

ADDISABABAUNIVERSITY
SCHOOL OF GRADUATE STUDIES

THE IMPLICATION OF EXTERNAL SUPPORT FOR
ETHIOPIAN HUMAN RIGHT COMMISSION (2019-2023)

BY
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NOVEMBER, 2024
ADDIS ABABA,
ETHIOPIA

ADDIS ABABA UNIVERSITY

COLLEGE OF SOCIAL SCIENCE

DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL
RELATIONS

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A THESIS SUBMITTED TO SCHOOL OF GRADUATE STUDIES OF
ADDIS ABABA UNIVERSITY IN PARTIAL FULFILMENT OF THE
REQUIRMENT FOR AWARD OF THE DEGREE OF MASTERS OF ARTS
IN INTERNATIONAL RELATIONS AND DIPLOMACY

ADVISOR

D,r. SOLOMON MEBRIE

NOVEMBER, 2024

ADDIS ABABA,

ETHIOPIA

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EXTERNAL EXAMINER

NOVEMBER, 2024
ADDIS ABABA,
ETHIOPIA

TABLE OF CONTENTS

CONTENTS	PAGE
TABLE OF CONTENTS	i
LIST OF TABLES	iii
LIST OF FIGURES	iv
LIST OF ABBREVIATIONS	vi
CHAPTER ONE	1
INTRODUCTION.....	1
1.1 Background of the Study.....	1
1.1.1 Ethiopian Human Right Commission Institutional Structure since the reform: Mandate, Powers and Duties, Guiding Principles, Vision, Mission and Core Values	Error! Bookmark not defined.
1.1.2 Finance and Administration since the Reform.....	Error! Bookmark not defined.
1.2 Problem Statement.....	2
1.3 Core Argument.....	4
1.4 Objective of the Study	4
1.4.1 Specific Objective.....	4
1.5 Core Research Question	5
1.6 Methodology of the Study.....	Error! Bookmark not defined.
1.7 The Scope of the study	7
1.8 Significance of the Study	7
1.9 Ethical Consideration	8
1.10 Organization of the study	8
CHAPTER TWO	8
THEORETICAL FRAME WORK AND LITERATURE REVIEW .	Error! Bookmark not defined.
2.1 Meaning of National Human Rights Institutions	8
2.2 Overview Regarding How National Human Rights Institutions Came to Effect.....	10
2.3 The Paris Principles as Standard for the Position of National Human Right Institutions in International Human Right System	11
2.4 Elements and characteristics of Paris Principles	11

2.5	History of Human Right Institutions	12
2.6	External support National Human Rights Institutions	15
2.7	Models of National Human Rights Institutions.....	17
2.8	The Case of India	17
2.9	The Case of South Korea.....	19
2.10	The Case of Kenya	19
2.11	Theoretical Perspective of Human Rights	22
2.11.1	Marxism and Human Rights.....	23
CHAPTER THREE		25
HUMAN RIGHT EVOLUTION IN ETHIOPIA		25
3.1	Introduction.....	25
3.2	Human Rights and the 1995 FDRE Constitution.....	27
3.3	Human Rights Institutions under FDRE.....	28
3.3.1	Appointment Procedure	30
3.4	Six Core Objectives of the Ethiopian Human Right commission	30
3.5	Mandate and Responsibilities of Ethiopian Human Rights commission under National Jurisdiction	31
3.6	Autonomy of Ethiopian Human Rights Commission	32
3.6.1	Comprehensive Mandate.....	34
3.6.2	Financial capability and autonomy	36
3.7	Approachability of Ethiopian Human Rights Commission	36
3.8	Ethiopian Human Right Commission and the August 2020 Reform	37
CHAPTER FOUR.....		39
THE SALIENT FEATURES OF EXTERNAL SUPPORT TO ETHIOPIAN HUMAN RIGHT COMMISSION		39
4.1	External support for Promotion of Human Right Education in Ethiopia	44
4.2	External support to conduct Media and Communication Activities.....	46
4.3	External support for Human Rights Monitoring and Investigation	47
4.4	Human Rights Complaints Handling.....	48
4.5	External Support to Handle the Situation of Internally Displaced Persons in Ethiopia	49
4.6	External Support to Enhance Information and Communication Technology	51
4.7	External support for Institutional Reform, Capacity Building and Sustainability	53
4.7.1	Office of the Chief Commissioner.....	53

4.7.2	External support to Boost Finance and Administration.....	55
4.7.3	External support to Boost the Protection of civil and Political Rights.....	56
4.7.4	External support to Evaluate the Conditions of Socio-Economic Rights	59
	Chapter Five	62
	Key Challenges of External Support for Ethiopian Human Right Commission.....	62
5.1	Maintaining Autonomy	62
5.2	Prejudice	63
5.3	Accountability	64
5.4	Maintaining Source of Funding.....	64
5.5	Conflict of Interest	65
5.6	Conclusion	66
5.7	Recommendations	Error! Bookmark not defined.
	REFERENCES.....	70
	APPENDICES	77

LIST OF TABLES

TABLE 1: EXAMPLE OF NHRC BUDGET ACQUISITION AND EXPENDITURE.....	18
TABLE 2: EXAMPLE OF KNCHR BUDGET ACQUISITION AND EXPENDITURE.....	20
TABLE 3: KENYA NATIONAL COMMISSION ON HUMAN RIGHTS (KNCHR) REPORTS AND FINANCIAL STATEMENTS FOR THE YEAR JUNE 30, 2021	21

TABLE 4: KENYA NATIONAL COMMISSION ON HUMAN RIGHTS (KNCHR) REPORTS AND FINANCIAL STATEMENTS FOR THE YEAR JUNE 30, 2021	49
TABLE 5: EXAMPLE OF BUDGET ACQUISITION AND EXPENDITURE OF EHRC	60
TABLE 6: ROLLOVER FROM 2021/2022.....	60

LIST OF FIGURES

FIGURE 1: EHRC ORGANIZATIONAL STRUCTURE	ERROR! BOOKMARK NOT DEFINED.
FIGURE 2: EHRC BRANCH OFFICES	ERROR! BOOKMARK NOT DEFINED.
FIGURE 3:NUMBER OF STAFF MEMBERS IN BRANCH OFFICES.....	ERROR! BOOKMARK NOT DEFINED.

Acknowledgement

I am grateful to the Almighty God for bringing about this amazing journey and realizing my dreams. From the beginning to the end, I would especially like to thank my advisor, Dr. Solomon Mebrie, for his constant support, insightful criticism, and recommendations. I am appreciative of everyone who helped me and provided me with insightful information and interviews from the beginning to the end of this research.

LIST OF ABBREVIATIONS

ACHPR: The African Charter on Human and Peoples' Rights

CCI: Coffee and Climate Initiative

CRC: Convention on the Rights of the Child

CERD: Committee on the Elimination of Racial Discrimination

CSO: Civil Society Organization

EHRC: Ethiopian Human Rights Commission

EHRCO: Ethiopian Human Rights Council

EGP: Electronic Government Procurement

EPRDF: Ethiopian Peoples' Revolutionary Democratic Front

ESCR: Economic, Social and Cultural Rights

FDRE: Federal Democratic Republic of Ethiopia

GANHRI: Global Alliance of National Human Rights Institutions

HOF: House of Federation

IFMIS: Integrated Financial Management System

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

KNCHR: Kenya National Commission on Human Rights

LJAAC: Legal Justice Affairs Advisory Council

ILO: International Labor Organization

NANHRI: Network of African National Human Rights Institutions

NGOs: Non Governmental Organizations

NHRIs: National Human Rights Institutions

NHRCK: National Human Rights Commissions of the Republic of Korea

OAS: Organization of American States

OHCR-EARO: Office of the High Commissioner for Human Rights East African Regional Office

SG: Secretary General

UDHR: United Nations Declaration of Human Rights

UN: United Nations

UNCHR: United Nations Center for Human Rights

UNDP: United Nations Development Program

UNESCO: United Nations Educational Scientific and Cultural Organization

UNICEF: United Nations International Children's Emergency Fund

UNHRC: United Nations Human Rights Commission

ABSTRACT

The Ethiopian Human Rights Commission was established for the purpose of promoting and protecting human rights in Ethiopia. Therefore, the purpose of this thesis is to evaluate the impact of external support on the performance of Ethiopian Human Right Commission. In order to do this, the thesis examines the commission's history since it went into force, the effectiveness of the commission's mandate and powers, accessibility, independence, operational efficiency, accountability, collaboration with international organizations, other human rights institutions, and civil society is reassessed in general in the thesis. The thesis analyzed primary and secondary sources using qualitative research approach. The primary sources included Commission's founding proclamation, the 1993 Paris principles, interview with Commission's partnership officer. On the other hand, interview conducted with important members of the Ethiopian Human Rights Defenders Center, Association for Human Rights in Ethiopia, and Consortium of Ethiopian Human Rights Organizations. Secondary sources included reports by Ethiopian human right commission and international human right organizations. The data collection method was Key informant interviews. Data analysis technique was thematic analysis. According to this thesis, the commission made progress between 2019 and 2023 after attempting to make reform. However, a significant amount of external assistance was required to make this progress. In light of these findings, the thesis suggests that a team to be established at both government and commission levels to conduct intelligence work in order to determine the source of funding and the manner in which the commission uses the funds. The thesis suggests in order to preserve the independence and integrity of the commission, a comprehensive plan should be put in place by the government and the Commission to raise a competitive budget internally.

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

The first guidelines for the establishment of National human right institutions held in Paris October 1991. The assembly stated national human right institutions established for promotion and protection of human rights. which was later approved by UN general assembly in 1993 (Helina, 2014. Paris principles largely agreed that national human right institutions ought to be lawfully created and have some guarantee of autonomy that sets them apart from any arbitrary body.

National human right commissions have the following mandate in relation to the Paris principles following operations is outlined in the principles. promoting human rights in public, advising governments on how to safeguard them, measuring human rights laws critically, assisting governments in the during reporting, and receiving and investigating public or other bodies' grievances of alleged human rights violations (UNCHR resolution 1992/54, 1992). United Nations Commission on human rights supported provision of Paris principles. which emphasized that every nation needs to set up its very own human rights commission.

Consequently, national human rights institutions have expanded globally and are now a significant component of national institutional arrangements. National human rights institutions have been established independently by nations with diverse social and political backgrounds, with assistance and encouragement from global players (Sian, 2013). In 1980s and 1990s, National human right institutions for the protection of human rights expanded rapidly. Particularly in Africa, Australia, Asia, and central and eastern Europe.

However, academic persons and human rights advocates have significant doubt and deep concerns about the creation and functioning of National human rights Commissions in Africa. Majority of human right commissions in Africa faced and still facing criticism of human rights violations rather than to addressing human right violations (Human rights watch, 2001) Ethiopian human rights council was established in 1991 as a result of the first human rights organizations

to emerge in Ethiopia following the overthrow of MengistuHailemariam's regime. the center for human rights and democracy, forum-84, the inter-Africa group, and the human rights and peace center (Addis Ababa university) human rights organizations established later.Ethiopian human rights commission was founded in July 2000 in accordance with the Paris principles with the goal of fostering protection of the fundamental freedoms and rights of all individuals, nations, nationalities, and Ethiopian peoples (Helina, 2014).

1.2Problem Statement

The coming in to effect of Ethiopian human rights commission was formed against the backdrop of grave violations of human rights committed under the DERG government. The integrity, efficacy, and truthfulness of Ethiopian human rights commission were impacted by the suspicion and disbelief that resulted from this. Ethiopia's issues of human rights conditions deteriorated significantly due to authoritarian government. Similar to other places, they really aren't renowned for the growth of human rights institutions in their nations or for being considerate of the majority of human rights provisions.

Although national human rights organizations' trustworthiness rests entirely on their ability to gain and hold the public's confidence. for whom intended purpose they were designed to fulfill, but their credibility in society is not properly recognized. Thus, a key indicator of an institution's efficacy is its readiness to address societal demands at the peril of human rights abuses and whether it satisfies such fundamental requirements of objectivity, and which together constitute its credibility, commitment, and being a potent human right commission.

Zewdnesch 2016 wrote aboutan Appraisal of the effectiveness of Ethiopian human right commission to Promote and Protect Human Rights in Ethiopia: With Particular Emphasis to Hawassa Branch Office. And the focus of this study is on the Ethiopian human rights commission watchful and surveilling role in Hawassa Branch Office. Adane 2020 wrote about The Human Right Commission of Ethiopia: Challenges and Prospects in Promoting and

Protecting Human Rights. And the study emphasis on the issue of internal displacement and the ineffectiveness of the Ethiopian Human Right Commission to address the issues because of hurdles like political involvement and weak institutional set up. Befekadu 2021 Wrote about Protection of Human Rights in Time of Public Emergencies: An Analysis of Ethiopian Covid-19 Response. And the paper emphasized on national state emergency declaration and its impact on the protection of human rights. Gashaw 2019 Wrote about the Mandate and limitations of National Human Rights Institutions in Ethiopia and South Africa: Comparative Analysis.

