



Addis Ababa University

College of Business and Economics

Department of Public Administration & Development Management

**The Role of Human Rights Commission in the Protection of the Rights of
Children- A Case of the Ethiopian Human Rights Commission**

By

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Advisor

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**A thesis submitted in Partial Fulfillment of the Requirements for the MA in Development
Management**

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Declaration

I, Selam Abraha Zeray, 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.

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Date

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This is to certify that this thesis prepared by Selam Abraha, entitled “The Role of Human Rights Commission in the Protection of the Rights of Children- A case of the Ethiopian Human Rights Commission ” submitted in partial fulfillment of the requirements for the Master of Arts in development management, compiles with the regulations of the university and meets the accepted standards with respect to originality and quality.

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Abbreviations

ACHPR- African Charter on Human and People’s Rights

ACRWC- African Charter on Rights and Welfare of a Child

CAT- Convention Against Torture

CEDAW- Convention on Elimination of Discrimination against Women

COVID-19- Corona Virus Disease-2019

CPR- Convention on Persons with Disabilities

CSOs- Civil Society Organizations

EHRC- Ethiopia Human Rights Commission

FDRE- Federal Democratic Republic of Ethiopia

GANHRI- Global Alliance of National Human Rights Institutions

GC- General Comment

ICCPR- International Convention on Civil and Political Rights

ICESCR- International Convention on Economic Social and Cultural Rights

IDPs- Internally Displaces Persons

ILO- International Labour Organization

MoWCY- Ministry of Women, Children and Youth

NANHRI- Network of African National Human Rights Institutes

NGOs- Non-Governmental Organizations

NHRIs- National Human Rights Institutes

OHCHR - Office of High Commission for Human Rights

UDHR- Universal Declaration of Human Rights

UN- United Nations

UNCRC- United Nations Convention on Rights of Children

UNDP- United Nations Development Program

UNHCR- United Nations High Commissioner for Refugees

UNICEF- United Nations International Children's Emergency Fund

USAID- United States Agency for International Development

Abstract

This study seeks to critically assess the practices of EHRC vis-à-vis the protection mandate of the ERHC on child rights issues in Ethiopia. The paper examines the laws and practices so that to identify and highlight the major areas of work, function and challenges of the EHRC in terms of delivering its mandate on protection of child rights.

The main objective of the study is to explore the specific mandates of the EHRC in matters of child right violation and the challenges and prospects EHRC faces in delivering its protection mandate on child right issues. This study has a specific objective by explicitly focusing on exploring the works of the women and children commission of the EHRC thereby assessing its protection mandate to rights of children in Ethiopia, review the process of undertaking investigative missions and other procedural matters in delivering their protection mandate of child rights violation.

The research applied an analysis and review of literatures as a background tool and utilized to gather data from secondary sources. This method was supplemented with in-depth interviews to collect primary data on the practice. In analyzing the works of the EHRC on issues related to child rights protection, the study looked into the legal and procedural frameworks as well as the institutional set up and practices in delivering its mandate.

The study found that, despite its relatively broad mandate and efforts to achieve its objective, EHRC faced numerous challenges in terms of its institutional set-up, practical mandate and administrative processes. This includes working on child rights issues as a cross cutting issue not a stand-alone right. This has also impacted in the investigative missions, finding and reporting of rights violations produced by the EHRC. In addition, after the reform of the EHRC in 2018, there were substantial changes in the set-up of the institution, however, more works needs to be done in aligning the different working of the commission in a manner that is child friendly and put at heart the best interest of the child.

Key Words: *Child Rights, Ethiopia Human Rights Commission (EHRC), National Human Rights Institutes (NHRIs), Paris Principles*

Chapter 1: Introduction and Background to the Study

1.1. Background

Human rights are entitlements that all human beings have and enjoy by virtue of the fact that they are human being. These are important rights that gives protection for all and enable people to live a dignified life. In understanding National Human Rights Institutes, a preceding understanding on what human rights means is crucial. Human rights are rights that are mainly characterized in different literatures and legal frameworks based on four features (United Nation, 2010). First human rights are universal meaning, it applies to all without any distinction or discrimination. These are rights enjoyed by all people. Second, these rights are inalienable, meaning that they cannot be taken away by anyone. Third feature is that human rights are undividable, meaning that they cannot be separated in parts and all the rights are equally important. Fourthly, they are also interdependent and interrelated. This characteristics of human rights corroborates that the existence and realization of one right contributes to the realization and existence of other rights.

There are different laws that specifies what these rights are. Internationally, amongst the many, specific laws providing the protection and promotion of human rights include the following. These are; Universal Declaration of Human Rights (UDHR), 1948, International Covenant on Civil and Political Rights (ICCPR), 1966, and International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966. Specific provisions are also provided in other international laws, which specifically addresses a certain aspects of rights and protection against specific violation of human rights. These includes; Convention on Elimination of All forms of Violence against women (CEDAW), Convention against Torture and other cruel, inhuman and degrading treatment or Punishment (CAT), 1984, The United Nations Convention on the Rights of the Child (UNCRC), 1986, International Convention on the Protection of the Rights of all Immigrant Workers and Members of their families (ICMW), 1990 and Convention on the Rights of Persons with Disabilities (CPD), 2006.

At a regional, in Africa, there are also instruments that guarantees the protection and promotion of Human rights in Africa. These instruments include; African Charter on Human and Peoples’

Rights (ACHPR),1981, African Charter on the Rights and Welfare of the Child(ACRWC), 1991, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), 2003.

At the national level, the Constitution of the Federal Democratic Republic of Ethiopia (FDRE) outlines human rights, stipulated in its provisions found in articles 14-28. These rights includes; Rights to life, the Security of Person and Liberty, Prohibition against Inhuman Treatment, Right of Persons Arrested, Rights of Persons Accused, The Rights of Persons Held in Custody and Convicted Prisoners, Right to Equality and Privacy and Freedom of Religion, Belief and Opinion. There are also various policies and proclamation that specifically addresses each rights as a guidance for their implementation.

One of the important consideration that one makes in deliberating on the rights of children is understanding the rationale behind working on rights of children. Children, in this case are those below the age of 18¹ , have the same rights as adults with additional rights that are specific and relevant to their special needs. They are human beings and are subject to their full rights without any derogation. A child should be treated as an individual and also as a member of a family and community, with rights and responsibilities appropriate to his or her age and stage of development. Hence, this should be the consideration that should be made in addressing any violation to the child rights.

The important role played by NHRIs in promoting the realization of the rights of children has also been recognized under article 4 of the international convention on the rights of the child (CRC). This article obliges state parties to “undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present convention.”² In order to do that the role that NHRIs play has paramount importance, Hence, NHRIs are facilitating the respect, protection, promotion and fulfillment of rights under international human rights law and other human rights norms and standards recognized internationally.

¹ . The Convention on the Rights of the Child (hereinafter the “CRC” or “the Convention”) defines “child” as every human being below the age of eighteen years. The African Charter on the Rights and Welfare of the Child provides a different definition of the term child. The Charter defines a “child” as every human being under the age of 18 years. The Civil Code of 1960 defines the word child as a "minor" of either sex who has not attained the full age of 18 years. In Ethiopia, there are other laws, e.g. Penal Code, Labour Law, etc., which fix various age levels for specific purposes defined by such laws. These laws do not affect the principle of attainment of majority established by the Civil Code.

² . Article 4, UNCRC

The Ethiopian Human Rights Commission (EHRC) is not different from many NHRIs in terms of mandate and responsibilities. As a human rights commission established and mandated by the powers given in the constitution and the proclamation that was put in place for its establishment, the EHRC has been functional since year 2000.³ The Ethiopia Human rights commission was established through the proclamation no.210/2000 with its own mandate, responsibilities and function, which amongst it is for the establishment of a specific commission looking at the rights of women and children in Ethiopia. Generally, In Ethiopia, the institutionalization and operationalization of the EHRC is an important step to the promotion and protection of human rights, thereby promoting good governance and democracy in Ethiopia. As a core part of any societies, the rights of children is also one aspect within the mandate of the EHRC and an aspect that should be promoted and advanced by all stakeholders and pillars of government, mainly the judicial system. In order to ensure this, in the establishment of NHRIs, states also put in place various mechanisms, which amongst them is the institutionalization of an independent human rights commission, with specific mandate on child rights due to the specific requirement of children's development stage and sensitivity of the matter in dealing with child rights violations. Hence, as a main thematic functioning area of the EHRC, the rights of children and the deliverance of the protection mandate of the EHRC on issues related to rights of children have a paramount importance in ensuring the respect for human rights in Ethiopia, more specifically, the rights of children. Hence, this research will try to assess and explore the steps that are taken by the EHRC in delivering its protection mandate to the rights of children in Ethiopia, the different mechanisms in place to ensure this and make analysis on the way forward on how to tackle any challenges the EHRC face in delivering its protection mandate of child right issues.

1.2. Statement of the Problem

Ethiopia has a majority of young population (USAID, 2017), with a little less than half of its population, or about 53 million, are under 18 years old, with 16.7 million children under five years old (UNICEF, 2021). In Ethiopia, the protection of child rights have shown a significant progress in terms of putting in place legal frameworks that guarantees the protection of

³ . Article 55 of the Constitution of the Federal Democratic Republic of Ethiopia, give power for the establishment of Human Rights Commission. Based on that, through establishing proclamation no.210/2000, the Ethiopia Human Rights Commission was established

children's rights.⁴ This is also accompanied by ratification and domestication of various regional and international laws.⁵ Article 36(2) outlines, "In all actions concerning children undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies the primary consideration shall be the best interests of the child". This emphasis the challenges that children face due to engaging with these bodies and any engagement should take into consideration the best interest of the child. One of the research problem that this paper tries to address is following the ratification and domestication of these laws on child rights, the situation on the ground is not the same. There is an immense violation of children's human rights in Ethiopia. Hence, this paper try to see the gap and mismatch between the existing laws on child rights, the works of the EHRC in this regard, in terms of practical undertakings.

The laws that are already in place to govern the human rights situation of children in Ethiopia will give a legal protection but will have a limited impact in ensuring the protection of children rights in practice. Hence, besides the legal protection in place, there are also institutions set up to guarantee that these rights are implemented as per the standard. Amongst these institution that are given mandate is the Ethiopian Human Rights Commission. As the mandate that was given to EHRC is in general on protection and promotion of human rights, the specific aspects of its mandate on protection mechanism of child rights issues is not comprehensively studied. This aspect to some extent resulted in circumventing the rights of children and hindering the task in undertaking the protection mandate of EHRC on child rights issues.

