection in the future effectively?

D. Civil Societies

I am Zewdensch Zegeye and a graduating class at Addis Ababa University post graduation program Human Rights Center, Human Rights Stream. I am working my graduating thesis on the research title of **“An Appraisal Of The Effectiveness Of The Ethiopian Human Rights Commission To Promote And Protect Human Rights In Ethiopia: With Particular Emphasis To Hawassa Branch Office”** The very purpose of this interview is for academic purpose not go beyond that. I assure you that every profile and the contents of your interview are kept confidential.

1. Respondent Profile

1.1 Name of Respondent

1.2 Sex: Male ___ Female ___

1.3 Age: _____

1.4 Educational Background:

1.5 Represented institution

1.6 Official capacity

1.7 Duration of engagement with the institution represented

Interview questions

1. Do you know the fact that the establishment and where about of the EHRC, Hawassa Branch Office? Have you ever involved in any of its activities?
2. Have you had enough awareness about the activities of EHRC and specifically the Hawassa Branch Office to promote and protect Human Rights in the Region?
3. How do you examine the effectiveness of the Hawassa Branch office in promote and protect Human Rights in the Region?
4. How do you observe the working relationship of EHRC branch office with stakeholders and other organizations with regard to promotion and protection of the rights of vulnerable groups?
5. What advantage/disadvantage do you think the branch office has in promoting and protecting human rights?
6. What are the successes of the branch office in promoting human rights?
7. What do you suggest to improve EHRC Branch Office to undertake its activities in collaboration with other stakeholders?

F. Hawassa University

I am Zewdensch Zegeye and a graduating class at Addis Ababa University post graduation program Human Rights Center, Human Rights Stream. I am working my graduating thesis on the research title of **“An Appraisal Of The Effectiveness Of The Ethiopian Human Rights Commission To Promote And Protect Human Rights In Ethiopia: With Particular Emphasis To Hawassa Branch Office”** The very purpose of this interview is for academic purpose not go beyond that. I assure you that every profile and the contents of your interview are kept confidential.

I. Respondent Profile

1.1 Name of Respondent

1.2 Sex: Male ___ Female ___

1.3 Age: _____

1.4 Educational Background:

1.5 Represented institution

1.6 Official capacity

1.7 Duration of engagement with the institution represented

Interview Questions

- 1.** Do you know the fact that the establishment and where about of the EHRC, Hawassa Branch Office? Have you ever involved in any of its activities?
- 2.** How do you examine the effectiveness of the Hawassa Branch office in promote and protect Human Rights in the Region?
- 3.** What activities have you done with the EHRC and the branch office with regard to free legal aid service to vulnerable groups
- 4.** Do you think that the EHRC Hawassa Branch office dispose its obligations to promote and protect human rights, as per the spirit of the establishment proclamation effectively?
- 5.** How do you observe the working relationship of EHRC branch office with stakeholders and other organizations?
- 6.** What advantage/disadvantage do you think the branch office has in promoting and protecting human rights?
- 7.** What are the successes of the branch office in promoting human rights?
- 8.** What do you suggest, to the Branch office, to dispose its obligation of promotion and protection in the future effectively?
- 9.** What do you suggest to improve EHRC Branch Office to undertake its activities in collaboration with other stakeholders?

Part III

Focus Group Discussion with Complaints

I am Zewdensch Zegeye and a graduating class at Addis Ababa University post graduation program Human Rights Center, Human Rights Stream. I am working my graduating thesis on the research title of **“An Appraisal Of The Effectiveness Of The Ethiopian Human Rights Commission To Promote And Protect Human Rights In Ethiopia: With Particular Emphasis To Hawassa Branch Office”** The very purpose of this focus group discussion is for academic purpose not go beyond that. I assure you that every profile and the contents of your interview are kept confidential.

1. Respondent Profile

1.1 Name of Respondent

1.2 Sex: Male ___ Female ___

1.3 Age: _____

1.4 Educational Background:

1.5 Represented institution

1.6 Official capacity

Discussion points

1. How did you come to know EHRC Hawassa Branch office?
2. What do you know about the mandate and responsibilities of the EHRC Hawassa Branch Office?
3. Why did you choose EHRC to bring your complaint over other judiciary institutions:
4. How far the branch office is accessible to the general public? (Physical and operational accessibility)
5. What is the reason that brought you to request the services of the office?
6. How did you find the service?
7. Are you satisfied with the advice or other solutions provided to you as per your request?
8. Is the remedy of EHRC executed?
9. How do you evaluate the effectiveness of the Branch Office to handle complaints and render sufficient solutions?
10. What mechanism should EHRC use to promote its work in Hawassa Branch Office?
11. What must be done to enhance the operation of the office to promote and protect human rights effectively?