The paper emphasis on the disparity among national human rights institutions in Ethiopia and that of South Africa on the basis their mandate and function and concludes the latter is more advanced and robust than the former. Zewdu 2020 Wrote about Ethiopia's Human Rights Report to the Universal Periodic Review (UPR): A Critical Overview of its Preparations. The research article focuses on how Ethiopia failed to produce a meaningful UPR to the world stage. Lemesa 2020 Wrote about The Ethiopian Human Right Commission: Critical Analysis in its Role of Promoting Human Rights. This article focuses on the nexus between international human rights standards and national human rights institutions to spread human right culture.

Helina 2014 Wrote about Assessing the Effectiveness of Ethiopian Human Right Commission in light of the 1991 Paris principles. This paper emphasis on to discover whether the Ethiopian Human Right Commission lived up to its purpose through critical analysis using the Paris principle as benchmark. Moreover, National human rights commissions often rely on external funding to carry out their mandate effectively. However, the influence of external support on the operational capacity, independence and effectiveness of these commissions remains underexplored. Therefore, this Thesis will embark on understanding the salient features and implications of external funding for the Ethiopian Human Right Commission while maintaining its independence and effectiveness.

1.3 Core Argument

Ethiopian human rights commission receives budget from Ethiopian Parliament which is not adequate to tackle human right issues. Moreover, human right protection in Ethiopia have been lackluster. In addition, Ethiopian human right commission since its establishment failed to live up to the level expected from National human right institutions. Moreover, Ethiopian human right commission capacity and activity hindered by lack of adequate budget. Therefore, EHRC relays on external funding to be effective in promoting and protecting human rights. And analyzing sources, types and impact of external support will provide insights into the challenge and opportunities presented to Ethiopian human right commission since the reform.

1.4 Objective of the Study

Objective of this thesis to examine the impact and effectiveness of such support in enhancing the commissions' ability to promote and protect human rights in Ethiopia. Specific objectives are the following.

1.4.1 Specific Objective

- To identify the source and types of external funding received by the EHRC to conduct institutional reform.
- To examine the extent to which external funding influences the operational capacity to handle situation of internally displaced persons in Ethiopia.
Examine the role of external support for the promotion of human right education.
- Explore challenge and opportunities associated with external funding for the Ethiopian Human Right Commission

1.5 Core Research Question

What are the sources of external funding between 2019-2023 received by Ethiopian Human Right Commission and how does it enhance the Commission's ability to promote and protect human rights in Ethiopia? the following are specific research questions.

1. from which external donors, those interested in the area of human rights does Ethiopian Human Right Commission received external fund?
2. To what extent does external funding impact the operational capacity and independence of Ethiopian Human Rights Commissions
3. How does the external support affect Ethiopian Human Right Commission effectiveness promoting human right education in Ethiopia?

1.6 Research Methodology and Method

Research Approach

The Thesis will target to investigate the nexus between external support and function of Ethiopian human right Commission. Therefore, to iron out the crux of the matter this Thesis will adopt qualitative research methodology. Qualitative research methodology is important to understand people's beliefs, experiences, attitudes, behavior and interactions. Qualitative research methodology is crucial to generate non-numerical data. The analytical approaches aim to follow a coherent attempt to investigate the interwoven relation between external support and function of Ethiopian Human Right Commission.

Data Collecting Method

The data will be collected between February to march 2024 in the head quarter of Ethiopian Human Commission situated in Addis Ababa through key informant interview. Key informants are crucial people in the virtue of their status. The purpose of key informant interviews is to collect information from a wide range of people. Key informant interview process includes partnership officer of Ethiopian Human Right Commission. Professionals, who have firsthand knowledge about the Ethiopian Human Right Commission. Partnership officer with their

particular knowledge and understanding, can provide insight on the nature of problems. Key informant interview process involves two common techniques. The first one is Telephone interview and the second one is face-to-face interview with informant. For this particular study face-to-face interview process has been used. Key informant interview process follows careful identification individual or group.

Key informant identification process employs two steps. The first step in the selection process is gather information about target population based on diversity and different backgrounds. Followed by narrowing the list of informants towards one or two persons who are believed to have capacity provide needed information. And there will be structured interview. Therefore, it includes EHRC officials, representative from Partnership department of EHRC and members of civil society organizations such as, Association for Human Rights in Ethiopia Consortium of Ethiopian Human Rights Organizations and Ethiopian Human Right Defenders Center. The interviews will provide insights into experience, perceptions and challenges related to external funding for the EHRC to get the best person for the interview document analysis will be employed alongside comprehensive literature review will be conducted to gather existing knowledge on the topic. Therefore, Data will be collected at Ethiopian Human Right Commission to get the grip for documents, such as relevant proclamations, policy documents, media and official reports of between 2019-2023 and reports from external sources such as UN human Right Commission, Amnesty international and US state department covering the aforementioned time frame.

This will be followed by formulating interview questions that can truly bring out valuable information for the case under study. Another source of data will be media content such as prominent newspapers, magazines interested in human right issues of Ethiopia. The other important source could be online sources, such as reports of different international human right institutions, online platform of the Ethiopian Human Right Commission. Data analysis method will be thematic analysis of data.

Data Analysis Method

Thematic data analysis methodology is important to analyze data gathered through qualitative research methodology. Thematic data analysis methodology important in social science

researches. Thematic data analysis methodology is important to identify and present recurring patterns or themes in data. Thematic data analysis methodology involves careful reading and interpretation of the material to extract meaning and understanding of different subjects and interpretations.

1.7 The Scope of the study

This research is about Ethiopian Human Rights Commission and external support between 2019-2023. The research covers how Ethiopian Human Right Commission find external support and utilized it between 2019-2023. In addition, it focuses on exploring how external funding utilized for human right education, handling the situation of internally displaced people, Human Right monitoring and investigation and Human Right compliant handling. Lack of adequate sources is the limitation that jeopardized the analysis of the issue. Lack of adequate sources is the reluctance by Ethiopian Human Right Commission, Association for Human Rights in Ethiopia, Consortium of Ethiopian Human Right Organizations and Human Right Defenders Center to give adequate information.

1.8 Significance of the Study

Enhancing effectiveness of Ethiopian Human Rights Commission. Understanding salient features of external support. Understanding how external funding contribute to the effectiveness of national human rights institutions. And to Strengthen human right commission. To indicate external fund and the role it plays in promoting and protecting human rights. The study can provide valuable insights for policy makers. The study shows how external support promotes international cooperation. The study provides platform to understand the dynamics of external support to National Human Rights Commissions. The study encourages Nations and organizations to share best practice.

1.9 Ethical Consideration

Obtaining consent from the Ethiopian human rights commission any other relevant stake holders. Any information collected should be kept confidential. Avoiding the dissemination of sensitive information that could jeopardize the safety of well- beings Respect for culture and norms. The research method and approaches are respectful and do not violate any local customs and traditions.

1.10 Organization of the study

The study is having five chapters. The first chapter deals with background of the study and introduction about Ethiopian Human Right Commission. Second chapter focuses on theoretical framework and literature review. Chapter three focuses on human right evolution in Ethiopia. Chapter Four discusses the major findings. Chapter four also shows different forms of external support received by Ethiopian Human Right Commission. And it also discusses salient features of the fund and specific areas in which the support is provided. The fifth and the final chapter present conclusion and recommendation.

CHAPTER TWO

Conceptual and Theoretical Perspectives

2.1 Meaning of National Human Rights Institutions

Human rights are inherent to all human species without considering race, sex, nationality, ethnicity, language and religion. Human rights are about right to life, free from Slavery and torture, freedom of speech and right to education. One of the Human rights category is Economic, social and cultural rights which includes the right to work, social protection and education. In addition, we have Civil and political rights which includes, freedom of movement, equality before the law, freedom of association, right to elect and be elected and free from any form of torture(United Nations, 2023).Finally we have third generation human rights (Solidarity rights). This category of human rights includes, right to development, peace, healthy environment and humanitarian assistance(Council of Europe, 2024).

There is no conventional definition of National Human Rights Institutions, despite numerous attempts to do so. However, according to the United Nations, these organizations are entities whose roles are particularly defined towards advancing and defending human rights violations. Their tasks carried out either generally, by opinions and suggestions, or by taking into account and resolving grievances filed by people or organizations (Reif, 2000).

The UN fact sheet No 19 states that these organizations are created by a statute, decree, or under the parliament. National Human Rights institutions express their purpose by advancing and defending human rights violations. Aside from extremely broad notion, it is reasonable to discuss importance of International workshop on National Human Rights Institutions held in Paris 1991. The conference was organized by United Nations which served as motivation for additional conceptual development in the dialogue of human rights institutions (UN fact sheet, 1993). Therefore, NHRIs can be broadly defined as autonomous, long-lasting organizations that governments have set up with the intent of advancing and defending human rights violations. The UN has recognized additional features that set NHRIs apart from other organizations that support and defend human rights violations.

Therefore, NHRIs possess an advisory role over matters of human rights violations at the national levels while being non-judicial and non-lawmaking. This makes them quasi-judicial. Despite the fact that these establishments are administrative, and considering every state has a different political, historical, cultural, and economic climate, there are significant differences in the number and makeup of NHRIs between nations (Helina, 2014). According to UN, National Human Rights Institutions can be characterized either as National Human Rights Institutions or office of ombudsman. These organizations are there to defend vulnerable groups, such as women, children, refugees, and members of ethnic and linguistic minorities (Lindsnaes, et al 2000). However, National institutions, mediators, ombudsmen, and other comparable institutions from other bodies are not classified as such. The role of National Human Rights Institutions and Ombudsmen's sometimes overlaps. Where issues of fairness and legality are intertwined with fundamental rights.

Therefore, NHRIs may find itself playing the role of Ombudsman. This may result institutions having mandated to perform both the roles. Ombudsman offices primarily focus on complaints against public and government officials. While NHRIs would typically embark on violations of rights regardless of whether the alleged perpetrators are private or public (Helina,2014).

2.2 Overview Regarding How National Human Rights Institutions Came to Effect

Coercion and normative persuasion are the two main interstate interaction modes that are the subject of existing literature that aims to explain why nations create and uphold international human rights provisions (Moravcsik, 2000). Realists are adamant state is a different entity and ethics belongs to another category.

This assumption from realists clearly shows skeptical view towards international law. Therefore, realists believe human right discussion lacks strong analysis about the power of the state (Koldo 2018). In contrast to the previous the contemporary liberal interpretation regards them as the outcome of instrumental calculations concerning around domestic politics, emphasizing the influence of diverse domestic political establishments as well as the extent and partiality of political representation on international affairs (Moravcsik, 2000).Sovereign state and its desire to establish an organization that would be helpful in providing information to the UN system led to creation of Paris Principles was fundamental advancing and defending national Human Rights Institutions (Aigchele, 2010). State or governments form National Human Rights Institutions may be viewed to get international recognition.

Despite the fact that these organizations are administrative bodies created under state laws to meet domestic needs. However, their primary goal is frequently to placate other countries (Peterson, 2011). After the foundation of the 1991 Paris Principles, early 1990s states begins to acknowledge all national institutions ought to meet a set of basic requirements. World Conference on Human Rights' endorsement laythe ground for creationof humanright institutions in line with the Paris Principles. The above mentioned conference created awareness states to

decide the best legal framework for the formation of national human right institutions (Pohjolainen, 2006).

2.3 The Paris Principles as Standard for the Position of National Human Right Institutions in International Human Right System

The first international workshop on national human right institutions for the Promotion and Protection of Human rights held in Paris from October 7–9, 1991 by the center for human rights. This was a significant milestone and about 35 developed and developing country representatives were at the event. The Human Rights Commission's resolutions and the requirement for the UN program of Advisory Services to be implemented served as the two main pillars of the Workshop. The outcome was a collection of international suggestions and principles termed the Paris Principles which were adopted and applauded by the Human Rights Commission the following year (Helina, 2014). The Paris principles address that national human right institutions must be independent. Therefore, there should constitutional mandate during the formation of NHRIs and a broad mandate.

On the other hand, the Paris principle strongly suggests an independent appointment procedure and pluralistic approach. In addition, the Paris principles stress independence of NHRIs from executive branch of the government and receive adequate funding (Human Right watch 2001). United Nations Commission on Human Rights in 1995 and the Vienna Conference in 1993 requested the Secretary General to grant states much needed guidance in creating and bolstering domestic institutions regarding technical cooperation (Secretary General Report E7CN.4/1998/47 and UNHRC Resolution 1998/55). Flurry of mandated national institutions were established in African countries throughout the 1990s some based on decrees or constitutional. These states include, Cameroon, Chad, Ghana, Nigeria, Senegal, South Africa, Uganda, and Zambia (Human Right watch, 2001).