This study tries to explore the mechanisms in place at the EHRC in delivering their protection mandate in matters relating to violations of children's rights and the available child friendly reporting mechanism in place for children to report any violation of their rights. It also explores on possible challenges and approaches by EHRC as an institution in handling cases of child rights violations. The study will assess focusing on child rights violation that were forwarded to the EHRC and how those violations were handling and which procedures taken.

As most of the violations reported to EHRC are put in their generic terms as "human rights violations", this research will assess the peculiar approach was taken in reporting child rights

⁴ . The FDRE Constitution, article 36

⁵ . The UN Convention on the Rights of a Child (UNCRC), The Africa Charter on the Rights and Welfare of a Child (ACRWC) both ratified by Ethiopia

violations and explore the specific mandate and working methods of the EHRC in terms of delivering their protection mandate on child rights issues. This includes its reporting mechanisms, thereby analyze and explain the challenge and prospects of the EHRC in light of child rights protection in Ethiopia. It will also assess whether the commission ways of working and case handling is child friendly or not. In addition, the research will assess the gap in the legal framework, institutional set up and procedural mechanisms enrolled by the EHRC in handling of complaint on child right issue.

1.3. Research Questions

The research would try to answer the following questions.

- What are the legal and institutional framework and mandate of EHRC with regards to child rights protection, ensuring accountability and independence on matters of child rights in Ethiopia?
- How are practical steps taken by the EHRC in handling child rights related complaints brought to its attention?
- What are the practical steps taken by EHRC in aligning the commission's work per the CRC/GC/2002/2, on the role of independent national human rights institutions in promotion and protection of the rights of the child?

1.4. Objective(s) of the Study

The case of the Ethiopian Human rights commission was assessed as a case study in detail in terms of its specific works on child rights issues, its protection mandate and the specific works of the women and children commission. This is done giving due regard to its work and processes that it follows in handling violation of children rights that comes to the attention of the EHRC. The main Objective of this study was to explore the specific mandate of the EHRC in matters of child right violation and the challenges and prospects it faces in delivering its protection mandate on child right issues.

The study have a specific objective by explicitly focusing on and exploring the works of the women and children commission of the EHRC, looking at the institutional set up the commission and its role in providing the protection mandate to rights of children in Ethiopia. It specifically reviewed the process of undertaking investigative missions and other procedural matters.

Therefore, the research has a specific objective of looking into the following aspect in order to assess gaps and prospects.

- Institutional mandate and procedures taken by the women and children commission of the EHRC
- Administrative process of complaint handling mechanism of child rights issues
- Resources (Human and Financial) including institutional set up

Hence this research highly benefits on looking in detail the works of the EHRC thereby opening the space for stakeholder working on child rights issues to collaborate and support the specific needs of the EHRC in delivering its protection mandate. Children, due to their mental and physical immaturity are among the vulnerable section of the society. It also gives other stakeholder that EHRC partner with, in providing special protection and care for children by making necessary legal and institutional arrangements.

1.5. Significance of the Study

This study helps to explore the experience of the Ethiopian human rights commission in delivering its protection mandate for violations of children's rights in Ethiopia. The paper will have an importance in exploring the works of the EHRC, specifically the works of the women and children commission. Beyond this, it serves as a source for further studies in the same area.

1.6. Scope and Limitations of the Study

This study focuses on analyzing and assessing the protection mandate of the EHRC in matters of children right in Ethiopia. The study focused in scope to those cases that came to the attention of the commission and not wholly on the various human rights violations that happen to children in Ethiopia. Different factors were considered in the assessment. First is on the scope of the study and the vast nature of the discussion in dealing children rights. When one talks about children

rights; it's also human rights but more concerted in different aspect and presence of rights peculiar to only children. These rights include the right to education, sexual reproductive and health rights, the right to live in healthy environment and many. However, in limiting the scope of the study the researcher didn't focus on the thematic right violated but more on the approach taken when violation of children rights is brought to the attention of the EHRC.

The reform that took place in 2018 and some of the legal amendment focusing the EHRC created some structural adjustment on the study as some of the functions and institutional set up were in a reform phase or yet to be implemented, though can be found in laws. In addition, the lack of specific ways of working and provision of resources was one of the bottle neck as some of the documents cannot be easily accessed online.

Another limitation is in defining the rights of a child which comprises a wide range of areas. Hence, the study focused on prevalent violation of rights that come to the attention of the commission and those rights that have an assigned focal person in the commission. As the time is very difficult with the various conflict and security tension in Ethiopia, it was a very busy time for the commission to provide more information and getting data was also difficult.

Moreover, this research was conducted in the time of COVID 19 pandemic which created another hiccup in data collection phase where the researcher has to resort to phone interviews in some of the instances. Additionally, given the workload of the EHRC it was also difficult to get a detailed assessment as staffs were busy in different aspects of their work and out on a field missions.

1.7. Organization of the Thesis

The study is organized in six chapters. Chapter one introduces the subject and discusses the statement of the problem, objectives and significance of the study, research questions, scope and limitations of the study. The second chapter continues with highlighting the literature review undertaken. The methodological processes taken on board to conduct the study was discussed in chapter three.

Chapter four explicates by going deep into the assessment of the practice of the protection mandate of the EHRC on matters of child rights violation in Ethiopia. Chapter five further make assessment by looking into some of the finding based on pre-defined areas of researched. It looks

into the legal and procedural framework, assesses the procedure of investigation and complaint handling mechanisms, accessibility of the commission by looking into the child-friendliness of the processes. This chapter also looks into the works of the women and children commission of the EHRC as the principal stakeholder of the process handling child rights issues.

The study was concluded in chapter six where it also makes some pertinent recommendations that are pivotal for the commission and also other stakeholders.

Chapter 2: Literature Review

While writing the research proposal and in conducting this study, several resources were reviewed in addition to previous graduate research studies with reference to EHRC.⁶ These researches were mainly made on the role of EHRC and looking it from the perspective of independence, compliance with the Paris principles, or in general protection and promotion mandate of human rights in general, without looking into the specific aspects of child rights.

Internationally, there has been various researches and studies made generally on human rights protection and promotion.⁷ Amongst the few research made on the topic of NHRIs and children rights; the researcher made a separate review of papers from the international journal of children rights. From the review the researcher made, they focus on access to justice for children in general, mandate of state to institute a separate and independent child right institution. Nevertheless, most of these studies did not specifically and thoroughly address the specific aspect of the works of the Ethiopian human rights commission on rights on children. Hence, this will contribute positively to the already existing research on human rights commission in Ethiopian and human rights in general by looking at the child rights component.

Among the several literatures reviewed, includes, studies conducted both by the UN agencies, mainly the Office of High Commission for Human Rights (OHCHR) and other NGOs with regards to only the key role NHRIs play, specifically in putting governments into account.

⁶ . Meseret Mamo, 'The Effectiveness of Ethiopian Human Rights Commission in Implementing Its Investigative Mandate' (MA thesis, Addis Ababa University Center for Human Rights Studies 2011); Helina Azeze, 'The Effectiveness of Ethiopian Human Rights Commission in light of the Paris Principles' (MA thesis, Addis Ababa University School of Graduate Studies/College of Social Sciences 2014); Derege Sisay, 'The Effectiveness of Ethiopian Human rights Commission in Addis Ababa' (MA thesis, 2014); Mohammed Abdo, 'The Role of National Human Rights Institutions in Enforcing Social and Economic Rights: A Case-Study of the Human Rights Commission of Ethiopia' (Ph.D. thesis, Ghent University 2015); Zewdneshe Zegeye, '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' (MA thesis, Addis Ababa University Center for Human Rights Studies 2016); Wubshet Girma, 'Election Monitoring Practices of Ethiopian Human Rights Commission: A Comparative Analysis' (MA thesis, Addis Ababa University Center for Human Rights Studies 2018).

⁷ . Mohammed Abdo, 'National Human Rights Institutions and Social and Economic Rights: Examination of Mandate and Practice of the Ethiopian Human Rights Commission' (2013) accessed on December 29th 2020; Mohammed Abdo, 'The Ethiopian Human Rights Commission and Its Contribution in the Protection of Human Rights and Building of Good Governance: Challenges and Prospects' (2014) accessed December 29th 2020; Study on the State of National Human Rights Institutes in Africa, NANHRI and UNDP Publication, 2016

However, research on the specific aspect of the role of NHRIs with regards to protection of children right is limited.

Looking back at the brief history of NHRIs and reviewing some literatures from where their mandate is drawn from, some literatures show that, in some countries, the Constitution provides for the establishment of NHRIs and in other cases, such institutions are created by legislation or decree.⁸ It's also good to note that, the guiding principle of National Human Rights Institutions are founded on what is called the Paris Principles.⁹ Prior to the Paris principles, in 1946, The United Nations, Economic and Social Council shed light on the issues of national institutions that safeguard respect of fundamental human rights.¹⁰ Based on the discussion, Member States were invited to consider establishing information groups or local human rights committees.¹¹

In 1978, the UN Commission on Human Rights (later on replaced by human rights council)¹² organized a seminar which resulted in draft guidelines for the structure and functioning of human rights institutions. The Commission on Human Rights and the General Assembly subsequently endorsed the guidelines. The General Assembly invited States to take appropriate steps to establish these institutions, where they did not already exist, and requested the Secretary-General to submit a detailed report on NHRIs.¹³

In addition, the United Nations, Paris Principles provide the international standards against which NHRIs can be accredited by the Global Alliance of National Human Rights Institutions (GANHRI). The Paris Principles was adopted in 1993, whereby it outlines requirement for NHRIs to: **Protect** human rights, including by receiving, investigating and resolving complaints, mediating conflicts and monitoring activities; and **Promote** human rights, through education, outreach, the media, publications, training and capacity building, as well as advising and

⁸ . Ibid

⁹ . Principles relating to the Status of National Institutions (The Paris Principles) Adopted by General Assembly resolution 48/134 of 20 December 1993
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx> , accessed on 2nd January 2021

¹⁰ . United Nations, 2010, National Human Rights Institutes: History, Principles, Roles and Responsibilities, page 14, accessed on 9th January 2021

¹¹ . Ibid.

¹² . Ibid 3

¹³ . Ibid

assisting the Government.¹⁴ Hence, The Paris principles state that NHRIs are vested with competence to promote and protect human rights, and given as broad a mandate as possible clearly set forth in a constitutional or legislative text specifying its composition and nature of competence.¹⁵ Although they were adopted 30 years ago, the Paris Principles remain the accepted minimum standard for NHRIs. The Principles further provides NHRIs with clear guidelines in terms of their ability and responsibilities, composition, operational methods, as well as additional principles concerning the status of commissions/institutes with granting quasi-judicial competence.¹⁶ Hence, the research will also investigate on to what extent the EHRC abides to these establishing and guiding principles of NHRIs as a background to the study.

In reiterating the call that was made in 2009 on the role that NHRIs can play¹⁷, in 2011, another resolution was issued by the UN¹⁸. In this resolution, the General Assembly again emphasized NHRIs' role and encouraged governments to conduct "outreach activities at the national level" to raise awareness about their NHRIs. The General Assembly has also called on the Office of the High Commissioner for Human Rights to strengthen NHRIs by developing support activities for them.¹⁹ In 2012, the Human rights council of the UN adopted a resolution which specifically recognized NHRIs role in promoting and protection of human rights and called on the UN member states to create or strengthen existing NHRIs, using the framework that "is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards."²⁰ All these promises contribute in one way or another the independence and accountability of NHRIs, specifically, EHRC.

¹⁴ . <https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx> accessed on 12th January 2021

¹⁵ . Ibid

¹⁶ . United Nations: "Principles relating to the Status of National Institutions (The Paris Principles)" retrieved from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx> accessed on January 10th 2021

¹⁷ . UN General Assembly resolution 63/252, 63/272- Report of the Joint Inspection Unit for 2008 and programme of work for 2009, <https://undocs.org/en/A/RES/63/272> accessed on 13th January 2021

¹⁸ . UN General Assembly resolution 65/207- 65/207- The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights, <https://undocs.org/A/RES/65/207> , accessed on 13th January 2021

¹⁹ . Ibid

²⁰ . The Human Rights Council Resolution A/HRC/20/L.15, <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session20/Pages/ResDecStat.aspx> accessed on 13th January 2021

In terms of prominence of NHRIs over the time, the OHCHR report outlines that, there has been a prominent increase in number of NHRIs globally, from only ten in the early 1990s, to 111 accredited institutions in 2016. In addition, the report that was conducted by Network of Africa National Human Rights Institutes, (NANHRI) emphasis that, Regional patterns show growth of NHRIs in Africa in the mid-90s.²¹ In Africa, there are 47 NHRIs established on the continent out of 55 AU member states and they are an integral part of the structure for the human rights protection system in Africa.²² Out of the 47 NHRIs established, 44 of them are members of the continental network NANHRI.²³

A review was also done on articles published on the international journal of children rights. Though there are some researches on child rights and the roles of NHRIs, there is no specific research made on the EHRC. A mapping exercise that was conducted by Global Alliance of National Human Rights Institutes (GANHRI) and UNICEF, relatively highlighted the place of children's rights in various NHRIs and made a comparative analysis using various parameters (GANHRI and UNICEF, 2018). However, no specific reference was made to EHRC. Though there are few initiatives that were made by international organization working on child right issues in Ethiopia²⁴, and some previous graduate research studies (Teka, 2015) most of them are outdated and also doesn't necessarily reflect the specific case of the EHRC.

The protection and promotion of fundamental human rights requires establishment of an effective systems which are crucial for monitoring human rights and thereby enhance good governance in any country. In order to do this, countries take up different measures including institutionalization of offices and setting up mechanisms like national human rights institutes/commission, ombudsman and civil rights protectors. Taking this into consideration and the establishing proclamation of the EHRC, the EHRC has a broad mandate to promote and

²¹ . Capacity Assessment and Mapping Survey on the Role of NANHRIs in Child Rights Monitoring and Advocacy, NANHRI, 2017

²² . Study on the Status of National Human Rights Institutes in Africa, UNDP & NANHRI Publication, 2016, page 6

²³ .Ibid

²⁴ . Save the children International Manual, Child Rights in Ethiopia, 2012; United Nations, 2010, National Human Rights Institutes: History, Principles, Roles and Responsibilities, accessed on 9th January 202; Capacity Assessment and Mapping Survey on the Role of NANHRIs in Child Rights Monitoring and Advocacy, NANHRI, 2017

protect human rights as per article 6 of the establishing proclamation of the EHRC.²⁵ These rights also includes ensuring the protection and promotion of children's rights.

In understanding the role of human rights commission on protection of child rights, there needs to be a review of the concept of child protection and how it's understood in different literatures. UNICEF defines child protection as preventing and responding to violence, exploitation and abuse against children, including commercial sexual exploitation, trafficking, child labor and harmful traditional practices such as female genital mutilation/cutting and child marriage (UNICEF, 2004 & 2006:1 & 8). Save the Children defines child protection as measures and structures to prevent and respond to abuse, neglect, exploitation and violence affecting children (Save the Children,2010:4).Thus, the above definition entails as child protection is responding or taking measures in order to make sure that children's right are not subject to any harm.

The protection and promotion of these fundamental human rights requires establishment of an effective system which are crucial for monitoring human rights and thereby enhance good governance in any country. In order to do this, countries take up different measures including institutionalization of offices and mechanisms like national human rights institutes/commission, ombudsman, civil rights protectors and so on. Though different terminologies are used and varies from one country to another depending on the region, legal context and common usage, the main terminologies include; NHRIs, Civil rights protector, human rights commission, ombudsman, parliamentary ombudsman, public defender, parliamentary advocate and so on.²⁶ Though they have different nomenclature, the literature review show that they deliver more or less the same responsibilities and have similar mandates. Out of the five different terminologies and types used globally to nomenclate NHRIs, in Africa, only three model types are found, namely the Human Rights Commission, the Ombudsman Institution and the Hybrid Institution.²⁷

²⁵ . Ethiopian Human Rights Establishment Proclamation No. 210/2000

²⁶ . Office of the High Commission for Human Rights (OHCHR)National Human Rights Institutions: History, Principles, Roles and Responsibilities, 2010, Pg.13, https://www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI_en.pdf accessed on December 31st 2020

²⁷ . UNDP et al (2010) "UNDP-OHCHR Toolkit for collaboration with National Human Rights Institutions" pg. 29-30, retrieved from <http://www.ohchr.org/Documents/Countries/NHRI/1950-UNDP-UHCHR-Toolkit-LR.pdf>

For the purpose of this study, we will use national human rights institutes in general and specifically for Ethiopia; the Ethiopian Human Rights Commission.

According to definitions given by OHCHR and other regional and international NHRIs networks, National Human Rights Institutions (NHRIs) generally refer to bodies established by governments to aid in the promotion and protection of human rights within their respective jurisdictions through, for example, handling complaints, conducting research, advocacy and educational programmes.²⁸ These institutions are expected to be the “key elements” of a strong and effective national human rights protection system, helping to ensure the compliance of national laws and practices with all international human rights norms; supporting Governments to ensure implementation; monitoring and addressing at the national level core human rights concerns.²⁹ In addition to this, a strong NHRIs are an important component and prerequisite for sustaining good governance. There are various literatures conducted both by the UN agencies, mainly the Office of High Commission for Human Rights (OHCHR) and other NGOs with regards to the key role NHRIs play, specifically in putting governments into account. One of the characteristics features of the existence of good governance is having a system and institution that is accountable and responsible for the consequences of decisions it has made on behalf of the community it represents. Hence, the existence of a strong and independent NHRIs attribute to the existence of good governance in a country. Independent national human rights institutions (NHRIs) are an important mechanism to promote and ensure the implementation of various human rights laws and standards including promotion of good governance. Some literatures like also show the thin line between NHRIs and the state as for some it’s difficult to differentiate because of the fact that these institutions are instituted by the state. Though their independence from state is still the question, NHRIs are vital to advance human rights. This has been argued in a report developed by the European Union Agency for Fundamental Rights on strong and effective human rights institutes.

Human Rights commissions are expected to be the “key elements” of a strong and effective national human rights protection system, helping to ensure the compliance of national laws and practices with all international human rights norms and supporting Governments to ensure

²⁸ . Ibid 3

²⁹ . Ibid

implementation; monitoring and addressing at the national level core human rights concerns (Lena Stamm and Anna Würth, 2018).

In addition, many researches and literatures conducted in relation to the EHRC mainly focus on its protection mandate as a whole to human rights, investigative mission as well as compliance to the Paris principles, which mainly focus on the independence and transparency of NHRIs.³⁰ Most of the research conducted are also outdated, as there aren't many researches on the EHRC that was done in the last two years. Hence, exploring their mission in relation to the rights of children have a pivotal contribution to the respect and promoting of children right in Ethiopia, thereby suggesting ways on how to improve challenges faced by the commission.

In general, though there are various researches generally on NHRIs and also the EHRC, there seems to be a need for a detail assessment of the EHRC and its specific mandate on protection of child rights legally and in practice.

³⁰ . Helina Azeze, 'The Effectiveness of Ethiopian Human Rights Commission in light of the Paris Principles' (MA thesis, Addis Ababa University School of Graduate Studies/College of Social Sciences 2014); Yemsrach Endale, 'The Roles and Challenges of Ethiopian National Human Rights Institutions in the Protection of Human Rights in light of the Paris Principles' (LL.M. thesis, Central European University 2010)

Chapter 3: Research Methodology

The research undertook a qualitative method by following the following processes under each steps. The main information that this research explored is on how EHRC takes up child right violation cases and how EHRC deliver its protection mandate to children rights violations. This will be complemented by desk review of various documents of the EHRC that are relevant and can serve as a background document.

3.1. Data Sources

Most of the data sources were retrieved from primary and secondary sources. Primary sources were received from an interview and also secondary data from reviewing publications and reports. The selection of interviewees was based on the analysis on the roles within the EHRC and importance to the study.

The review of documents included cases, allegations, child rights reports and investigative mission's reports. The first task was done in compiling an exhaustive list of all targets and stakeholders that would benefit or have a stake on the research. Hence, based on that and any finding that might arise in the middle, the researcher made a contact and interview of these stakeholders based on a guiding interview questions (see annexed). Hence, the sources used are interviews, review of documentations and archival records.

3.2. Data Types

As the study used qualitative research methodology the data types were mainly based on a desk review, virtual and in-person data collection, which was made during the month of June and July 2020 by going to the EHRC and making the interview. In some instances, the interview was made virtually through phone. The review of literature already started during the writing of the research proposal phase and continued throughout the study. The remote data collection process also started in developing the research proposal. This was also followed up in the process.