2.4 Elements and characteristics of Paris Principles

National Human Right Institutions are deemed autonomous the way they have been inaugurated autonomy and their organizational structure (UN Handbook, 1995:10). Three methods have been used to establish the majority of national human right institutions worldwide. The first type is

through constitutional provision or amendment to the constitution. The second type involves parliamentary act. The third type involves presidential decree. Since many countries have far stronger procedural requirements for amending their constitutions than for changing legislation, the formation of national human right institutions within the constitution thought to be most potent approach (Amnesty International, 2001).

The Paris principle sets out financial autonomy is crucial. Therefore, the allocation of fund is necessary at very least to cover staff salary. On the other hand, external funding should not constitute the main budget of NHRIs (OHCHR, 2010). According to Paris Principles, the appointment process really shows how much a NHRI is independent. The appointment must consider pluralistic representation which include culture, religion and linguistic diversity (European Union Agency for fundamental Rights, 2021). According to the Paris principle a broad mandate must be in place a better performance of National human right institution. The mandate could be set out from constitution and jurisdiction must be in place (OHCHR, 2010). The Paris Principles indicates National human rights institutions consider any complaints, cases and petitions. The above mentioned cases could come from individuals, trade associations, non-governmental organizations and third parties (UN General Assembly resolution 48/134). Reporting ability of National human right institutions constitutes Paris Principles. National human right institutions must submit reports to the government and parliament. Reporting ability by National human right institutions is important to publicize human right and increase public awareness(OHCHR ,2010).

2.5 History of Human Right Institutions

As more and more state-established NHRIs are being created, they are starting to appear more frequently on the human rights scene. They were established for a variety of reasons, and each one derives its own set of responsibilities from the statute or founding document. But regardless of the state in which they are founded, institutions strive for similar goals, such as the advancing defense of human rights, as well as some fundamental characteristics. Mandate of NHRIs became focal point since 1960 indicating the need sharpen of the mandate of NHRI beyond

being mere agencies of information. And this development encouraged NHRIs to enter into the field of active participation and monitoring human right situations (Kumar, 2003).

NHRI s mandate grew with in the wake of the growing recognition of human rights instruments in 1960s and 1970s. There was an increasing need for mechanisms to ensure national implementation of human right instruments as well. In this context, National human institutions could play a significant role in promoting and protecting human rights. However, since NHRIs number was still limited and experiences scattered, it was important to convene seminar on National and local institutions for the promotion and protection of Human rights held Geneva 1978. Geneva convention marked first set of rules defining the general responsibilities of national institutions were adopted (Pohjolainen, 2006).

The rules states that national institutions should be classified into two groups. The first group would be responsible for promotion of human rights, with an emphasis on increasing awareness and providing information to analyze National policy. Second group would take active action in the form of reporting and providing suggestions to the state. The recommendation was that national institutions should reflect a diverse range of societal perspectives in their organizational structure to encourage public participation. Furthermore, they must to be readily available to members. The issue was brought up again by the General Assembly in 1979, which advised the member states to take the required actions to establish and enhance the environment for the creation of national institutions. The recommendation took into account the guidelines that had been adopted the year before and emphasized the significance of guaranteeing the independence and integrity of national institutions in compliance with national laws (Pohjolainen, 2006).

Ultimately, the states were made aware of the beneficial function that non-governmental organizations, or NGOs, should play. Secretary general of United Nations tasked to report to commission working on surveying National human right institutions in light of these decisions, and it did so for the ensuing years. Resolution of general assembly of 1981 contains a section outlining the conceptual framework for human rights that national institutions ought to be built

upon (The Office of the High Commissioner for Human Rights and the International Council on Human Rights Policy, 2005). State that the National Human Rights Institutions should be in charge of overseeing the application of all human rights. The mandate was interpreted in the broadest sense possible in the Secretary General's first and second reports from 1981 and 1983, which examined nearly every type of institution that was even slightly involved in human rights (UN General Assembly A/36/440, 1981 and A/38/416 1983).

As a result, these studies show that there are no clear restrictions on the kind of institutions that can be classified as National Human Rights Institutions. Drawing from data supplied by individual states, there were two purposes for which the mandate was intended. protection and promotion of Human rights. The mandate of protection includes the hearing of complaints, seeking of amicable settlements, bringing matters to the attention of the Courts or prosecutors' offices, providing legal counseling or instituting petition or inquiry procedures before national parliaments (UN General Assembly A/36/440, 1981 and A/38/416 1983). It does not address the more proactive methods of investigation, nor does it include the issue of independent and final decisions. Furthermore, a provisional differentiation is drawn between judicial and non-judicial establishments, with the latter group comprising Ombudsmen and analogous entities specific to every area, equipped with autonomous standing and the capacity to receive grievances (Lindsnaes, et.al 2000).

The reports are incredibly comprehensive when it comes to promotional activities; they include all activities that are directly linked to human rights and legislation, like involvement in the legislative process, commission work, information distribution, and public awareness campaigns. The roles that educational institutions play, as well as those pertaining to health care, social security, employment, working conditions, racial relations, and the rights of marginalized groups like children and youth, are also included (Lindsnaes, et al. 2000). We might draw the conclusion that the definition of a National Human Rights Institution was essentially unrestricted during this early stage. In order to include as many preliminary institutions as possible, the bodies that define the scope and role of national institutions appeared to view this vast, all-

encompassing breadth as a strength rather than a weakness. As a result, the specific institution's mandate was not explicitly stated.

In fact, the earlier resolutions viewed the institutions as a resource for the UN rather than the other way around, viewing them as a service organ of the organization in the distribution of goods. The issue of national institutions remained on the United Nations Commission on Human Rights' agenda for its yearly meeting throughout the 1980s. Many international actors have also significantly increased their activities relating to these domestic bodies. The potentially significant role of national institutions has been discussed upon in various similar workshops and acknowledged by several intergovernmental and nongovernmental organizations in the field of human rights (Lindsnaes et al., 2000).

United Nations has actively promoted the growth of national institutions among them, particularly as mentioned above. The landmark achievement in this regard is 1991 Paris Principles, which were adopted in 1993 by the UN General Assembly and the World Conference on Human Rights. The Secretary General's report from 2002 on "United Nations Strengthening: A Plan for Additional Change." The statement posits that the establishment of robust human rights institutions at the national level is the ultimate solution to guarantee the continuous protection and advancement of human rights. Therefore, one of the Organization's main goals should be to improve each nation's national protection system (UN General Assembly A/57/387, 2002).

2.6 External support National Human Rights Institutions

NHRIs exhibit significant institutional diversity, which is a result of each institution's integration into a structure that has developed over time in its own nation and differs from those of other states from a political, sociocultural, and legal perspective. A nation's unique institutional and political requirements have a significant impact on an NHRI's operational status. It is not possible to classify NHRIs using the Paris Principles (Frauke Lisa, 2011). Instead, they allow NHRIs to be distinguished from other organizations, whether they are based in academia,

government, or civil society. The authors of the Paris Principles purposefully chose this conceptual openness. As the Paris Principles were adopted in 1993, it guaranteed, on the one hand, that a significant number of national bodies could be classified as NHRIs. Consequently, some nations were able to modify their current human rights frameworks to conform to the recently established international standard without requiring major legal changes.

On the other hand, countries which envisaged the establishment of a NHRI were given the necessary freedom and flexibility to find an institutional format suiting them. Since the Paris Principles do not provide a basis for classification, NHRIs can only be analyzed through practical stocktaking. In general, there are the following types of institutions (Fruake Lisa, 2011). The commission type, the ombudsman type, the institute type, and the committee or advisory commission type. The purpose of the committee or advisory commission type is to offer advisory services to the government and government leaders, specifically in the areas of political advocacy, research, and human rights education. The commission type is largely characterized by its wide range of tasks, including investigations into human rights violations, educational work and public relations, as well as participation in legal proceedings (Fruake Lisa, 2011).

The primary functions of the ombudsman type are to handle complaints and provide individual legal protection. Institutes typically focus on providing advisory services to the government, parliamentarians, and civil society because of their significant research component. Generally speaking, the commission and ombudsman types have limited investigative and informational authority, while the institute type has no quasi-judicial authority. Human rights information and education services of all kinds are provided to the general public as well as to the government and parliament. According to the NHRIs Status Chart 2010, there were 15 accredited NHRIs in Asia Pacific, 15 in Africa, 15 in the Americas, and 20 in Europe as of June 2010 (National democratic institute for international affairs). In Latin America and Eastern Europe, the ombudsman type is especially prevalent, while the institute type is a common model in Western and Northern Europe. The commission type is most prevalent worldwide. There is typically only one NHRI per nation; however, the ICC has allowed exceptions in nations where various regions are served by various regional NHRIs (National democratic institute for international affairs).

2.7 Models of National Human Rights Institutions

An NHRI's promotion component is different from its protection component, which handles individual complaints from people who believe their human rights have been infringed. Even though there are other, albeit less direct, ways to protect people besides dealing with individual complaints, the promotional and protection component's terminology is still useful for NHRIs. While some NHRIs, primarily ombudsman institutions, deal almost exclusively with individual complaints, many do have both a promotional and protection component. Only through practical stocktaking can NHRIs be analyzed, as the Paris principles do not offer a classification basis (Human right world report , 2000).

As a result, NHRIs may be committees or advisory groups that focus on political, educational, and research issues related to human rights. The broad scope of the commission type's responsibilities, such as looking into human rights abuses, creating educational materials, participating in court cases, and handling compliance, is what primarily defines it. The ombudsman type typically has broad investigative authority. Lastly, the institute type has no quasi-judicial authority, and the committee type is only limited. Eastern Europe and Latin America are linked to the ombudsman type. Although Ethiopia uses the Commission type (Human right world report, 2000)

2.8 The Case of India

The National Human Rights Commission was established on October 12, 1993. The Protection of Human Rights Act of 1993 aligns with the Paris Principles, which were adopted at the first international workshop on national institutions for the promotion and protection of human rights in Paris in October 1991. The General Assembly of the United Nations endorsed Resolution 48/134 on December 20, 1993 (Rubin, 1987). The Commission has helped develop a National Plan of Action on Human Rights Education and is currently monitoring the development of a National Action Plan to protect and promote human rights. The Commission works with other organizations to provide human rights training to civil servants, military personnel, judicial officers, and prison officials. A high-level meeting was held to address the issue of fluorosis in

The commission's accounts wing prepares an estimated budget in accordance with the NHRC's annual requirements (NHRC 2018).

After being approved by the NHRC's Secretary General (SG), the budget is presented to the steering committee, which is led by the NHRC chairman. The budget is sent to the government once the committee has approved the estimated budget (NHRC, 2018). After receiving a grant from the Indian government that has been approved by parliament, the NHRC is free to use the funds however it sees fit in order to fulfill its mandate (R-Kaundal, 2023). Having enough money is also essential for hiring productive employees and acquiring supplies that the organization needs to run smoothly. The NHRC has the authority to select its own scientific, technical, and administrative personnel. Additionally, the NHRC may ask the Central Government for help in designating the SG and police personnel to look into the complaints it has received (R-Kaundal, 2023).

Table 1: Example of NHRC Budget Acquisition and Expenditure

Budget For	Type	Fiscal Year	Indicators	Budget Type	Value
National Human Right Scheme Commission (NHRC)		2016-2017	Fund Utilisation	NA	92.83%
National Human Right Scheme Commission (NHRC)		2017-2018	Fund Utilisation	NA	99.98%

National Human Right Scheme Commission (NHRC)	2018-2019	Fund Utilisation	NA	99.98%
National Human Right Scheme Commission (NHRC)	2019-2020	Fund Utilisation	NA	93.27%
National Human Right Scheme Commission (NHRC)	2020-2021	Fund Utilisation	NA	93.23%

(Source; NHRC 2019).

2.9 The Case of South Korea

National Human Rights Commission of the Republic of Korea (NHRCK) became operational in November 2001, based on a legislative act in April 2001(National Human Rights Commission Act 2001).The commission does not receive any directives from the government, despite submitting a comprehensive annual report to the President of the Republic and the National Assembly. Article 10 of the NHRCK Act further guarantees independence by stating that a commissioner cannot be a member of the government, a political party, or the National Assembly or any local parliament. However, there is still a question regarding the Commission's level of independence(FarukeLisa ,2011).

2.10 The Case of Kenya

The KNCHR Act of 2002, which established the Kenya National Commission on Human Rights (KNCHR), is a statutory body that is not yet enshrined in the Constitution established by Presidential notice, the Standing Committee on Human Rights was superseded by the KNCHR. The entire country of Kenya is under the jurisdiction of the KNCHR. It started up in 2003. Operationally and functionally, the Commission is independent and does not follow orders. Administratively, the Commission reports to the Ministry of Justice and Constitutional Affairs, which is also responsible for presenting the KNCHR report to parliament(KNCHR, 2023)

The Minister must approve the budget, and although it is not permitted by law, the Ministry of Justice has asked for a revision to the annual plan before approving the budget National Human Rights Commission's KNCHR organization has tried, but so far, unsuccessfully, to move the budget approval to parliament. The budget's biggest portion is allocated to payroll and ongoing

expenses. Foreign donors frequently fund supplemental programs, but the Kenyan government and donors have no say in how the KNCHR distributes and uses its financial resources. The Commission actively lobbies for ratification of human rights treaties, implementation of ratified treaties and regular reporting. In the reporting process, the KNCHR is regularly invited by the inter-ministerial coordinating committees to provide additional information (KNCHR, 2023).