3.3. Data Collection

An interview guide was developed (see attached) and was used during the interviews conducted as a guiding tool. The guide was used to probe some information that can help me to explore my research problem that the researcher want to address. The interview was conducted over online platforms and also face to face with giving due consideration to the COVID-19 situation and protocols. The responses were taken in a note and it was not possible to get voice recording of the respondent. A key informant interview was used to further probe by inquiring questions like “how” and “why” to ensure an important space for voices that may not be heard from the interview findings. The key informant interviews was also used in further understanding and examining patterns and initial findings from the interview.

3.4. Sampling Techniques

In identifying relevant sources of data, combinations of different sampling techniques were used. In order to identify concerned governmental, non- governmental stakeholders purposive sampling method was employed. The rationale behind contacting government and non-governmental stakeholders is that during the protection of children rights in Ethiopia all have a stake on the process, hence their input contribute to the betterment of the research. The criteria for selection was based on their mandate and stakeholder analysis. The sampling technique was also used in selection of cases and reports to assess the procedures taken and to what extent it promote child-friendly procedures.

3.5. Data Analysis

After the data was collection, an analysis of the data collected was conducted. In conducting the data analysis, the researcher used qualitative data analysis methods. For this, the researcher developed a folder that served to collect, document, process and analyze data collected. A thematic analysis of the data collected was done using the data entered into the excel sheet for the questions in the interview guide and some general reflections. The interview question were guided by four main thematic areas of interest; institutional set up, mandate of the EHRC and its working method, processes and procedure and as a generic areas challenges faced by the commission.

3.6. Ethical Considerations

This study took into consideration and applied all ethical consideration in the courses of identifying the research questions, data collection and analysis. Ethical considerations were also made in the write up of the final thesis. This is with giving due consideration and application of reference by acknowledging, paraphrasing and quoting sources. Utmost care was taken in avoiding plagiarism.

Chapter 4: General Overview of the EHRC and Child Rights in Ethiopia

4.1. Overview of National Human Rights Institutes (NHRIs) and their protection mandate on child rights issues

NHRIs are expected to be the “key elements” of a strong and effective human rights protection system, helping to ensure the compliance of national laws and practices with all international human rights norms by; supporting Governments to ensure implementation and monitoring as well as addressing at the national level core human rights concerns.³¹ In addition to this, a strong NHRIs are an important component and prerequisite for sustaining good governance in a country.

One of the characteristics features of the existence of good governance is having a system and institution that is accountable and responsible for the consequences of decisions it has made on behalf of the community it represents. Hence, the existence of a strong and independent NHRIs attribute to the existence of good governance in a country.

Independent NHRIs are an important mechanism to promote and ensure the implementation of various human rights laws and standards including promotion of good governance. Some literatures also show the thin line between NHRIs and the state as in some instances, it’s difficult to differentiate due to the fact that these institutions are instituted by the state. Though their independence from state is still the question, NHRIs are vital to advance human rights in a given country, especially for protection and promotion of children’s right.

The independence of NHRIs has been argued in a report developed by the European Union Agency for Fundamental Rights on strong and effective human rights institutes.³² According to the report, NHRIs independence and strength is measured through the following characteristics:

³¹ . Ibid

³² . Strong and effective national human rights institutions – challenges, promising practices and opportunities, European Union Agency for Fundamental Rights, 2020 pg.6

- Special independent entities established under national law – typically reporting to the national parliament;
- Institutions broadly mandated to promote awareness raising and training and protect human rights by monitoring activities and by processing, investigating and reporting individual complaints;
- National bodies advising on and monitoring human rights; — institutions accredited through an international peer assessment process as complying with the Paris Principles fully (A-status) or partly (B-status);
- Organizations mandated to monitor and report nationally and internationally on their state’s human rights performance;
- Bodies entitled to participate in the UN Human Rights Council and other international human rights mechanisms.

In giving due consideration to different context like situation of the country as well as its legal systems, the mandates and powers of NHRIs also vary accordingly.

Adopted by NHRIs at an international workshop held in Paris in 1991, the Paris Principles marked the beginning of serious international co-operation and standardization of NHRIs. Both the United Nations Commission on Human Rights and the General Assembly later endorsed them. A key outcome was the Principles relating to the status of national institutions.³³ In addition, the United Nations Paris Principles provided the international standards against which NHRIs can be accredited by the Global Alliance of National Human Rights Institutions (GANHRI).

Although they were adopted 30 years ago, the Paris Principles remain the accepted minimum standard for NHRIs. The Principles further provides NHRIs with clear guidelines in terms of their ability and responsibilities, composition, operational methods, as well as additional

³³ . Ibid 27

principles concerning the status of commissions/institutes with granting quasi-jurisdictional competence.³⁴

Obviously, NHRIs main objective is to protect and promote human rights in general. However, it should be noted that NHRIs also play a crucial role in various thematic areas within the realm of human rights, which includes; the rights of children. As stipulated in the international convention on the rights of a child (CRC), which Ethiopia is a signatory to³⁵, NHRIs have responsibility to specifically follow up child rights protection and promotion in the country. General Comment No. 2 on “The Role of Independent National Human Rights Institutions in the Protection and Promotion of the Rights of the Child”³⁶ of the CRC Committee outlines the types of activities intended to support the promotion, protection and monitoring of children’s rights in light of the general principles of the Convention.

The rights of children is amongst the various human rights that states are obliged to abide by through adoption and ratifications of laws and making sure that implementation is monitored. To this effect, various instruments which promote and protect the rights of children were enacted and adopted at international level, regional level and national level. Children’s rights is and has been a concern of many nations worldwide and its promotion and protection is given a paramount importance. This also applied to Ethiopia as well.

4.2. General overview of child rights with specific reference to Ethiopia

In understanding Children’s rights, a preceding elaboration on the country context is important. In Ethiopia, it would be good to understand the demographic setting and the state of children. Ethiopia is the second most populous country in Africa sharing boundaries with Sudan and South Sudan to the west, Somalia and Djibouti to the east, Eritrea to the north and northwest and Kenya to the south.³⁷

³⁴ . United Nations: “Principles relating to the Status of National Institutions (The Paris Principles)” retrieved from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx> accessed on January 10th 2021

³⁵ . United National Convention on the Rights of Child (UNCRC), 1989

³⁶ . GENERAL COMMENT No. 2 (2002); The role of independent national human rights institutions in the promotion and protection of the rights of the child

³⁷ . Central Intelligence Agency (CIA) ‘The World Factbook Ethiopia’ <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/et.html> , Accessed on August 24,2021

In 2016, children under 18 years old, of whom 15,177,000 were under five years old, were estimated to account for nearly half (49.5 million) of the total population (UNICEF, 2017). This information was according to a report on 2017 and there was no apparent data received afterwards as there was no census made. The majority of the population of Ethiopia is youth and amongst this majority taking the greater share are those with age 18 and below.

In terms of contextual situation of Ethiopia that has a bearing on child rights, poverty and the problems it causes pose a central threat to a greater part of the population. The prevalence of poverty also results in problems related to sanitation, health services, education and other basic rights. These challenges to the basic rights also pose a threat to the implementation of basic rights proclaimed in various proclamations.

The general principles governing child rights in general and specifically in the context of Ethiopia, lies in three principles which are taken up by any institutions, legal and policy formulation and institutional reform (UNICEF, 2019).³⁸ These principles should at all time resort to the principle of non-discrimination, best interest of the child and the right to life and development of the child.³⁹ It is within the realm of these basic principles that child rights issues are addressed both at the national and international level.

In defining children rights, moreover, these are rights that are within the human rights spectrum but specifically addressed to children due to their development stage. These right can include civil rights and freedom which includes; availability of freedoms for children, access to information, access to legal service, access to independent complaints procedure, legal protections against torture and degrading treatment.⁴⁰ In addition, basic right which includes health, water, food and education are part and parcel of child rights. In addition there are special protection measures that specifically address child rights which includes; children in conflict with the law, child victims of trafficking, children in armed conflicts, children living and /or working on the streets, refugees and internally displaced children and unaccompanied children.

³⁸ . <https://www.unicef.org/armenia/en/stories/four-principles-convention-rights-child>

³⁹ . Ibid

⁴⁰ , Interview with John Njoka, Independent Consultant on Child rights issues, Lecturer at University of Nairobi

When we look at rights of children in Ethiopia, different rights that impact children can be assessed. However, we can look at few contextual situations pertaining to rights of children in Ethiopia to give one a picture.

The rights to health is one of the issues that has a significant impact on the livelihoods of children in Ethiopia. This right is also interrelated with the existence of other basic rights like access to clean water and sanitation, vaccination and other determinant factors. The average life expectancy is 66 years, and the infant mortality rate is at 63.25 deaths per 1,000 live births which is one of the highest in the world.⁴¹ In addition to this fact, it's also good to note that, there are limited number of health centers and also health professionals compared to the number of population and also infants, which is another challenges.

The right to education is also another contextual factor that one can look into. Though there are positive confirmation that access to education has improved over the last decades,⁴² there still exist some additional factors that negatively affect this progress. These drawbacks include an increase in dropout rates from primary to secondary schools, especially on girls. In addition, even the gender disparity at the school is another factors, as in many instances, girls are forced to support on the household chores and marry early.

In terms of child labor, as one way of supporting families, many responsibilities also fall on children in Ethiopia. Many children are engaged in economic activity which includes dangerous and hazardous for the children. Moreover there are also high number of children also living on street and also forced to work to sustain their living and cover their's and also their family needs. This will also have an impact on the children, as most of the children living on the street are not continuing their education and also are prone to various challenges like health, wellbeing, substance abuse, child trafficking and many road accidents.

⁴¹ .Realizing Children's Rights in Ethiopia, <https://www.humanium.org/en/ethiopia/> accessed on 16th of August 2021

⁴² . Ibid

In Ethiopia, at national level, the Ministry of Women, Children and Youth is the responsible government body for coordination on child rights issues and child protection. Proclamation No. 916, 2015 mandates the Ministry with powers and duties directly concerning children.⁴³

The Ethiopian Human Rights Commission (EHRC) and the Ombudsman conduct periodic follow-ups on the implementation of human rights conventions and treaties⁴⁴ and submit observations and proposals to the competent authorities.⁴⁵ This is done in close collaboration with the Ministry of Women, children and youth as the main government ministry on children affairs.⁴⁶

The Ethiopian Government took other measures to protect children through the harmonization of national laws, with the provisions of both the Constitution and of the standards within the international treaties and instruments Ethiopia has ratified, especially the Convention on the Rights of the Child. These reforms included:⁴⁷

- Enacting the Family Law to replace family law provisions of the Civil Code of 1960 with the aim of giving priority to the well-being, upbringing and protection of children;
- Replacing the Penal Code of 1949 with the Criminal Code to criminalize various forms of abuse and exploitation against children, including harmful practices, and to stipulate more severe penalties for them; and
- Enacting the Labor Code which explicitly prohibits the employment of children below the age of 14 years and provides special protections for child workers between the ages of 14 and 18 years old.