Source of Budget for Kenyan Human Right Commission

The Kenya National Commission on Human Rights' work has been sustained by the goodwill of the public it is tasked with serving, as well as resource support from the Kenyan government and a number of donor partners (KNCHR Report ,2020-2021).

Table 2: Example of KNCHR Budget Acquisition and Expenditure

Statement of receipts and payments for the period ended 30 June 2021		2019-2020 (Ksh)	2018-2019 (Ksh)
Receipts			
Proceeds from Domestic and Foreign Grants	1	160,491,495	76,569,512
Exchequer releases	2	394,801,219	384,789,280
Total Receipts		555,292,715	461,358,792
Payments			
Compensation of Employees	3	243,417,679	240,360,788
Use of goods and services	4	132,697,858	122,740,147
Other grants and transfers	5	0	14,000,000
Social Security Benefits	6	11,491,679	5,179,406
Acquisition of Assets	7	637,900	1,622,445
Other Payments- Donors	8	36,465,657	93,871,585
Total Payments		424,710,773	477,774,371

Source: KNCHR Report 2020-2021

Table 3: Kenya National Commission on Human Rights (KNCHR) Reports and Financial Statements for the year June 30, 2021

Summary						
Statement of Appropriation: Recurrent and Development Combined Receipt/Expense Item	Original Budget Kshs	Adjustments Kshs	Final Budget Kshs	Actual on Comparable Basis Kshs	Budget Utilization Difference Kshs	% of Utilization
	A	B	C=A+B	D	E=C-D	F=D/C %
RECEIPTS						
Proceeds from Domestic and Foreign Grants	107,000,000	0	107,000,000	26,275,586	80,724,414	25%
Exchequer releases	400,704,556	-27,047,276	373,657,280	365,921,675	7,735,605	98%

Total Receipts	507,704,556	-27,047,276	480,657,280	392,197,261	88,460,019	82%
PAYMENTS						
Compensation of Employees	259,537,490	-17,060,955	242,476,535	243,647,455	-1,170,920	100%
Use of goods and services	114,253,556	-9,986,321	104,267,235	95,990,110	8,277,125	92%
Social Security Benefits	26,913,510		26,913,510	26,892,259	21,251	100%
ACQUISITION OF ASSETS						
Other Payments- Donors	107,000,000		107,000,000	107,009,622	-9,622	100%
Total Payments	507,704,556	-27,047,276	480,657,280	473,539,446	7,117,834	99%

Source: KNCHR Report 2020-2021

2.11 Theoretical Perspective of Human Rights

Realism and Human Rights

Realists believe that international regimes and normative values are powerless in and of themselves. There is no analytical or explanatory value in the declaration of human rights to explain state action. As a result, international human rights law (IHRL) is not very important. IHRL is an international regime composed of normative values (Koldo, 2018). For this thesis the researcher used Realism as lens. Realism in general strongly skeptical about international law and about the international proclamation of one 'moral code' over potentially conflicting others. In their view, it is unwise to judge other states' actions from a moral perspective.

States would be reluctant to accuse each other of human rights violations because they could be accused of the same thing in reciprocity, and their sovereignty would be undermined as a result for realists, normative values and international regimes do not have power in themselves. The proclamation of human rights lacks analytical or explanatory value to account for state action. Hence, international human rights law (IHRL) does not deserve much attention (Koldo, 2018)

English School and Human Rights

Human rights are viewed by English School intellectuals as an insignificant value, much like realism. The English School demonstrates that the primary goal of a global society is order, not human rights. The English School also showed that the concepts of global and human justice cannot coexist with international order. They went on to say that injustice is a common occurrence in today's global society. There should be four elements of international order in global society(Verdinand, 2011).

The main requirement for preserving international order is the upkeep of the state system. The second is the external independence of states. Thirdly, there ought to be peace, and the final component consists of protection from violence, maintaining agreements, and stable property ownership . However, in today's globalized world, human rights are valued to a certain extent, as evidenced by the UN Security Council's authority to deploy UN peacekeeping forces to provide humanitarian assistance in conflict zones. The UN peacekeeping force has effectively resolved the conflicts in East Timor and Congo to peaceful conditions.(Verdinand, 2011).

2.11.1 Marxism and Human Rights

The idea that all rights and values are merely the short-term results of specific production relationships, opinions that certain classes use to express their vested interests, and to give them an illusory ideological shape, is not the only thing that separates Marxist doctrine from human rights theory. For the Marxist, the notions of liberty and human rights, as articulated by French Revolutionary ideologists and Enlightenment thinkers, are the particular manifestations of a bourgeois society that is about to implode (David, 2016).

Marx's writings completely reject any arguments for the enduring legitimacy of bourgeois freedom and inalienable human rights, starting with the Jewish question. The concept of individual rights suggests a society in which each person's interests are inherently and unavoidably at odds with those of others, a society that is irreparably shattered by the conflict of personal goals. The dominant motivations in this society are inherently egoistic, not because human nature is corrupted, but because the economic system is inherently conflict-

laden. Whether or not bourgeois rights are legitimate is irrelevant in bourgeois society; all liberties and rights only express and codify bourgeois rights. For Marxists, the distinction between an aseptic and a liberal order within the capitalist mode of production was crucial. He encouraged workers' parties to join forces with the democratic bourgeoisie in order to fight tyrants during the 1848–1849 revolution and beyond; republicans were to be backed against royalists (Nouha, 2018).

Liberalism and Human Rights

According to liberal arguments for human rights minimalism, the most likely claims upon which to build broad political consensus on human rights are those that protect human agency at the most basic level, namely the negative liberties of individuals. These arguments suggest a simplified understanding of human rights that centers on the rights to life and liberty (UNFPA, 2005). In order to avoid accusations of inconsistency or even moral arbitrariness, human rights conceptions that include violations against the physical security and civil liberties of, say, women and sexual minorities must take into account the social and economic conditions and the rights that directly address them. The liberal argument for human rights minimalism, whether or not it is supported by respect for pluralism,

This does not negate the reasonableness of the fundamental concerns raised by proponents of human rights minimalism regarding political pluralism, respecting the right to self-determination of societies, and concerns about the overabundance of rights discourse. How can normative political philosophers address these issues more effectively? Scholars who are worried about the devaluation of the currency of human rights in international law might be better off focusing on the many dynamic functions that human rights currently serve in legal and political life rather than reverting to a position of minimalism (UNFPA 2005). This would allow them to reflect and influence the development of rights doctrine.

Human rights groups like Human Rights Watch and Amnesty International may also serve as models for them. These organizations have long grappled with the issue of whether to broaden their definition of human rights to encompass social and economic rights, as well as "new" civil

rights violations like violence against women and LGBT (lesbian, gay, bisexual, and transgender) people, as well as disability rights. Eventually, these groups concluded that excluding these emerging rights and their holders was inconsistent. Thus, rights inflation may be better understood as the development of human rights theory to include hitherto unrecognized harms, especially those that involve violations of intersecting civil, social, and economic rights rather than traditional rights classifications. And while liberal thinkers are right to warn against viewing human rights as merely aspirational, without any attempt to assign specific obligations, it is also true that the value of human rights does not depend strictly on whether they are immediately justiciable (Amnesty international report 2022-23).

CHAPTER THREE

HUMAN RIGHT EVOLUTION IN ETHIOPIA

3.1 Introduction

The Ethiopian human rights system is still in its infancy and is unable to function freely, let alone under previous regimes. Despite the fact that, in theory, all states have an obligation to advance and defend the human rights of their people, regardless of gender, ethnicity, religion, race, or class, this was not the case in Ethiopia. wherein the state itself acted more like a predator. Absence of lower and wider levels of participation, denial of cultural, religious, and economic rights to the vast majority of people, and the nation's human rights system's history of terror and violence against ethnic groups demanding political freedom and basic rights under previous regimes, including the military junta regime (Alene, 2015). Prior to Emperor Hailesilassie's reign, there was no legal framework for the concept of human rights in Ethiopia. However, the absence of written constitutions prior to 1931 does not necessarily imply the absence of unwritten and written traditional documents (Adem, 2011).

The three instruments which served traditionally as a legal framework were FethaNegest, KebreNegest, and SerateMengist (Fasil 1997). These traditional documents contain

constitutional concepts, such as traditional rules where by citizens required to abide. However those documents designed to consolidate the monarchy's dynasty and affirm its attachment to the orthodox Christian religion, in addition to absolute loyalty thereafter. The 1931 Constitution was the first written constitution in Ethiopian. It was promulgated on July 16, 1931. The constitution did not establish civil and political rights as enforceable law. The constitution was implemented to consolidate power under the Emperor and demonstrate Ethiopia's modern status (Fasil, 1997). The Emperor and the state were no longer comprehended to owe duties to their subjects (Tsegaye 2009). The 1931 Constitution, which was granted by the Imperial government failed to be put in place the issue of human rights partly because of inadequate regulation and on the other hand the emperor's unlimited power to revoke rights, and lack of accountability (Adem, 2011).

Lack of strong and impartial institutions, including the judiciary, made it difficult to protect these rights (Calpham et.al, 1967). The ratification of the 1948 Universal Declaration of Human Rights (UDHR) triggered the revision of the 1931 constitution articulates that the revised constitution encompassed some provisions on human rights, which were adopted from the evolved version of European countries. In addition to the American Bill of Rights. The fundamental principles of human rights, including the rights and obligations of citizens, the concept of due process of law, the accountability of state officials, the supremacy of the constitution, the independent judiciary, check and balance, protection against double jeopardy, and the freedom of speech, press, religion, assembly, and the elective house of deputies, were embodied in the 1955 revised constitution articles 37–65 (Adem, 2011).

However, due to the absence of an organ empowered to interpret and follow the Constitution therefore the revised Constitution of 1955 demonstrates continuity over change. During the Derg regime (1974–1987), the state was without written constitution until 1987 (Adem, 2011). Derg established a provisional authority to exert control over the country through decrees and pressure for 13 years whereby human rights situation deteriorated both theoretically and practically. However, there has been an emphasis, in rhetoric at least, on the importance for socio-economic and cultural rights despite the fact that they may be not implemented (Tsegaye, 2009). The 1987 constitution proclaimed a number of human rights provisions, including popular sovereignty expressions, national equality, and the democratic and human rights of working people (Art. 35-

58). All of the human rights provisions enshrined in the respective constitutions, despite their theoretical portrayal on paper, remained a paper value and a means of gaining legitimacy in the eyes of outside powers. As a result of ongoing violations of basic human rights, numerous conflicts eventually erupted into armed conflict as ethnic nationalities sought democracy, increased participation, cultural and religious equality, and regional autonomy (Alene, 2011).

3.2 Human Rights and the 1995 FDRE Constitution

The transitional charter of the 1991 incorporated the rights and principles of International Bill of Rights the main one being UDHR which was declared in 1948 under the UNGA-(United Nation The 1991 transitional charter included the principles and rights of the International Bill of Rights, the most important of which was the UDHR, which was established in 1948 by the United Nations General Assembly (UNGA) provision (Article 1 of the charter). Even more human rights provisions were enshrined in the 1995 constitution than in the International Bill of Rights. The following are a few examples of the fundamental freedoms and rights guaranteed by the constitution. The FDRE constitution's Article 39 guarantees nations, nationalities, and peoples the unrestricted right to self-determination, which includes the right to secede. Additionally, every group (nation, nationality, and people) has the right to express, develop, and promote its culture; to write, speak, and develop its own language (Aaron, 1996).

The 1995 Constitution, on the other hand, enshrines all ratified international human rights instruments as national law and creates a comprehensive human rights agenda. The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention to Eliminate Discrimination (ICERD), the Convention on the Rights of the Child (CRC), the Convention Against Torture (CAT), and the African Charter on Human and Peoples' Rights (ACHPR) are among the international conventions in which Ethiopia is a party (Adem, 2011). Furthermore, as was just mentioned, the FDRE constitution upholds both individual and collective rights. Furthermore, chapter three of the constitution makes a distinction between two groups of rights: "Human" and "democratic." The majority of civil and political rights, including the rights to life (Article 14 and 15), liberty (Articles 14 and 17), personal security (Articles 14 and 16), protection from torture, slavery,

forced labor, and related vices (Article 18), detention (Article 21), arrest (Article 19), accusation (Article 20), and double jeopardy (Article 23), honor and reputation (Article 24), equality (Article 25), privacy (Article 26), religion, belief, and opinion (Article 27), and crimes against humanity (Article 28)(Alene, 2011).