Table 1⁴⁸: International/regional rights treaties ratified by Ethiopia, related to child rights⁴⁹

⁴³ . Proclamation No. 916./2015 Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia, <https://chilot.me/wp-content/uploads/2017/04/proclamation-no-916-2015-definition-of-powers-and-duties-of-the-executive-organs.pdf>, accessed on 24 August 2021

⁴⁴ . UNCRC Consideration of the Periodic Reports of Ethiopia (2013) para. 32

⁴⁵ . Ibid

⁴⁶ . Anonymous, Ministry of Women, Children and Youth, Interview date January 13, 2021

⁴⁷ . FDRE Implementation of the ACRWC (2013) pp. 9–10

⁴⁸ . Annexed

⁴⁹ . UNICEF Rapport Child Notice, 2018 – Table annexed

<https://www.unicef.nl/files/UNICEF%20Rapport%20Child%20Notice%20Ethiopia%202018%20-%20final.pdf>
accessed on 14th August 2021

4.3. Legal and Policy Instruments on EHRC

The Ethiopian Government has ratified also various regional human rights instruments at Africa level, protecting children's rights which includes, the African Charter on the Rights and Welfare of the Child (ACRWC). At a national level, article 36 of the FDRE constitution is dedicated solely for the protection the rights and welfare of children.⁵⁰ Aside from the highest law of the land, children's rights is also instituted in various proclamations and national laws.

The following table illustrate national laws relevant to child rights and protection in Ethiopia⁵¹

- Criminal Procedure Code Proclamation No.185, 1961
- Civil Code of Ethiopia, 1962
- Revised Family Code, Federal Negarit Gazette No. 1, 1992
- Constitution of the Federal Democratic Republic of Ethiopia, 1994
- Public Health Proclamation No. 200, 2000
- Ethiopian Human Rights Commission Establishment Proclamation No. 210, 2000
- Office of the Ombudsman Establishment Proclamation No 211, 2000
- Environmental Pollution Control Proclamation No. 300, 2002
- Proclamation concerning the Rights to Employment for Persons with Disabilities, No. 568, 2000
- Registration of Vital Events and National Identity Card Proclamation 760, 2002
- Labour Code Proclamation No. 377, 2003
- Nationality Law of Ethiopia Proclamation No. 378, 2003
- Criminal Code Proclamation No. 414, 2004
- Social Health Insurance Proclamation No.690, 2010
- Amendment to the Vital Events Registration and National Identity Card, Proclamation No. 1049/2017

⁵⁰ . Article 36 , The constitution of the Federal Democratic Republic of Ethiopia,

⁵¹ .Child Notice Ethiopia 2018, UNICEF Eastern and Southern Africa Regional Office

<https://www.unicef.org/ethiopia/reports/unicef-ethiopia-annual-report-2019> Page 24, accessed on 12th August 2021

The higher mandate given for the establishment and functioning of the EHRC came from the supreme law of the land which is the constitution of the Federal democratic republic of Ethiopia. Article 55 (14) of the constitution. EHRC was established as an independent NHRI on 4 July 2000, pursuant to Article 55(14) of the FDRE Constitution, by the EHRC Establishment Proclamation No. 210/2000 (hereinafter the- Establishment-Proclamation or EHRC’s founding legislation), although the institution commenced operations in 2006.⁵²

In 2020 the establishing proclamation no.210/2000 was amended by Proclamation No.1224/2020. The amended proclamation was effected in giving due consideration to the necessity to strengthen the EHRC’s institutional and execution capacity and to enable the commission to fulfill its mandate independently thereby respecting and protection of human rights in Ethiopia.⁵³ Another crucial result of the amendment of the establishing law of the Commission is in respect of the politically independent nomination and appointment of commissioners, which requires to be merit-based. It addressed a transparent and participatory nomination of commissioners, in addition to making improvements to provisions related to the structure of the commission, hiring and management staff and the budgetary independence of the commission in order to enhance public trust, acceptance and effectiveness of the commission.⁵⁴ The new law further empowers the Commission to inspect prisons and detention places as well as public service institutions without any prior notice.

The EHRC, besides its establishing proclamation uses various manuals and policies which one of them is a guidance which help the institution to deliver its powers and duties on the investigation of human rights violations on the basis of complaint submitted to it or on its own initiatives. To guide the complaint handling process, EHRC had developed a Complaint Handling Directive Manual in 2018, which EHRC intends to review as part of the comprehensive reform process, with the view to revamping it guided by good practices, international standards and principles.⁵⁵

⁵² . የኢትዮጵያ የሰብአዊ ኮሚሽን ጉዞ ኮድ ወዴት 2011 ዓ.ም. 26.

⁵³ . Proclamation No.210/200 (As amended by Proclamation No.1224/2020) Preamble

⁵⁴ . Ibid

⁵⁵ . Interview with Selamawit G. to guide the complaint handling process, EHRC had developed a Complaint Handling Directive Manual in 2018

The powers and duties of the EHRC as listed in its article 6 of the Proclamation No. 210/2000 and as amended by Proclamation No.1224/2020 lists; among others that the commission shall have the powers and duties to”;

- Ensure that the human rights and freedoms provided for under the constitution of the FDRE are respected by all citizens, organs of the state, political organizations and other associations as well as by their respective officials;
- Ensure that laws, regulations and directives as well as government decisions and orders do not contravene the human rights of citizens guaranteed by the constitution;
- Undertake investigation, upon complaint or in its own initiation, in respect of human rights violations;
- Forward its opinion on human rights reports to be submitted to international organs;
- Monitor the Human rights situation during election periods; (as amended)
- Visit and monitor, without prior notice, any correction centers or prisons, police detention centers or any place where people are held in custody or otherwise detained anywhere in the country as well as any public service institutions such as schools, hospitals, shelter camps and market centers; (as amended)

Hence, the establishing proclamation and its amendment gives the EHRC a wide mandate on the protection and promotion of human rights in general.

4.4. The EHRC and its Mandate on Child Rights issues

Within the realm of human rights, EHRC is also mandated to protect and promote the rights of children in Ethiopia. According to Paris principles, one of the most critical criteria for establishing national human right institutions is that “shall be given as broad a mandate as possible, which shall clearly set for the in a constitution or legislative text, specifying its composition and its sphere of competence.”⁵⁶

The Paris Principles identify six criteria that NHRIs should meet in order to be effective, including:

- a clearly defined and broad-based mandate based on universal human rights standards

⁵⁶ .Ibid 35

- autonomy from government
- independence guaranteed by legislation or the constitution
- pluralism, including membership that broadly reflects their society
- adequate resources
- Adequate powers of investigation.⁵⁷

Some of the assessment of its mandate was done in line with the above criteria. With this as a background, the EHRC set up various commissions and thematic areas with having a specific directorates and commission for child rights. Amongst these commissions is the commission of children and women affairs, which the term of office of the appointed commissioner is for 5 years with possibility of re-appointment.⁵⁸

Recently, in line with the recently amended EHRC establishment proclamation, different thematic areas were also introduced to align some of the works of the commissioners with the themes. In addition, recent nomination of three commissioners and a deputy commissioner was undertaken through an independent nomination committee which also included the participation of civil society representatives.⁵⁹

The Ethiopian Human Rights Commission (EHRC) is not different from many NHRIs in terms of mandate and responsibilities. As a human rights commission established and mandated by the powers given in the constitution and the proclamation that was legislated for its establishment, it also has a mandate to protect and promote the rights of children. In addition to legal provision on the mandate for EHRC on child rights issues different international convention also outline the key role that NHRIs play in protecting and promotion of child rights.⁶⁰

⁵⁷ . Ibid

⁵⁸ . Article 14 of the Ethiopian Human Rights Commission Establishment Proclamation, as amended by Proclamation No.1224/2020

⁵⁹ . <https://addisstandard.com/news-rights-commission-gets-a-deputy-three-commissioners/> accessed on 12th August 2021

⁶⁰ . General Comment No.2: The Role of Independent National Human Rights Institutions in the promotion and protection of the rights of the child CRC/GC/2002/2, November 2002

Chapter 5: Assessment on the Practice of the protection mandate of EHRC on matters of violations of Child rights in Ethiopia

This chapter assesses the EHRC, specifically in terms of its protection mandate as well as practical functions in protecting the rights of children in Ethiopia. The assessment of the study took into consideration the following aspects in making the assessment and in the next chapter proposed recommendation on how the commission can function in a child friendly and accessible manner in matters and violations affecting children in Ethiopia.

The following are some of the assessment divided in different areas of concern

5.1. Legal and Procedural framework

CRC recognizes the rights of children to be protected. The protection becomes effective at a time when all appropriate implementation measures are put into practice. As per the General comment No 5, in order to protect the rights of children state parties to the CRC are supposed to take legislative measures. This includes the setup of different mechanisms and institutions to support the process, which includes amongst others the set up a specific minister, in the case of the Ethiopia, the MOWCY and also monitoring mechanisms like the EHRC.

The instituting legal framework for the EHRC is based on proclamation no.210/200 and as amended by Proclamation No.1224/2020. According to the establishing proclamation of EHRC, proclamation no. 210/2000, article 5&6, the EHRC has a mandate of promoting and protecting human rights.⁶¹ Looking at different reports and also interviews the EHRC did a tremendous work in ensuring that human rights violations are reported to the respective authorities. During the course of preparing this paper, the researcher was able to review public reports and investigative missions that were conducted by the EHRC team to different parts of Ethiopia. Many of the reports are linked with conflict situations that erupted in a specific regions in Ethiopia and covers a whole range of violations of human rights and propose recommendations on how to ensure protection of civilians in these conflict situations.⁶² This in turn will give an

⁶¹ . Proclamation No.210/2000, article 5 and 6

⁶² . Many of the reports are now uploaded in the newly instituted website of the ERHC <https://ehrc.org/category/report/> accessed throughout August and September 2021

impression that children rights are also included within the realm of the human rights violations reporting. However, it has been very difficult to locate a specific report and procedural requirements in addressing children's rights protection and how to report when violations occur. The manual that guides the EHRC investigative team to investigate human rights violation was one manual that was assessed.⁶³ In that manual, there is no specific remarks on how children's rights violations should be reported and investigated. In any investigative missions, where a human rights violations occurred, it's important to see the investigation of children's rights violation in a peculiar manner as the redress needs to take into consideration that children are minors who should be under the protection of their legal guardians or in general a government. Hence, it is noticeable that there is a gap in promoting child sensitive investigation and reporting when EHRC does an investigative missions to places where violation of human rights occurs and in turn children's rights are violated.

5.2. Institutional arrangements of EHRC on its Work on Children's Rights

Different human rights commission have different institutional arrangements for their work on children's rights. Some have dedicated department, division or unit for children's rights and some are integrated or mainstreamed in their broader mandate and areas of work on human rights. The EHRC, designated by the establishing proclamation No.210/2000 have a designated children and women commission, directly reporting to the chief commissioner, also in the amended proclamation is part of council of commissioners, which includes the chief commissioner, deputy commissioner and also three thematic commissioners. As it's the case with the EHRC chief commissioner, the commission of the children and women is assigned by the house of people's representatives.

However, currently the EHRC operationalized a new structure for the EHRC where the commissions are further divided into thematic areas.⁶⁴ This is a positive steps as it gives children's rights specific mandated organ within the EHRC and is not seen as a cross-cutting theme. In addition, it will have its own thematic staffs also reporting to the specific commission mandated for women and children. The new structure, have a specific thematic directorate

⁶³ . Ibid 60

⁶⁴ . Interview with Seble Tadesse, the Director of Talent Management and Human Resource Services of EHRC, Interview date June 15,2021

working on women and children issues, which reports to the office of the chief commissioner.⁶⁵ In the new structure there are seven areas of work with its own commission and thematic directors. These areas of work are; Human Rights Education, Women and Child Rights, Disability Rights and the Rights of Older Persons, Civil and Political Rights, Social and Economic Rights, Refugees, IDPs and Migrants Rights, Human Rights Monitoring and Investigation.⁶⁶ In line with these change in the thematic areas, it's also worth mentioning the number of reports that were covered under each thematic areas. Hence, from the data received from the EHRC, the below list shows the number of reports and investigations made under each thematic area

- Human Rights Education (15 reports)
- Women and Child Rights (48 reports)
- Disability Rights and the Rights of Older Persons (7 reports)
- Civil and Political Rights (87 reports) and Election (2 reports)
- Economic, Social and Cultural Rights (52 reports)
- Refugees, IDPs and Migrants Rights (61 reports)
- Human Rights Monitoring and Investigation (84 reports)

Reports that are representative to the above sub-themes with specific focus on women and children rights and also human rights monitoring and investigation were made. The reports show that most of the violations are not disaggregate by gender and age or on some instance, more aligned to reporting the rights violations of the women. In addition, there were limitation as most of the reports are not made publicly available.

However, having a dedicated department on child rights does not necessarily mean sufficiency with regards to capacity and resources to undertake child rights protection, monitoring and advocacy. Protection mandate of the EHRC need an intervention more than setting up a department or thematic focal points, though that's a first requirement. It needs to be well mainstreamed and assessed in a holistic manner. This includes addressing some of the institutional set-ups that may not be friendly to a child. This includes in communicating and promotion of the works of EHRC in a manner that is understandable by the children themselves

⁶⁵ . Ibid

⁶⁶ . Ibid

as well as parents/guardians. In addition, some of the thematic areas like disability rights, refugees, IDPs and migrant's rights, human rights monitoring and investigation areas need to ensure that there is a planned mainstreaming of children rights.

Maintaining independence particularly from the government, which set up and funds NHRI is one of the key challenges for not guaranteeing their effectiveness of the independence of institutions (Abdo, 2006). Hence it should also be noted that financial independence of the institution as well as flexibility in the funds it manages should also be given an utmost priority as it has a direct link with the functionality of the EHRC.

In addition, responsibility of staff who can ensure that child friendly systems are in place is another area of consideration. It's evident that ERHC have limited financial resources as it highly depends on government fund, which creates serious challenges in accomplishing all at once. The lack of a focal person or division who specifically sees and mainstreams child right issues as well as look over the child safeguarding concerns was evident. Recently there has been some progress in the support rendered by different development partners like United Nation Development Program (UNDP) supporting the works of the EHRC in its reform process, which is believed to have a positive contribution to putting in place mechanisms.⁶⁷

5.3. Assessment on the Operation of the Specific Commission Designated for Child rights

The EHRC, in its establishing proclamation No.210/2000, clearly outlines for the organization of the commission to have a commissioner heading the children and women affairs.⁶⁸In the amended proclamation no.1224/2020, it further assigned the organization of not less than four commissioners heading human rights thematic areas.⁶⁹ This authority gave a power for the commission to come up with thematic areas that directly work on women and children which will be accountable to the office of the chief commission. In accordance, recently, a new commissioner was appointed to head the commission for women and children rights with also a director for women and children right to lead the specific directorate. This is an important

⁶⁷ . Ibid 68

⁶⁸ . Article 8 of Proclamation no.210/2000

⁶⁹ . Article 8 of Proclamation no.220/2000 as amended by 1224/2020

advancement as the power and function of the women and children commission is further narrowed to also constitute thematic leads at a directorate level, specifically working on children and women alongside other thematic areas of human rights.

However, there is still a concern in merging two different rights; i.e rights of women and rights of children as it put a danger, which often times, gives rise to one right being influenced against the other. This also bring a lack of specified approach that can address the specific approach of child rights protection and monitoring taking into consideration the safeguarding aspect in the process.

The matters affecting children should be clearly and specifically articulated as their response is also derived from the specific issues affecting them. Hence, the approach and work should clearly move towards ensuring the principle of the best interest of the child.⁷⁰ In addition, the human rights monitoring and investigation division, which is set up to follow up various human rights issues and also conduct investigation of the matter uses a common manual to conduct the investigation. However, it should be noted that when conducting an investigative missions of human rights violations that involves violation of children rights needs to take into consideration the peculiar process which puts in place the best interest of the child and conduct investigation in a manner that doesn't put the child in any kind of jeopardy.

Moreover, most of the investigative reports of human rights violations that were assessed⁷¹ doesn't peculiarly mention the violation of children rights and is not disaggregated based on age. This will create a huge gap in addressing the problem as the response would be overshadowed and doesn't necessarily address the specific needs of the child.

From the commencement of its operations EHRC has provided awareness raising tasks including for 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

⁷⁰ .Notes on the Principle "Best Interest of the Child"; Meaning, History and its Place Under Ethiopian Law- Aron Degol and Shimelis Dinku, 2011- Best Interest of the child: The overall theme of the principle is that due focus and priority should be given to the political, economic and social interests of the child whenever policies, laws and decisions are made which directly or indirectly affect children.

⁷¹ . The reports assessed were only from those that were publicly available on EHRC website <https://ehrc.org/category/report/>

day.⁷² This has been and still is a commendable engagement, as there are also specific awareness creation and intervention of the promotion of the human rights in general and specifically on the rights of children. However, these promotion of the children rights has to be corroborated with effective ways of delivering the protection mandate of the EHRC on issues of child rights violations.

5.4. Complaint Handling Mechanism of the EHRC

The way the human rights commissions will receive and handle complaints depends on its legal mandate and competencies. These vary significantly across institutions. Some NHRIs do not have the mandate to handle individual complaints. However, they may come into contact with children who raise issues requiring attention and need to address them.

The establishing proclamation of the EHRC and as amended in 2020, proclaim that complaints can be forwarded by individuals or third parties. Hence, the EHRC is not restricted from receiving complaints from individuals and further has the right to receive any complaint against any state party. This gives an authority to any individual or third party to lodge a complaint on any human rights violation to the EHRC. This is an encouraging phrase as it doesn't limit individuals to submit complaints.

On the process of lodging a complaint, it's also written in the establishing proclamation that, it can be done anonymously, in written or orally and is free of charge.⁷³ This gives a wide-range of authority to lodge any human right violation, which is a positive step in ensuring that the EHRC is close to the citizen. However, specific provisions are not made on how children cases are addressed as they don't have the access and procedures on how these complaint can be made if violations of children's rights occur.

Due to the development stage of children and lack of information or access in going to legal processes, children tend to face the violation of their rights, often times on their own, especially if the abuse is coming from the immediate families or guardians. Hence, it's apparent that there is a need for a system that children can easily access and make their case to the commission.

⁷² . The Ethiopian Human Rights Commission Annual Report .Published in 2014, Vol. 2, P.15

⁷³ . Article 22 of Proclamation no.210/2000

There are some attempt that are being undertaken by the EHRC with the support of Save the Children to set up a hotline service for children to easily access the EHRC with a telephone free of charge. However, that process hasn't been finalized. In addition, there is also a need to consider on the possibility of reaching children that have no access to telephone services. This also bring the discussion on the practical aspects of having a separate standalone commission which covers child rights violation as often time, its overshadowed by the overall human rights issues and without seeing how each steps are disproportionately affecting children.

From the assessment made, there were no complaint made by the children themselves.⁷⁴ However, this can be due to the lack of database on who makes complaint on child rights issues and also raise the question of accessibility and awareness of these complaint mechanism to be used by the children and other stakeholders. This is also one of the recommendation points that was made.