Article 29: The right to think, opinion, and expression; Article 30: Assembly, demonstration, and petition; Article 31: Association; Article 32: Movement; Article 33: Nationality [also known as citizenship]; Article 34: Marital, personal, and family rights; Article 37: Access to justice; Article 38: Vote and be voted for; Article 40: Property; Article 41: Economic, social, and cultural rights; Article 42: Dignified labor; Article 43: Development"Part Two," which is primarily elaborated as "Democratic Rights," lists the environment (Article 44), women's rights (Article 35), children's rights (Article 36), and nations, nationalities, and peoples [also known as organic collectivities] (Article 39).(Ethiopian Constitution ,1994). But the US State Department and Amnesty International have also voiced even more concerns about freedom of the press, associations, and election participation. The ruling government continues to face criticism for massive and pervasive human rights violations, even though the constitution protects both individual and collective rights.

Ethiopia was recently the subject of a highly critical report from the UN committee on the Elimination of Racial Discrimination (CERD). Ethiopia has not met its reporting requirements regarding the prevalence of racial and ethnic discrimination, the report claims. The state party in charge of reporting has not responded to an invitation from CERD to provide information on the state of racial and ethnic discrimination in the nation(Amnesty 2019).

3.3 Human Rights Institutions under FDRE

The legislature (both the House of Peoples' Representatives (HPR) and the House of Federation (HOF)), the executive branch (including the police, prosecutors, and prison administration), the judiciary (which includes the institutions tasked with adjudicating cases over constitutional disputes, such as the Council of Constitutional Inquiry (CCI), and the institutions in charge of providing public goods and services like education, health, social welfare, clean environment,

and clean water), are the main institutions in Ethiopia that are responsible for protecting, promoting, and upholding human rights. Consequently, it can be observed that the mainstream organizations responsible for human rights administration are the main guardians and stewards of Ethiopia's human rights standards.(Inaugural Report EHRC, 2011).

For example, the EHRC is an organization that focuses more on promotion than on protection and remediation. Furthermore, it is evident from Proclamation No. 210/2000, the law that established the Commission, that it addresses systemic issues rather than isolated instances that could otherwise be interpreted as peculiar. Additionally noteworthy is the role of non-governmental organizations (NGOs) and their enormous contributions to improving human rights conditions by promoting a human rights culture (through education, training, and information sharing). In order to eradicate discrimination and protect the human rights of all Ethiopians, the Ethiopian Human Rights Commission was established with the goal of advancing human rights at the institutional and individual levels. (Inaugural Report of the EHRC, 2011).

Structure of the Ethiopian Human Rights Commission

The Ethiopian Human Rights Commission was established by Proclamation No. 210/2000, which was issued in accordance with Article 55 of the FDRE Constitution, which mandates that the Federal government establish an Office of Ombudsman and a Human Rights Commission. Proclamation 210/2000, which created the Commission and outlined its duties and authority, was approved by the Parliament in July 2000. Regarding the commission's mission, Proclamation 210/2000's Article 5 states that. "All Federal and State legislative, executive, and judicial organs at all levels shall have the responsibility and duty to respect and enforce the provisions of this chapter," states Article 13 (1), which addresses the state's obligation to uphold human rights.(Inaugural Report EHRC, 2011).

Constitutionally created, the EHRC and EIO are semi-judicial human rights organizations. It is specifically the authority granted by constitutional proclamations 210/2000 and 211/2000 to the House of Peoples' Representatives to create the Human Rights Commission and Institute of Ombudsman for five-year terms, respectively. By collaborating with the main human rights organizations and raising awareness among the general public, members of pertinent institutions,

and civil society organizations, the Human Rights Commission and the Offices of Ombudsman are tasked with advancing human rights across the country(Inaugural Report EHRC, 2011).

3.3.1 Appointment Procedure

The Parliament appoints the chief commissioner, deputy commissioner, and other commissioners for five-year terms. After the nominees are presented to the house, the one who receives two-thirds of the votes will be appointed as a commissioner. The appointees are initially chosen by the "Nomination committee" and are supported by two-thirds of the committee members. A candidate must be an Ethiopian national, uphold and respect HRs, be loyal to the FDRE constitution, be free from criminal offenses, be honest and behave well, and be older than thirty-five in order to be considered for a commission position.(Parliamentary election Act).The Parliament appoints the chief commissioner, deputy commissioner, and other commissioners for five-year terms. After the nominees are presented to the house, the one who receives two-thirds of the votes will be appointed as a commissioner. The appointees are initially chosen by the "Nomination committee" and are supported by two-thirds of the committee members. A candidate must be an Ethiopian national, uphold and respect HRs, be loyal to the FDRE constitution, be free from criminal offenses, be honest and behave well, and be older than thirty-five in order to be considered for a commission position.(Inaugural Report EHRC, 2011).

3.4 Six Core Objectives of the Ethiopian Human Right commission

Some of the specific activities required for enrollment in each program are listed below. The main focus of this activity is human rights education. Raising public awareness of human rights and particular rights through in-person interactions or media publications. Human Rights Protection, which includes work on inherited backlogs, filed complaints, sensitive or priority cases, and systemic or group issues, is another of the EHRC's main goals. Assuring the implementation of settlements, trying to resolve cases amicably, and making sure remedies are applied. Another primary goal is to keep an eye on human rights situations. Under this heading, the Commission keeps an eye on detention facilities, makes sure recommendations are followed,

keeps tabs on the nation's overall human rights situation, and conducts event monitoring(OHCHR, 2004).

part of this program, the Commission offers advice on proposed legislation and policy as well as on current laws, policies, and practices. Additionally, advice on Treaty Bodies Reporting to the Government and practice consultation are provided. Another primary goal is to conduct research based on human rights. The EHRC aims to carry out internal or contracted research on human rights issues under this program. Conduct internal or external research to aid in the creation of policies, guidelines, and procedures. Encourage academic research on human rights issues, conduct in-house or contracted research to support program delivery, and create an action research program. Assisting in the development of democratic institutions is the final major goal of the EHRC(OHCHR , 2010).

The goal of this is to increase the EHRC's ability to fully adhere to international standards. Strengthening national capacity to respect, protect, promote, and fulfill human rights is one of the mandatory goals for national human rights institutions. Encourage the development of abilities in the areas of public awareness, documentation, treaty reporting requirements, project development, and management. public awareness of human rights is growing. Additionally, Ethiopian civil society's ability to network and take part in human rights advocacy, protection, and awareness-raising(EHRC, 2021).

3.5Mandate and Responsibilities of Ethiopian Human Rights commission under National Jurisdiction

The Ethiopian Human Rights Commission has the authority and responsibility to make sure that all citizens, state organs, political organizations, and other associations, as well as their respective officials, uphold the freedoms and human rights guaranteed by the FDRE Constitution; make sure that laws, regulations, and directives, as well as government decisions and orders, do not violate the rights of citizens guaranteed by the constitution; educate the public through the media and other channels in order to strengthen its tradition of respecting and demanding the enforcement of rights after gaining sufficient knowledge about them; conduct investigations into human rights violations in response to complaints or on its own initiative; and

make the necessary recommendations for the revision of current laws(Ethiopian Constitution ,1994).

Additionally, it offers human rights consulting services, attends international human rights conferences, meetings, and symposia, and disseminates and translates international human rights instruments that Ethiopia has adopted into local vernaculars. According to the Paris Principles, one of the most important requirements for creating National Human Rights Institutions (NHRIs) is that the institutions be given a broad mandate that is explicitly stated in a legislative or constitutional document, outlining their makeup and areas of responsibility. Ethiopian Human Rights Commission EHRC is specifically tasked with "educating the public using mass media and other means, to enhance its tradition of respect and enforcement of human rights upon acquiring sufficient knowledge," as one of the NHRIs' responsibilities is raising awareness(HRI ,2009).

Concerning monitoring and supervision role the law accords to Ethiopian Human Rights Commission EHRC the responsibility to ensure the respect of human rights by citizens, government organs and other entities; adding that it also has “the duty to monitor the compliance of laws, regulations, directives and government decisions with constitutionally guaranteed rights and ratified international instruments (Helina,2014).

3.6 Autonomy of Ethiopian Human Rights Commission

National Human Rights Institutions NHRIs established under the Paris Principles shall enjoy an important degree of independence from government and other organs. They should be able to carry out their duties autonomously without any interference and obstruction from other entities as it has essential contribution to the credibility of national institutions. Nonetheless, it does not mean that national institutions are absolutely separate from the government (UN Handbook ,1995). Hence, Ethiopian Human Rights Commission EHRC, although part of the internal government structure and an independent body, it is established by the parliament and unlike other international human rights monitoring bodies whenever it says or advises on some matters the government does not see it as an interference as it is already part of the government structure and is there to serve both the government and the public.

Regarding independence through legal and operational autonomy since it is recommended that national institutions should be established by law; there is no question that the Ethiopian law has provided that the Commission is separate and has a distinct legal personality of a nature which permits it to exercise independent decision making power. For independence through appointment and dismissal procedures, in order to ensure a stable mandate for the members of the institution, since, without which there can be no real independence, the law additionally has stated that their appointment shall be effected by an official act which shall establish the specific duration of the mandate. Although the act magnifies the crucial requirement for appointees to be politically neutral and a person with high integrity, in the absence of this characteristic in practice it is highly unlikely that the Commission has got the confidence and trust of the public. To ensure independence through composition the Commission tries to accommodate the diversity in sex, ethnic origin, language and other social forces within its staffs (African Commission on Human and Peoples' Rights, 2008).

The Paris Principles require that an NHRI's mandate be "clearly set forth in a constitutional or legislative text (Principle A.2). The independence of the NHRI depends on the status of its establishing law which is crucial feature of a credible, legitimate and effective human rights protection system is the legal framework on which it is bases the NHRI mandate is only prescribed in executive instruments, such as presidential or ministerial decrees, and is subject to change at any time.

The Paris Principles require a strong legal foundation to ensure an institution's independence and stability, but the executive's will does not meet this standard. According to Article 55 (14) of the FDRE Constitution, the House of People's Representatives is responsible for establishing a human rights commission and determining its powers and functions. The EHRC's creation, mandate, and structure are based on parliamentary legislation, which can be revised through the process, unlike Botswana and Mauritius, where the NHRI is not mentioned in their constitutions (Proclamation No. 210/2000).

Pluralism

NHRIs should promote pluralism by representing and cooperating with diverse groups. They should also have procedures in place to ensure diversity of membership and enable effective participation. Interactions with the various social and political forces in the country are critical (De Beco et.al, 2017).

Diversity in gender, language, religion, expertise, and organizational background enhances the competence and legitimacy of NHRIs, leading to greater effectiveness. Appointing NHRI members and hiring diverse staff are key to ensuring pluralist representation. To increase inclusivity and multiplicity, the NHRI should collaborate with and have access to a diverse range of experts and stakeholders. While collaboration with government authorities is important, including them in the NHRI membership may compromise autonomy. NHRIs can achieve independence through pluralism, which involves recognizing and including diverse groups based on gender, profession, geography, language, religion, and culture. NHRIs should have members and staff from diverse backgrounds to ensure a diverse range of perspectives (Smith, 2006).

3.6.1 Comprehensive Mandate

The Paris Principles assign diverse and broad responsibilities to NHRIs, but they are not exhaustive. Principle B (2) states that NHRIs should have as broad a mandate as possible. An NHRI should have broad jurisdiction over rights, rights-holders, and duty-bearers, as well as investigative and adjudicative powers and enforcement powers to ensure compliance with recommendations. The EHRC promotes fundamental freedoms and human rights as outlined in the FDRE Constitution and international conventions ratified by Ethiopia. According to Article 6 of the EHRC Proclamation, the EHRC has broad powers to ensure human rights and freedoms are respected by all citizens, organs of state, political organizations, and associations. This includes investigating human rights violations, monitoring compliance with laws and government decisions, and advising (Linos et.al 2015).

The organization's objectives include educating the public about human rights through media and other means, translating international treaties into local languages, providing opinion on reports to international organs, providing consultancy services, participating in international forums, and other activities as needed to achieve its goals. The EHRC's mandate aligns with the Paris Principles, allowing it to monitor, report, advise, adjudicate, promote, and protect various human rights, including social, economic, and cultural rights, as well as the rights of specific groups like children and persons.

The EHRC has non-restrictive powers in terms of substantive rights, jurisdictional scope, and work methods, unlike some NHRIs that have formal mandate limitations on covering all rights, individuals, and groups. NHRIs in countries without socio-economic rights guarantees, such as Australia, Canada, and Mauritius, may have limited ability to address these rights due to narrow delineation in their mandate (Linos et.al 2015).

The Mexican NHRI is prohibited from intervening in electoral or labor issues, while the Chilean NHRI's complaint handling mandate is limited to serious violations. The Philippine NHRI has a promotional mandate. Strong powers, in addition to a broad mandate, are required for the NHRI to function effectively. The Paris Principles (Principle B) advocate for strong investigative powers to address human rights concerns. Strengthening NHRI investigatory powers, including the ability to compel information and evidence, visit any site or institution, and enforce remedies or recommendations, is crucial to fulfilling its mandate.

According to Lions' and Pegram's survey, most NHRIs have the following investigatory safeguards that can be compared to the powers granted to EHRC. The EHRC's mandate to investigate human rights violations, whether through complaint or self-initiation, is crucial (Article 6(4)). Suomotu power to investigate is important for NHRIs as it allows them to take a proactive approach rather than relying on the judiciary. The ability to hear individual complaints empowers NHRIs to investigate and adjudicate complaints, while also providing individuals with direct access to them (Linos et.al 2015).

3.6.2 Financial capability and autonomy

Ensuring sufficient resources is crucial for institutional capacity, independence, and effectiveness. Institutional capacity is the critical mass of human talent and supporting resources to perform assigned functions well (Hyman et.al). The Paris Principles (Principle B.2) emphasize the importance of adequate funding and protecting NHRIs from financial controls. It is important to note that "adequate funding is not a design feature," but rather the scope of state financing, which may also depend on the "national financial climate (SCA General Observation). To ensure the financial capacity of the NHRI, the state must allocate adequate resources for mandated activities, well-functioning infrastructures, and accessible premises(Abbink 2011).

The NHRI's budget should be separate and not tied to any specific department or ministry to prevent arbitrary cuts (SCA General Observation). The EHRC's inability to exercise autonomy and secure adequate funding has negatively impacted its effectiveness. EHRC expressed concerns about the inadequate financial provision, inability to influence the budget, and control by the finance ministry. To maintain independence from government interference in the state financial system, the EHRC requires adequate funding and autonomy in designing and proposing its own budget. According to Article 36 of the EHRC Proclamation, the EHRC is funded by both government budgets and grants from other sources. According to Article 19(2)(b), the Chief Commissioner is responsible for preparing and submitting the Commission's budget to Parliament for approval. The EHRC's autonomous legal personality suggests a separate budget line, but the EHRC Proclamation law does not meet state obligations to ensure budget autonomy and adequate funding (Abbink 2011).

3.7 Approachability of Ethiopian Human Rights Commission

Accessibility to the public is one feature of effective national human rights institutions which is recognized under the Paris Principles. Accessibility of these institutions is highly influenced by the whole organizational structure and procedures followed. National institution which is perceived to be responsible, effective and works to augment its relationship with clients should develop its accessibility to the public (UN Handbook. 1995). Hence, accessibility has to be seen from two aspects that is familiarity of the public about the institution and physical accessibility.

The public awareness programs are part of the promotional mandate of all national human rights institutions and serve as a starting point from which the general public is made aware of the existence of the institution and its functions and capabilities (UN Handbook, 1995).

Ethiopian Human Rights Commission EHRC for instance, uses local FM radio stations to familiarize the public about its existence and functions as more than eighty-five percent of the total number of population lives in rural areas. To bring about an impact the main target of EHRC is the people living in rural areas since most of the victims of human rights violations are located in rural areas. Ethiopian Human Rights Commission to some extent tries to create awareness among the public about its existence and functions using the media but, this is not enough as there is no clear understanding among the public about which type of cases the Commission and the Office of the Ombudsman handles and sometimes there is a confusion of considering the Commission as Human Rights Council HRCO as HRCO is very familiar and has already a wide popularity among the public (Helina 2014). In addition to distributing extensive information about national human rights institutions and their functions, Paris Principles state that it is further essential to make sure about their physical accessibility to their beneficiaries. It is believed that access to national institutions in geographically large countries is very problematic (UN Hand book, 1995).

3.8 Ethiopian Human Right Commission and the August 2020 Reform

The government prioritized the establishment of strong and independent human rights institutions as part of its political reform and democratization efforts. Concrete steps were taken to achieve this goal. In August 2019, the EHRC appointed a prominent human rights advocate as its new Chief Commissioner, indicating a commitment to reforming the Commission (The Reporter, 2019). The EHRC has taken positive steps, such as legal reform, to advance human rights culture despite ongoing violations and impunity.

The EHRC's reform focused on three key dimensions: independence, institutional capacity, and legitimacy and credibility. As a result, the focus of major reform areas has been internal Key characteristics of effective NHRIs. The legal revision addressed internal structures, mandates,

and working methods, as well as external influences like appointment processes and budgets
Legal Reform.

The Ethiopian Human Rights Commission and the Legal and Justice Affairs Advisory Council (LJAAC) of the Federal Attorney General's Office were key factors in the legal reform process. The LJAAC Working Group on Democratic Institutions conducted extensive research, identified areas for legal reform, and proposed a draft law. The Working Group conducted a diagnostic study to assess EHRC's legal framework and practice against the Paris Principles and international best practices. The diagnostic study identified five key areas of focus for further investigation of the EHRC Proclamation: powers and functions, independence, and appointment. LJAAC and the EHRC work together and separately (Minutes of Working Group 2020). The EHRC presented a consolidated draft to the HOPR for the first reading in May 2020.¹¹⁸ In June 2020, a parliamentary hearing was held to gather expert and stakeholder feedback and discuss questions from various committees.

The draft was finalized and adopted by the HOPR in July 2020, and the Ethiopian Human Rights Commission Establishment Amendment Proclamation No. 1224/2020 (EHRC Amendment Proclamation) was officially issued in August 2020. The decision to amend specific provisions rather than a comprehensive revision was based on the fact that many existing legal provisions aligned with international standards.

The Ethiopian Human Rights Commission (EHRC) is about to undergo reforms. The institution, in partnership with the Office of the High Commissioner for Human Rights-East Africa Regional Office (OHCHR-EARO), held a stakeholder consultation to discuss the change roadmap. The one-day consultation took place on the UNECA compound on January 30, 2020. Concerns raised and addressed included whether or not enough people are aware of the commission and its mandate, whether it meets Ethiopia's needs, how relevant the EHRC is to Ethiopians, and what the best practices for future improvement are. (The Reporter, 2019).

CHAPTER FOUR

THE SALIENT FEATURES OF EXTERNAL SUPPORT TO ETHIOPIAN HUMAN RIGHT COMMISSION

4.1 Introduction

Ethiopian human right commission receives parliamentary budget which is very small to deal with the array of human right issues in Ethiopia. Which is 168,463,387 Birr in between 2021-2023. Therefore, Program and Partnership agreement has been reached with partners such as European Union, Danish Institute for Human Rights, Irish Aid, Save the Children International, Spain Embassy, Switzerland Embassy, United Nations Children's Fund and UNHCR to establish bilateral and tripartite cooperation and collaboration and to obtain support in terms of financial, knowledge, and material. This partnership has been fruit full that gained the Commission around 256,240,030 million Birr almost doubling the initial budget proposed by the parliament. An Art Advisory group comprised of several artists has been formed to advise the Commission. The Commission's Human Rights Education Department presented a training needs assessment on how to enhance the role of art advisors. The training conducted to utilize the outcomes of creative works important in promotion human rights and inspiring the public. Feedback was collected to enrich the training manual.¹

A discussion focusing on principles of human right was conducted to create awareness professionals from all fields. On November 11, 2022, a consultation was held in partnership with the IDPs, Refugees and Migrants' Rights department, and Consortium of Ethiopian Human Rights Organizations (CEHRO) to enhance the engagement of civil society organizations in the protection and assistance of IDPs. Commemoration of International human rights day, which is observed December 10, EHRC has organized the Annual Human rights film festival. The festival featured 15 local and international short and documentary films and was in Adama,

¹EHRC ,(2020),Ethiopian Human Right Commission Report.

Addis Ababa, Bahir Dar, Hawassa, and Jigjiga. An initial consultation with stakeholders was held to develop a referral system with relevant government and non-government organizations to provide assistance and solutions to complainants and human rights violations. A nationwide discussion was held to assess the quality and accessibility of free legal aid services for individuals who pass through the criminal justice system. The discussion was attended by representatives from relevant ministries, regional offices, and legal aid service centers at higher education civil society organizations.

EHRC Prepared and distributed performance reports to donors. All plans and performance reports have been submitted on time to house of peoples' representatives, ministry of finance and project financial partners. For three departments of the Commission, a sub-strategy in line with the 5-year strategic plan has been produced and presented for discussion. The Commission has obtained support in terms of finance, knowledge, and material from partners necessary to fulfil its mandates.² EHRC mobilized and created artists' awareness towards human rights principles and engaged civil society organizations in promotion and protection of human rights. EHRC and its donors reached an agreement to enhance the role of partners. And the agreement include collaboration in advocacy work that can lead to positive outcomes. Ethiopian human right commission identified the types of services provided and the requirements for establishing an organizational referral system.

EHRC's communication department enhanced the public's awareness towards human rights issues through annual human rights film festival. EHRC Developed a strategic partnership manual. EHRC identified the gaps in the accessibility and quality legal aid services and plan of action was developed to rectify them. Referral activities have started with interested partner organizations in Addis Ababa. As an independent institution, the Commission has attracted support from various development partners.

²Ibid

External support has always been a pillar for Ethiopian human right commission and still is to achieve its overarching goals. Danish institute for human rights remained standout strategic partner to Ethiopian human right commission. Since May 2020, Danish institute for human Rights has been collaborating with Ethiopian human rights commission to help it gain full independence and become an effective organization.

The support from DHIR is important EHRC in the area of expertise strategies to conduct its mandated tasks. The tasks include mainstreaming human rights and vulnerable populations.³Danish institute for human rights engagement in Ethiopia began in May 2020 with a pilot cooperation with the Ethiopian human rights commission. This followed by the empowering Ethiopian human rights commission 2020-2024 project. Which was funded by the Danish Embassy, Norwegian Embassy, GIZ, Netherlands Embassy, and UK Aid, and Ethiopian human rights commission addressing critical human rights concerns nationwide project. Which was funded by European union since 2020.

Danish institute for human rights has contributed to an amendment of the Commission's founding law, paving the way for increased independence which Ethiopian parliament adopted the amended law in 2020. Global alliance of national human rights institutions accredited the Commission with an A in 2021 for its independent and transparent work per Paris principles as Ethiopia's national human rights institution. EHRC's 'A' accredited status reflects action taken towards implementing participation of civil society organizations with the activity of EHRC. On the other hand, reporting ability of important contextual insight about the domestic civil and political rights situations. EHRC's towardsimplementingthe Human right committeerecommendations.

EHRC conducting independent investigations into human rights violations also played a great role in achieving 'A' accredited status. EHRC since the reformregularly issue reports and statements regarding human rights violations. When the Commission makes recommendations, public officials and others have begun to implement them. ⁴Activitiesconducted for the

³ The Danish institute for human rights,(2019),Empowering Ethiopian human Right commission.

⁴ Ibid

empowerment the Ethiopian Human Rights Commission was based on four-year project period. And this includes, assist the commission reorganizing and upgrading the commission's physical offices, equipment, and vehicles. Installing ICT infrastructure in the headquarters and branch offices of EHRC. Developing strategic plans and implementing activities. Develop staff and leadership capacities (Danish institute for human rights 2020). Partnership officer at Ethiopian Human Right Commission SelamawitTezera indicated different international organizations have been highly motivated since the reform of EFRC and the vivid vision lined up on strategic plan that stretch from 2021-2025.

According to Selamawit key partners are open society foundation, Irish aid, French Embassy and Danish institute for human rights based on basket fund (support from German and Denmark embassies) provided and still providing huge sum of support because of EHRC's promotion to 'A' grade accredited status given to National human right institutions. Danish institute for human rights underlines the following criteria's such as, climate change, human rights and democracy, LBGT+ persons, young people, girls, women and gender equality, as well as education and health to provide support.⁵

Selamawit, indicated LBGT+ persons discussion was not part of requirement to get access to funding and refused to comment further on the matter. The overarching criteria for Danish institute for human rights is gender equality. Therefore, cooperation with civil society organizations serves to bolster Denmark's strong focus on gender equality. According to Selamawit, the area that EHRC actively working on is gender equality and the fund enabled EHRC to strongly attack the issue. Selamawit further elaborated and admitted that the fund that came from donors widely used for the donors overriding interest areas of human right issues and for the implementation of five-year strategic plan of EHRC since the reform. Wesenyelesh Birhanu adamant that EHRC five year plan and strategic activities have slim chance of being implemented without external funding. Selamawit indicates that there are procedures to achieve partnership and donation, these are a call of donors in specific area mostly human right situation and democracy.

⁵ Interview with SelamawitTezera, Ethiopian Human Right Commission Partnership officer, EHRC 6/1/2024, 8:05-8:30 PM.,

Therefore, the Commission will fill the application and other hand the donors will do their due diligence and appraisal process and subsequently grant the fund. According to Selamawit the game changer in achieving an array of partnership is the promotion from B grade to A grade status by GANHR and the removal of party affiliated staff members from the Commission. The follow up and evaluation of implementation and activity and finance comprehension will be conducted by Partnership department based on the standard lock frame(EHRC Report 2022-2023).