5.5. Child-Friendly Complaint Handling and Reporting Mechanisms

The notion of complaint handling mechanism is related with the aspects of the process in handling any complaint that came to the attention of the EHRC as well as the responsible person/body to bring complaint to the ERHC. As for child rights violations, a complaint mechanism is a means through which children who believe their rights have been violated, as individuals or collectively as a group, can seek redress and make the violation stop.⁷⁵

At the international level, the Committee on the Rights of the Child has emphasized that States must provide effective and child-sensitive means for children to have their complaints heard before appropriate bodies.⁷⁶ In its General Comment 2, it has also stressed that the complaint mechanism should be a mandatory feature for NHRIs and that NHRIs must have the power to consider individual complaints and petitions, including those submitted on behalf of or directly

⁷⁴ . Interview with Zewdneshe Zegeye, Investigation and Monitoring Team, June 17

⁷⁵ . Child friendly complaint mechanism; a series of tools for national human rights institutes, UNICEF publication, page 7

⁷⁶ . UN Committee on the Rights of the Child (2003). General Comment 5: General measures of implementation of the Convention on the Rights of the Child, CRC/GC/2003/5.

by children, and to carry out investigations.⁷⁷ This is integral to the right to a remedy in case of a rights violation. The overall process that exist within a complaint of human rights violation can be described as a complaint handling mechanisms or methods. In order to guide this the EHRC supported by the United Nation Development Program (UNDP) produced a manual on human rights complaint handling and investigation procedure.⁷⁸

This manual was developed in 2009 and some of the parts included in the investigation process, doesn't take into consideration, the specific needs and aspect in investigations that involves children under the age of 18 and how to handle their case. This will have an implication on the overall complaint handling processes of the commission. In practice, when investigations are conducted the investigative team will comprise of a team from women and children commission, which is a positive progress.⁷⁹

In addition, before the investigation process commence, during the receiving complaint process, the establishing laws of the EHRC outlines that complaint on human rights violation can be made by any individual or third party.⁸⁰ In addition, during the assessment mission that the researcher made specifically to the women and children commission, the one specific question that the researcher asked was related to accessibility of the commission to children to forward a complaint. There are some practices that can be considered like having a toll free number and popularize it well so that children and other adults can easily make a phone call for free. The response that the researcher received was that there are initiatives ongoing in establishing the toll free number in collaboration with save the children international.⁸¹ Hence, it's also advisable to continue with this engagement in making sure that the toll free number is active and working. This will enhance accessibility of the EHRC and bring it more closely to the citizens. However, having only the toll free number shouldn't be the end. But more work should be done to popularize it amongst the society and also children.

⁷⁷ . Committee on the Rights of the Child (2002) General Comment 2: "The Role of Independent National Human Rights Institutions in the Promotion and Protection of the Rights of the Child." CRC/GC/2002/2, 15 November, paragraph 13.

⁷⁸ . Ibid 60

⁷⁹ . Interview with Selamawit Girmay, Senior Advisor on Women and Children Rights at EHRC, Date, June 15

⁸⁰ . Establishing Proclamation of the EHRC, Proclamation n/o. 210/2000 as amended by Proclamation No. 1224/2020, article22

⁸¹ . Ibid 74

Moreover, from the assessment, it was difficult to locate a policy that safeguard children and young people in all the process of complaint handling mechanisms at the EHRC.⁸² Professionals in direct contact with children should be trained in communicating with them at all ages and stages of development, and with children in situations of particular vulnerability. All these requirement should be outlined in a policy that would govern the EHRC in their approach on investigating issues of child rights violations.

5.6. Accessibility and Child Friendliness of the Complaint Handling

Mechanism

Accessibility to the public is core feature of effective national human rights institutions, a marker recognized under the Paris Principles as well. Accessibility has to be viewed from two aspects: familiarity of the public about and physical accessibility of the institution. Accessibility is especially important when NHRIs handle complaints. The Paris Principles emphasis that NHRIs should strongly use all the necessary means to make themselves known to individuals that would benefit from their activities.

When we look at the aspects of child friendly complaint handling mechanism, one aspects of it is ensuring the accessibility requirement. This means that the approach needs to be rights based both on the processes and its outcome and making sure to make to put the best interest of the child at the center of the work. In addition the complaint handling mechanism need to reflect the child's dignity throughout the process without undermining the views expressed and information provided. Accessibility refers to the ability of all children to easily access the ECHR's complaint mechanism when they believe their rights have been violated.

With the ultimate motive of disposing its physical accessibility requirements of the Paris Principles, the EHRC has set up 6 branch offices throughout the nation including the Hawassa Branch office in 2012 and 2 more branch offices in 2014. In total, there are 8 branch offices all across Ethiopia with their own monitoring and investigative team.⁸³ This allows for the accessibility component to be achieved as many people, including children can access the

⁸² . Interview with Aaron Maasho, Director of Media and Communications, EHRC, April 20, 2021

⁸³ . Interview with Seble Tadesse, Director of Talent Management and Human Resource Services of EHRC, Interview date June 15,2021

commission in their respective region. However, promotional materials and advertisement hasn't been done in a way that attract children on how they can access the commissions. This can be done in a cartoon or animations that can easily be understood by children and can easily know where such organizations are and raise their complaint in a manner that is friendly to them.

All children face numerous challenges when accessing remedies, and in particular the complaint mechanisms. Starting from physical location of the EHRC to lack of resources online, it makes it very difficult for an adult, let alone children, to successfully reach out to the commission and lodge a complaint. This coupled with lack of popularization work about the ERHC makes it difficult for child to find the commission close to their daily lives.

There are various ways and procedures that any investigative missions of child rights violations can follow during the overall process of the investigation and monitoring of child rights. Above all the guiding principle is that it should follow child-friendly monitoring, systematic child rights monitoring and investigation techniques. At the heart of any engagement by the EHRC, it should put child participation at the heart of all the engagement and should be guided by participatory research with children throughout the whole process. The process should also consider child-friendly complaint handling mechanisms by developing action plans and ways of implementing them. Moreover, child rights based approach and budgeting should also be considered by the government as well as the EHRC.

Some process might require interrogation of children to probe more evidences on the violations that happened to the child. Hence, child interrogation techniques including communication with children to raise their awareness on human rights and how to tackle the psychological and emotional changes of children who have become victims of human rights violations. Child centric ways should be given the utmost attention in any engagement with children. However, the investigation and complaint handling manual doesn't take into consideration specific needs of child rights violation cases.

It is also good to note that the right to lodge complaints, according to article 22 of the establishing proclamation no.210/2000 as amended by proclamation number 1224/2020, outlines, 'a complaint may be lodged by a person claiming that his rights are violated or, by his spouse family member, representative or by a third party'. The commission may, in

consideration of gravity of the human rights violations committed, receive anonymous complaints.⁸⁴ This complain is received by the commission free of any charge as well.

5.7. Participation of Children

In any engagement concerning child rights, the underlying principle should be making sure that child participation is at the center. Child participation in the complaint mechanism encompasses hearing children's views when handling individual complaints, with regard to both the case matter and the way the process is handled. Children should have a say concerning when, how and where they want to be heard, and also have the possibility to not be heard.

Child participation also extends to the design of the mechanism itself, with children's views being gathered on various aspects to make it more accessible and effective, and to monitoring and review of the mechanism. This will require in making sure that the communication aspects and processes needs to be adapted to a child's age, stage of development and inclusivity in terms of gender, disability, language amongst many. In reviewing some of the guiding document for investigation⁸⁵ and also reports, it was visible that some of the process need to take into consideration participation of children in the reporting and investigation as well. This needs to be done in a manner that can be easily understandable by children and in a child-friendly manner.

In many instance, meaningful participation of children in any undertakings or institution is a challenge. Consultation processes with children appear to be a good middle ground for any organizations working on child right issues. But, often times, they tend to be ad-hoc and to privilege certain groups of children, often those who have access to the media or internet connection. Child participation also needs to represent different groups of children, which requires a considerable investment on the side of the institution. This inclusion should also consider; children from difference societal and economic background, children with disability, children living on the street, children who are victims of sexual and gender based violence, amongst the few. Given these challenges in reaching children from all walks of life, there needs to be a need to develop new methods and ways as well as assign both the technical and financial resources to support the process and experience sharing on the practices.

⁸⁴ . Article 22(2) of the establishing proclamation of EHR 210/2000 as amended by proclamation no;1224/2020

⁸⁵ . Ibid 60

5.8. Relationships with Child Rights Actors and Stakeholders

There is an apparent need for a link between research, policy and practice on issues of children and youth in Ethiopia. Efficient stakeholder engagement allows NHRIs to undertake their mandates by enhancing their independence and pluralism; improving their effectiveness by deepening their public legitimacy; ensuring they reflect public concerns; and giving them access to expertise and valuable networks. It can also prevent a State from attempting to compromise the independence and neutrality of an NHRI. NHRIs are expected to consult regularly at every stage (from planning to implementation and evaluation) with their stakeholders, including the public, government, CSOs, community-based bodies and organizations that have a professional interest in human rights.⁸⁶

The EHRC mostly engages with the judicial sectors in instances, where they have to provide recommendation to the human rights violation that occurs, and specifically the children right violations. In addition, related with specifically child rights situation, the ERHC also have a regular interaction with the ministry of women and children affairs and also regional bureaus of the ministry.⁸⁷ Apart from government offices, the EHRC also engages bilaterally with child focused agencies and development partners like save the children, UNDP, Africa Child Policy Forum (ACPF) and others in ensuring that child rights advocacies and implementation of the various laws are mainstreamed at different levels.⁸⁸

In addition to development partners, there are various regional and sub-regional child rights networks that are institutes in Africa. The case in points are the East Africa Child Rights Networks (EACRN) and Child Rights Network in Southern Africa (CRNSA). These child rights network in these regions are membership organizations of child rights coalitions in the countries. These networks closely work NHRIs to enforce some of the implementation of the laws and follow up on the monitoring of child rights situation on the regional. Ethiopia, being a member of EACRN also collaborate closely in various platforms and engagements in ensuring that children

⁸⁶. International Council on Human Rights Policy op cit pg 23

⁸⁷. Interview with Selamawit G.

⁸⁸. Anonymous interview, law and Policy officer, ACPF

rights are also addressed and given due consideration in the country.⁸⁹ There is also a close link between these networks and also the existing NHRIs in the specific region.

⁸⁹ . Benedict Omilo, Program Officer, East Africa Child Rights Network (EACRN), interview on March 25, 2021

Chapter 6: Conclusion and Recommendations

As shown in the above chapters, the notion of NHRIs dates decades back and is also a point of concern and an ongoing improvement area in building democratic institutions of any country. It's also noted that NHRIs are also mandated with broad area of human rights investigation and is expected to work independently, without any interference from the government and exercise holding the very government that instituted it as accountable. However, the practice, as this research found out, indicates that the Commission is far from meetings expected standards in investigating and working on child rights issues.

As far as its investigation role goes, the Commission was not able to exercise its mandate on any of the appalling human right violations committed by disaggregating them in age, but rather most of the report shows ethnic affiliations as most of the conflict reported by the EHRC are also made after a conflict erupted.

From the assessment, it is clear that the EHRC have lived to its broad mandates of monitoring human rights, including handling reported cases. The overall finding from the assessment is that most of the works of the EHRC has not given priority in protection of children's rights in Ethiopia. Issues of children are handled generically alongside other human rights. Although there are worrying cases of abuse of child rights in Ethiopia, efforts to monitor and advocate for redressing these abuses don't always happen as per the mandates of the EHRC.