Civil-society organizations in Ethiopia in collaboration with EHRC are widely engaged in integrating gender equality into their activity. The Ethiopian Human Rights Commission's nationwide project addresses critical human rights concerns. EHRC's nationwide project also reinforced its own regional branch offices.⁶ In addition to the two projects, Danish institute for human rights help EHRC to strengthen its work on business human Rights. This encompasses raising awareness of EHRC's staff and other stake holders by providing training based on United Nations Guiding Principles on Business and Human Rights. EHRC since the reform made significant step forward in reporting human right situation in Ethiopia that GANHRI underlined problematic since 2013. EHRC has recommended four different pieces of legislation since 2022 which are protection of internally displaced persons and the rights of individuals with disabilities. (Danish Human Rights Institute, 2022).

EHRC also commented on the Criminal Procedure Law and the Rules of Evidence to ensure that human rights commitments are met and in 2022, EHRC released 50 publications. EHRC, s in 2022 include presenting statements and reports that critically examine the human rights situation in Ethiopia. This change is a significant step toward EHRC's transformation into a body that responds to and expresses its views on the country's human rights situation. EHRC's report on violations of Human rights, international humanitarian law, and refugee law in Afar and Amhararegions published on March 11, 2022. EHRC published a report condemning the additional judicial killings, bodily injuries, and looting of citizens' properties in Gambella City as

⁶ DHIR (2019), Empowering Ethiopian Human Right Commission.

a result of the clash between the Oromo Liberation Front, Gambella Liberation Front, and regional government forces on September 2022. The report urged all perpetrators, including regional government forces, to be held accountable and brought to justice. EHRC issued a statement calling for the release of Tigrayan detainees held in Afar camps on June 2022.

EHRC issued another statement demanding that both federal and regional forces disclose the whereabouts of illegally detained media personnel and other prisoners and release them if criminal charges had not been filed against them on July 2022. EHRC issued a statement condemning civilian killings and armed group attacks in the Oromia region.⁷ Daniel Bekele was appointed Chief Commissioner of the EHRC in July 2019 and spearheaded the Commission's transformation. EHRC's application was reconsidered in 2021 and granted 'A' grade accredited status by GANHRI which was "B" status held since November 2013.

4.1 External support for Promotion of Human Right Education in Ethiopia

One thing that the Ethiopian Human Right Commission would be proud of is expanding human right education. therefore, EHRC advanced Human right education through the following activities. A total of 1,339 individuals (909 males and 430 female), comprising rights holders and duty bearers from various regions and institutions, benefited from 47 capacity-building human rights trainings conducted during the period of 2020-2023. These trainings covered various themes listed below. To facilitate this process, a training needs assessment was carried out, training manuals were developed, and existing manuals were enhanced.

However, this above mentioned activities could not be achieved without external funding. According to Selamawit, Irish Aid frontrunner in this case by committing a total of 62 Million Euros for humanitarian issues in Ethiopia in 2022. And EHRC received 23,129,677 for the 2022 fiscal year and 31,577,773 Million Birr. EHRC utilized for the aforementioned fiscal years 29,572,251 Million Birr which is 54% for the period under discussion. A total of 1,339 individuals (909 males and 430 female), comprising rights holders and duty bearers from various regions and institutions, benefited from 47 capacity-building human rights trainings conducted

⁷EHRC, (2022), Ethiopian Human Right Commission Report.

during the period of 2020-2023. These trainings covered various themes listed below. To facilitate this process, a training needs assessment was carried out, training manuals were developed, and existing manuals were enhanced.

EHRC's training focused on link between human rights, sustainable development goals, and the role of artists in promoting human rights. For each training session, manuals were meticulously developed, which were adapted to the specificity of the trainees to empower participants.⁸ EHRC engaging with relevant government authorities to integrate human rights education into the mainstream education curricula has been conducted. EHRC's human right education department conducted the third Moot Court Competition to enhance knowledge of human rights among secondary school students. HERC's took commitment to foster human rights education in collaboration with various entities. Ethiopian Human right commission established and actively engaged with an arts advisory group aimed to utilize the power of art advance the promotion of human right education. From September 5-10, 2022, the EHRC's all department staff members had an exchange of experience with the Ghanaian National Human rights institution and commission on Human rights and administrative Justice. EHRC made extensive media coverage on investigation's findings and recommendations to stakeholders and the general public. EHRC identified gaps in Ethiopia's economic and social rights legislations/policy. EHRC made recommendations to rectify in compliance with national, continental, and international laws. Ethiopian Human Right Commission uses Ethiopian human rights defender's centers as lynchpin for expansion of human right education a local civil society organization established in 2019 and came to full effect in 2021.

Ethiopian human right defenders center area of interest vested on human right protection, mentoring and reporting. According BefikaduDerb Ethiopian human right commission out sourced most of the human right education activities to their institution. And he outlined the activities centered around training, monitoring and evaluation also added that both institutions focused on human right issues which make them strong ally. BefikaduDereb confirms most of the partnership with EHRC centered around human right education and capacity building.

⁸EHRC, (2022-3), Ethiopian Human Right Commission Synthesis Report and Interview with SelamawitTezra, Ethiopian Human Right Commission Partnership officer, EHRC 6/1/2024, 8:05-8:30 PM.,

Capacity building involves training of EHRC staff how to monitor human situation, how to collect data, how to handle human right situations and how to protect human rights.⁹ This capacity building became very important following the much anticipated EHRC reform which needed large work force and quality to execute the demand of the reform. the focal point of the training includes monitoring principles, human right investigation principles and how to organize human right reports. Befikadu affirms the process of human right education is up to the standard following UN principles, international human right instruments, international accords signed by Ethiopia, such as children’s rights and women’s rights and rights of persons with disabilities. RedietGezahgn (Human right protection officer at Human rights defenders center) indicates there have been workshops with the presence of commissioner Daniel Bekelespecifically on the better handling human right defenders Journalists and human rights advocates. And most of the human right education centered around creating efficiency in digital reporting and how to protect data from third party since we are living in digital era.¹⁰

4.2 External support to conduct Media and Communication Activities

According to Selamawit external support played indispensable role in Managing and overseeing all of the Commission’s communications- including audiovisual design and layout, Event updates, press releases, monitoring and investigation reports, public statements, explainers. National, continental, and international human rights instruments are published on the website and social media platforms of EHRC making them accessible to the public by recruiting right personnel with expensive expertise. This has been funded by Danish Institute of Human rights. The team Coordinated nine meetings and visits with stakeholders from local and international partner organizations, and carried out activities to increase institutional visibility. Overseen the populating and security of the Commission’s communication platforms.¹¹ It has also Established close working relationships with over 62 national and international media outlets. Activities undertaken to improve internal communication including: 261 Media Reviews: a curated

⁹ Interview with BefikaduDereb , Ethiopian Human Right Defenders Center Human Right Protection Manger, EHRDC 4/9/2024 , 10.00-11-00 AM.,

¹⁰ Interview with RedietGezahegn, Ethiopian Human Right Defenders Center, Program officer, EHRDC 4/9/2024 , 10.00-11-00 AM.,

¹¹ Interview with SelamawitTezra, Ethiopian Human Right Commission Partnership officer, EHRC 6/1/2024, 8:05-8:30 PM.,

collection of media articles and human rights-related news stories; 12 monthly and 42 weekly newsletters and; 10 international, continental and national human rights legal frameworks and explanatory documents were prepared and distributed to all employees via e-mail. Organized four inter departmental information sharing events to foster collaboration and knowledge sharing among employees from different departments. ¹²28 weekly city office news items were prepared and sent by city offices to facilitate information exchange across city offices. Developed templates and other policy documents to ensure consistency in form, style, syntax, and wording across products developed in all areas of work.

These documents also serve as a guide for media and communication work. Formed an audiovisual team and collaborated with different departments to create and disseminate approximately 20 audiovisual pieces centered on human rights and institutional communication. Main results were Improving the accessibility of its released documents/products on its website and social media platforms, implementing appropriate ethical measures to safeguard their confidentiality until they are published. The Commission's works have had increased coverage in both national and international media outlets, as well as civil society organizations. The Commission maintains consistent quality in its reports, press adhering to standardized form, style, and wording. The Commission's published works have become reliable sources of human rights-related information for the media and the general public. Staff members are kept informed on relevant human rights information therefore internal communication is promoted. ¹³

4.3 External support for Human Rights Monitoring and Investigation

According to Befikadu the mandate of EHRC is to monitor and investigate human rights violations that is what prompted strategic partnership with center for human right defenders. And heacknowledges the fact the commission has been effective in this regard in between 2020-2023. However, all activities concerning monitoring and investigation and reaching out all the complaints needed hug sum budget which cannot be achieved with budget allocated by the parliament which makes external support a pillar in what has been achieved between 2020-

¹² Interview with SelamawitTezra, Ethiopian Human Right Commission Partnership officer, EHRC 6/1/2024, 8:05-8:30 PM.,

¹³ EHRC, (2022-3), Ethiopian Human Right Commission Synthesis Report

2023.¹⁴ Again the funding came from Danish institute for human rights played great role in terms of monitoring and investigation. Which include the following activities, 64 prisons, 377 police stations, and 16 non regular detention facilities were monitored. 17 consultations with state and federal level authorities, members of House of peoples' representatives and state councils has been made.

Relevant officials discussed the monitoring findings results and made recommendations to improve the situation of detained persons.¹⁵

4.4 Human Rights Complaints Handling

This Area is the important area that Danish institute for Human rights targeted in their plan to empower by revolutionize it through technology. EHRC outsource most of this compliant handling to Ethiopian Human Right Defenders Center by the external fund. And 30 experts from all city offices were trained in digital investigation and online research techniques, as well as 22 experts in research and monitoring, rapid response, report preparation, and human rights advocacy.

A total of 2,123 complaints were lodged (in person, toll-free number - 7307 as well as by email) with the main office receiving 504, city offices receiving 1,619 (Asosa - 77, Bahir Dar - 266, Gambella - 53, Hawassa - 282, Jigjiga - 46, Jimma – 833, and Semera – 62) complaints. Of the complainants, 76.1% were male and the remaining were with disabilities. Out of the total cases received, 1406 or 66.2% were handled/resolved and the remaining cases that did not fall within EHRC's mandate were referred to the relevant authorities with the necessary support.¹⁶

¹⁴ Interview with Befikadu Dereb, Ethiopian Human Right Defenders Center Human Right Protection Manger, EHRDC 4/9/2024, 10.00-11-00 AM.,

¹⁵ EHRC, (2023), Ethiopian Human Right Commission Report

¹⁶ Ibid

Table 4: Compliant handling by EHRC

		Complaints Submitted In City Offices	
		Total Complaints	2123
		Accepted and handled complaints	1406
Addis Ababa	504	Not accepted complaints	717
		Resolved Complaints	851
		Unresolved complaints	555
Assosa City office	77		
Bahir Dar City office	266		
Gambella city office	53		
Hawassa city office	282		
Jigjiga city office	46		
Jimma city office	833		
Semera city office	62		
Total	2123		

Source: EHRC 2023 Report

4.5 External Support to Handle the Situation of Internally Displaced Persons in Ethiopia

Ethiopian human right commission made significant contribution to the drafting of the protection and assistance of internally displaced persons proclamation by building its previous monitoring and investigation work. EHRC adopted national law that facilitate the implementation of African union convention for the protection and assistance of internally displaced persons in Africa. According to Selamawit Stakeholders' particularly European Union played significant

role by injecting 3.2 million Euros between 2022- 2024. This fund came as basket fund that directly support the autonomy, professionalism and increased effectiveness of the Ethiopian human right commission. Selamawit, further adds that the financial support of United Nations international children emergency fund is invaluable in addressing issues related to IDPs.

This is due to the fact Ethiopia currently the largest refugee hosting country in Africa. UNICEF committed 858/128(2021-2022) and 3/704/161 Birr (2022-2023) fiscal years, which EHRC utilized 3/18/093 Birr 70% for the activities mentioned in this section. Consultation is held in Mizan city and unwavering support from external donors played a vital role to share and discuss the findings and recommendations made after an investigation conducted about the IDPs that had been displaced from DoyoKani District of KembataTmbaro Zone and Kefa Zone Decha District of South West Region. EHRC embarked to ensure that the provision of and access to humanitarian aid is available and accessible, human rights monitoring was carried out on the returnees in AdiArqay who had been displaced due to the conflict in north Ethiopia and had sought shelter in IDPs camps in north Gonder, Dabat town, and in host communities in various areas of the district; Monitoring was conducted at 62 IDP camps, sites and communities hosting close to 369,000 IDPs and returnees located in Afar, Amhara, Benishangul-Gumuz, Central Ethiopia and Oromia regions.