The reason behind the weak operations of the EHRC range from low budget allocations, lack of dedicated staff on child rights, weak and vague legal mandates in places and limited awareness of what the EHRCs can do to contribute to the enhancement of child rights within their mandate.

Based on the findings of the assessment, the following is recommended:

- There is need to build the capacity of the ERHC focusing on child rights programming based on the general NHRI mandates, visibility and profiling, networking at regional and national levels, monitoring and evaluation, child rights violations data use for advocacy

- Another areas of focus is on how the reporting doesn't take into consideration the disaggregated form in terms of gender. It should be noted and given priority in promoting gender transformative approaches in its engagement, assign a separate budget for that purpose.
- EHRC should develop a programme on child rights programming where the commission can have common activities but also those specific to protection and promotion of child rights and how to make the commission more child friendly and accessible to children.
- Networking of the EHRC with other like-minded commissions across the world and specifically in Africa, has to be enhances and improved. This can be done through the regular engagement of the NANHRI and GANHRI.
- EHRC should also take the initiative in linking the child rights sectors actors both from the government side and also from the side of civil societies and serve as a bridge to bring both into one table. This is taking into consideration the unique characteristics of EHRC in terms of its mandate and independence as well as linkage with the government.
- The EHRC must also devise and tend to identify priority areas within human rights issues and approach them in a way that are specifically systemic and targeted. There should be more approaches to address child rights issues in general, rather than waiting for complaints to be received.
- The EHRC should devise a way to make the commission more accessible, especially for children from all walks of life and ensure that the commission also make a deliberate effort to investigate child rights violation on its own initiative
- In investigative missions that are made due to the various conflict that are happening across Ethiopia, it should also be noted that a specific assessment should be made on the impact of the conflict specifically on children and women and devise a way to report the case with data and disaggregated terms in terms of age and gender, rather than ethnic affiliations.
- The investigation and monitoring manual which was developed in 2018 is under review phase. Hence, it should clearly put in place a specific section on the methods and approaches to be used in investigating child rights violations
- The Ethiopia Human Rights Commission should put in place policies should that safeguard children and young people. This policy shall be used in the day to day interaction of the

commission in general and more specifically during the investigation missions and any approaches that needs to be made towards children.

- There should be periodic reporting of child rights situation in Ethiopia along with the general human rights situational report that is being taken up. This will enable to show the works of the EHRC in terms of its engagement in the protection and promotion of child rights and also propose recommendation on how to effectively manage its mandate on that regard.
- Civil society organizations should assist EHRC with technical and financial support for conducting standard assessment and evaluation of child rights violations, production of child friendly promotional materials and investigative manuals, which can be used as widely accepted benchmarks and indicators for their work.
- The government of the FRDE should mitigate ways on how to enhance the credibility and also independence of the ERHC, which in a way devise mechanisms that can link the EHRC to various actors that are pertinent to child right protection government ministries and international and regional accountability mechanisms.

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Appendices

ANNEX I

Table 1: International/regional rights treaties ratified by Ethiopia, related to child rights

| Treaty | Ratification/Accession |
|--|-------------------------------|
| Discrimination (Employment and Occupation) Convention (ILO No. 111) | 1966 |
| Convention Relating to the Status of Refugees (with Reservation Regarding Primary Education) | 1969 |
| Protocol Relating to the Status of Refugees | 1969 |
| International Convention on the Elimination of All Forms of Racial Discrimination | 1976 |
| Convention on the Elimination of All Forms of Discrimination Against Women | 1981 |
| Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime | 1981 |
| Convention Concerning Occupational Safety and Health and the Working Environment (ILO No. 155) | 1991 |
| Convention on the Rights of the Child 1991 International Covenant on Economic, Social and Cultural Rights | 1993 |
| International Covenant on Civil and Political Rights 1993 Abolition of Forced Labour Convention (ILO No. 105) | 1999 |
| ILO Worst Forms of Child Labour Convention 182 | 1999 |
| ILO Minimum Age Convention 138 | 1999 |
| Equal Remuneration Convention | 1999 |
| African Charter on the Rights and Welfare of the Child (ACRWC) | 2002 |
| Convention Concerning Forced or Compulsory Labour (ILO No. 29) | 2003 |
| Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour | 2003 |

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| United Nations Convention Against Transnational Organized Crime (UNTOC) | 2007 |
| Convention on the Rights of Persons with Disabilities (CRPD) | 2010 |
| Trafficking in Persons (TiP), Especially Women and Children Protocol (Palermo Protocol) | 2012 |
| Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution Child Pornography | 2014 |
| Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict | 2014 |

ANNEX II

List of Interviewee /Respondents

Aaron Maasho (2021), Director of Media and Communications, Ethiopia Human Rights Commission

Benedict Omillo (2021), Program Officer, East Africa Child Rights Network (EACRN)

John Njoka (PhD) (2020) - Independent Consultant on child rights, lecturer at University of Nairobi

Marie Ramtu (2020) – Program Officer, Network on African National Human Rights Institute (NANHRI)

Nebiyu Dejenie, (2021) Ministry of Women, Children and Youth (MoWCY)

Seble Tadesse (2021), Director, Talen Management and Human Resource Services, Ethiopia Human Rights Commission

Selamawit Girmay (2021), Senior Advisor on Women and Children Rights, Ethiopia Human Rights Commission

Zewdnesch Zegeye (2021), Investigation directorate director, Ethiopia Human Rights Commission

Anonymous (2021) - Child Rights Promotion and Protection Directorate, MOWCYA

Anonymous (2021), Law and Policy Officer, Africa Child Policy Forum (ACPF)

ANNEX III

Interview Guide

1. Basic information on Respondent
 - Name
 - Position of respondent
2. Does EHRC has
 - A commissioner responsible for children's rights
 - A department, division or unit responsible for children's rights
 - National CRC monitoring mechanism
 - Focal person for children's rights
3. How does your institution get engaged in the promotion and protection of children's rights?
 - A standalone programme/department focusing on children rights
 - Integrated in other on-going programmes
 - Captured as a priority issue in the strategic plan
 - Identified as one of the activities in the annual /quarterly work plan
 - Activities on children's rights have been allocated resources in the budget
 - Conducting training on children's rights
 - Undertaken monitoring and reporting on implementation of children's rights
 - Handling complaints and conducting investigations on allegations of abuse of children's rights
 - Any other (specify)
4. Does EHRC have a mandate to receive individual complaint from children?
 - Please Explain
5. Individual cases of child rights violations and abuses- Have you received/do you usually receive complaints regarding child rights?
 - Approximately how many complaints regarding allegations of Child Rights violations and abuses have you received in last two years?
 - How do you conduct investigations? How do you collect evidences?
6. What were the reasons for EHRC to work on children's rights?

- To respond to the broad mandate of an NHRI in line with the Paris Principles
- The ratification of the CRC and/or protocols
- Recommendations in the Concluding Observations by the Committee on the Rights of the Child
- To respond to a specific children's rights related situation (such as child soldiers, child labour, and child trafficking).
- Others

7. Is the EHRC mandated to do one or more of the following?

- To receive individual complaints, including the ones related to Child Rights Violations and Abuses?
- To investigate into individual complaints, including the ones related to Child Rights Violations and Abuses?
- To initiate judicial or quasi-judicial proceedings in cases of Child Rights Violations and Abuses?
- To initiate an investigation without a complaint?
- To access any information, persons and documentation necessary for assessing situations falling within your competences?
- To provide legal assistance to victims, including Child Rights Violations/Abuses victims?
- To access and visit places of detention and their installations and facilities especially juvenile? - If so, on the basis of complaints received or on your own initiative?
- To submit opinions, recommendations, proposals or reports to the relevant authorities concerning the findings of the visits?
- To recommend sanctions and remedies in cases where you have found violations of children rights?
- To disseminate the findings of your work, including findings related to children rights issues, through your annual report?
- To assess existing legislation and recommend reforms?
- To provide views on draft legislation?

8. What are the main children's rights related topics EHRC has worked on during the past two years?

Child labour , Migration/Asylum, Violence against children, Child trafficking, Education, Health care Right to be heard (Article 12 CRC) , Bullying , Children's rights and SDGs, Child-related legislation, Rights of children in conflict with the law, Child poverty, Children in armed conflict, Others, please specify:

9. Does EHRC do any of the following in your work on children's rights?

- General Comment No. 2 on "The Role of Independent National Human Rights Institutions in the Protection and Promotion of the Rights of the Child" of the Committee on the Rights of the Child (CRC) sets out a list of the types of activities which NHRIs should carry out in relation to the implementation of children's rights in light of the general principles of the Convention. Which of the ones are you doing mainly?
- Investigate Violation of Child right – Regularly, Sometimes, Never
- Conduct inquiries on matters relating to children's rights– Regularly, Sometimes, Never
- Publicize reports, opinions or recommendations on matters relating to the promotion and protection of children's rights – Regularly, Sometimes, Never
- Review and report on the government's implementation and monitoring of children's rights– Regularly, Sometimes, Never
- Work to ensure that statistics on children are appropriately disaggregated – Regularly, Sometimes, Never

10. Did EHRC do the following work on the protection and monitoring of children's rights during the last 2 years:

- Consider individual complaints and petitions
- Carry out investigations of child right issues- If yes, what were the processes
- Legal aid or legal support for individual or collective claims
- Intervene in court cases („amicus curiae")
- Others

11. If data applicable: What percentage of complaints handled by EHRC were brought forward?

- by children/youth
- on behalf of children

12. Has EHRC carried out the following activities during the last 2 years?

- Issue reports on the state of children's rights in Ethiopia
- Contribute to the UPR
- Contribute independently to the reporting process under human rights mechanisms; UNCRC, ACERWC, ACmHPR
- Follow up on recommendations made by the above regional and international human rights mechanisms

13. Does EHRC involve children and youth directly in your work? Yes /No

If Yes, in which way do you ensure that children and youth can access your institution and be heard by your institution?

- Is there a children's and young people's advisory council
- Do you involve children and young people in research activities or do you invite children and young people to events
- Is there a mechanism to make sure that information is made available in a child-friendly way (on websites, publications, etc)
- Others, please specify

14. What are the main challenges affecting your work in relation to Children Rights protection and promotion?

15. Do you have a website? (provide address) If so, which kind of information related to Children Rights protection and promotion do you share on the website? Is it child-friendly and/or accessible?

16. Do you have a newsletter? Please collect reports