Monitoring of the participation of IDPs in the referendum on the formation of the South West Region- the Commission monitored 7 special polling stations and 4 regular polling stations where IDPs cast their vote. These activities took place on February 5 to 6, 2023, across five zones and five special werdass.¹⁷ In relation to migrants financial support from United Nations high commissioner for refugees plays vital role. UNHCR injected 2,4000,000 Birr (2021-2022) and 3,692,707(2022-2023) Birr. Which EHRC utilized 6,092, 707Birr 100% to conduct activities related to migrants included in this section. State review of the legal framework on irregular migration and implementation status was conducted human rights situation of child migrants monitored in 12 districts located in Gamo, Hadiya, KambataTmbaro and Wolayita zones of the former SNNPR.

¹⁷ EHRC, (2022-3), Ethiopian Human Right Commission Synthesis Report and Interview with SelamawitTezra, Ethiopian Human Right Commission Partnership officer, EHRC 6/1/2024, 8:05-8:30 PM.,

Consultation focused on discussing findings and recommendations of the monitoring was held with governmental and non-governmental agencies; In relation to refugee's police stations in Addis Ababa are monitored in relation to detained Eritrean refugees and a press release was issued on the detention of refugees and asylum seekers their forcible return to Eritrea. EHRC conducted monitoring on 20 refugee camps, reception centers. After research and assessments conducted by the Commission, gaps in legislation and implementation have been identified. Which enabled the Commission to pinpoint areas that require focused attention and improvement. A draft proclamation on IDPs' support and protection that adequately addresses their human rights has been formulated. EHRC improved knowledge of IDP, refugee, and migrant rights issues and potential stakeholders.¹⁸

EHRC established partnerships and facilitated information exchanges with relevant organizations to effectively promote the rights of rights holders. EHRC's Collaborative projects with key stakeholders are identified and joint works have begun. Thus, the access to assistance for rights holders has improved. Wesenyelesh affirms that for all the endeavor made by EHRC in monitoring, evaluating, documenting and reporting large scale IDPS situation Ethiopia would have been fragile and incomplete without external support from donors which was an achievement of EHRC since the reform.¹⁹

4.6 External Support to Enhance Information and Communication Technology

Selamawit adds that one area EHRC focused on improving since the reform was Information Communication Technology. However, it needed huge support from Danish institute for Human rights which outlined areas to empower Ethiopian human right commission. These are re-enforcing the commission's regional offices, installing ICT infrastructure in head quarter and branch offices, developing strategic plans and implementation of activities, capacity development of staff and leadership, exchange visits to fellow NHRIs and developing tools and methods in

¹⁸ Ibid

¹⁹ Interview with Wesenyelesh Birhanu, Association for Human Rights in Ethiopia Program Officer, AHE 24/9/2024, 11.00-12.00 AM.,

mandate areas. Therefore, one of the area for the purpose of empowerment is enhancing information communication technology. And this was EHRC's area of project proposals to get fund from external donors. DHIR forwarded 17,723,870(2021-2022) and103,450,272 (2022-2023)Birr, which EHRC utilized to enhance ICT department.

Befikadu, acknowledges the external support that enhanced the quality needed through training and capacity building on already established staff and newly recruited to engage in electronic compliant handling system which is cliché in advanced National Human Right Institutions.²⁰ Anelectronic complaint handling system, which has been modernized using information technology, is fully operational. With the use of the toll free hotline, the complaint receiving system has become easily accessible to complainants across the country. An automatic greeting and waiting message with a describing EHRC's activities are incorporated into the hotline. A database is developed to store knowledge, experiences, and lessons and is in use. E-mail access for all staff across the country allowed to facilitate better communication thus enabling staff to collaborate more effectively and efficiently.

IT service support is being provided to staff members when needed. Enabled an up-to-date information flow and appropriately documented the Commission's information. A complaint-handling system that utilizes information technology has been developed and is currently in use. The installation of a toll-free hotline supported by technology enabling to report human rights violations from anywhere in the country is currently underway.²¹ Developed a database 'LENS' on which knowledge, experiences and documentation are stored and made easily accessible to staff members. After assessing the need for a support management system, a specification document is being developed that will shortly lead to the procurement and bidding process. After assessing the need for early warning system, a specification document is being developed that will shortly lead to the procurement and bidding process. The Commission conducted a technology needs assessment which included an evaluation of potential partners with Microsoft and signed a contract with Cloud Productivity, a Microsoft agent in East Africa.

²⁰ Interview with Befikadu Dereb , Ethiopian Human Right Defenders Center Human Right Protection Manger, EHRDC 4/9/2024 , 10.00-11-00 AM.,

²¹ EHRC, (2021), Ethiopian Human Right Commission Strategic Plan 2021-2025.

The Commission's work, including city offices, has migrated to a modern technology system provided by Microsoft. Purchased two high-power UPSs to prevent power outages and ensure 24/7 access to data centers. Installation work is expected to be completed in the next quarter.²² IT support and equipment needs assessments in city offices are being conducted. Built data center as well as carried out network installation. Efforts are underway to digitally connect all city offices with the main office by utilizing a VPN server to connect employees from the city offices to the main office. IT assistance is provided to staff when necessary.²³

4.7 External support for Institutional Reform, Capacity Building and Sustainability

4.7.1 Office of the Chief Commissioner

According to Selamawit, Danish institute for Human rights collaboration with European Union donated 27,587,030 (2022-2023) Birr 13,047,946(47%) which was invaluable for institutional support and capacity building and sustainability. Therefore, the success of reform conducted by EHRC since 2019 is evident in empowering office the chief commissioner partially down to external support. This facilitated participation in continental and international human rights conferences and areporting capacity of EHRC. EHRC presented on the 51st and 52nd regular sessions of the United Nations Human rights council. The fund empowered the Participation of EHRC high Commissioner in the annual conference of the Global Alliance of National Human Rights Institutions (GANHRI).

External fund facilitated the ability of EHRC to organize workshop to raise awareness among civil society organizations about applying for observer status in the African commission on Human and peoples' rights and the African committee of experts on the rights and welfare of the child. Enhanced the ability Provide training to EHRC staff and civil society organizations together with the African court on human and peoples' rights, about the court's mandate,

²² Ibid

²³ Interview with Selamawit Tezra, Ethiopian Human Right Commission Partnership officer, EHRC 6/1/2024, 8:05-8:30 PM.,

activities, and the potential for collaboration with the court. Increased the ability to Partner with the African Court to organize a seminar on the court's mandate and activities. And to discuss Ethiopia's ratification of protocol establishing the court. Created platform cooperate with the Office of the United Nations high commissioner for human rights East Africa regional office and the Network of the African National human rights institutions. External fund which has been raised ensured the ability of EHRC to organize a workshop on strategic litigation in domestic courts and continental human rights mechanisms for civil society organizations.²⁴ The above mentioned fund enabled the office of High Commissioners to issue a statement to raise public awareness of African Union Day on September 9, 2022.

EHRC developed documents on early warning for human rights violations and its implementation process, in consultation with experts and by reviewing and referencing relevant resources. External funding created platform to Hold 15 community consultations regarding transitional justice with vulnerable communities affected by conflicts, including victims, civil society organizations, the elderly, and religious leaders, in cooperation with the OHCHR-EARO. The aforementioned fund enabled publishing capacity and ability to present an advisory document at various events, containing main findings, recommendations, and international principles to guide the development of Ethiopia's transitional justice policy. The fund created capacity to provide technical support to the working group of independent experts on transitional justice established by the Ministry of Justice.

Multiple activities were undertaken, including the establishment of partnerships with international institutions, as well as civil society organizations focused on consultations held by the working group. Fund from European Union helped the Commission to assist and monitor thematic departments and city offices in documenting human rights situations, as well as compiled a report by gathering sub-reports from thematic departments. The fund used to Provide training to governmental institutions, civil society, and other stakeholders on developing governmental and alternative performance reports.²⁵

²⁴ Ibid

²⁵ Ibid

Human rights situation in Ethiopia conveyed to international human rights mechanisms. EHRC has strengthened its meaningful participation in various sessions of international human rights mechanisms. EHRC mobilized Civil society organizations to apply for observer status at the African commission for Human and peoples' rights. They raised public awareness regarding the concept of transitional justice. They identified social values that promote transitional justice, and documented victims' priorities and needs. Civil Society organizations developed an advisory document on transitional justice to influence the development of the TJ policy.

They provided various technical and advisory support to working group of independent experts on transitional justice established by the ministry of justice.²⁶ Civil society organizations enhanced EHRC staff knowledge of the African Court on Human and Peoples' Rights' mandate and activities. And their ability to engage with the Court. They Raised awareness towards government officials and stakeholders regarding the African court's mandate and activities. And the significance of Ethiopia's adoption of the protocol for the court's establishment.²⁷

4.7.2 External support to Improve Finance and Administration

According to Selamawit external support plays a vital role in rejuvenating the finance and administration structure and lay ground in creating attractive environment to new requirement with attractive salary and working environment. On the other hand, the support played significant role in upgrading offices across the country. Danish institute for Human rights which outlined areas empower Ethiopian human right commission. These are re-enforcing the commission's regional offices, installing ICT infrastructure in head quarter and branch offices, developing strategic plans and implementation of activities, capacity development of staff and leadership, exchange visits to fellow NHRIs and developing tools and methods in mandate areas. Therefore, one of the area of empowerment is capacity development of staff and leadership. DHIR donated 17,723,870(2021-2022) and 103,450,272 (2022-2023) total 121,173,141 million Birr. EHRC utilized 103,368,257(85%) to boost finance of the Commission and develop its administration process.

²⁶ Ibid

²⁷ Ibid

Therefore offices in Bahir Dar, Jimma, and Gambella were upgraded to ensure accessibility and convenient working environment.²⁸ A study was conducted to equip the offices in Hawassa, Jigjiga and Samara with new office equipment, adhering to the standardization guidelines issued by the Commission. Purchased and distributed sufficient office supplies and hospitality items for all offices. To improve financial management and control, trained professionals to implement Electronic Government Procurement (E-GP). E-GP system is used to develop a procurement plan for the 2023/24 fiscal year.

The Council of Commissioners adopted the revised finance, procurement, budget, asset management, and internal audit management policy handbook on July 8, 2022. Followed by training for 50 relevant Commission staff. Project activities were incorporated into the Integrated Financial Management Information System (IFMIS), allowing for consistent reporting and quality and efficient performance of activities. This activity has been conducted by the above mentioned budget and collaboration only for training purpose with Ethiopian ministry of finance. EHRC in collaboration with the ministry of finance, a 10-day training on the practical application of IFMIS was provided to 10 key financial experts Electronic payment (e-payment) is put into use in all offices. Ten additional vehicles, acquired from donor organizations, have completed the necessary formalities and commenced their services. 90% of the required staffing for the finance and management departments has been achieved.

A report on the utilization of financial support by partners, approved by internal and external auditors has been submitted.²⁹ The internal auditor audited the regular and project fund financial use of city offices and presented the report to relevant stakeholders as well as submitted it to the Ministry of Finance. Federal Auditor General has completed audit of EHRC's regular budget for the 2020/2021/22/23 fiscal year, and the results have been satisfactorily responded to.³⁰

4.7.3 External support for the Promotion of civil and Political Rights

²⁸ Interview with SelamawitTezra, Ethiopian Human Right Commission Partnership officer, EHRC 6/1/2024, 8:05-8:30 PM.,

²⁹ Ibid

³⁰ Ibid

Donation from Open Society Initiative for Eastern Africa 8,200, 751(2020-2021) and 8,200,751(2021-2022). It played great role in fulfilling civil and political rights where EHRC UTILIZED 100%. Therefore, this is one the area benefited from this particular fund.Four National Inquiries/Public Inquiries into illegal and arbitrary detention were conducted. The first public inquiry in Ethiopia was held in Hawassa, followed by Adama, Bahir Dar and Jigjiga. At consultations attended by the Amhara Region Police Commission, the regional peace and security bureau, speaker of the Amhara region council, chief auditor, chairpersonof peace, justice, and democracy standing committee, justice bureau, and the supreme court president monitoring and investigations reports and recommendations were discussed. Inputs were gathered during two consultation forums regarding the human rights situation draft report for the 6th National Election attended by Stakeholders and Election Board officials. A draft policy document prepared for establishment of a human rights violations victims' compensation fund.

EHRC developed initial text, legal analysis and data collection that assists the assessment of human rights violations against pre-trial detainees. Also, data on pre-trial detainees was collected from Amhara region, Addis Ababa city administration, Oromia and the former SNNPR.³¹A report was released after a study conducted on the current state of freedom of expression through mass media. A draft report containing the evaluation of the implementation of SDGs pertaining to Civil and Political rights and recommendations made by Ethiopian human rights commission was prepared. EHRC in collaboration with Ethiopian Human Right Defenders Centers prepared an annual report that focuses on the situations civil and political rights situations.

During the referendum, human rights monitoring was carried out in selected districts and zones of the former SNNPR and two reports containing monitoring findings were compiled by Ethiopian Human Right Defenders Center. Written and in-person feedback was provided on the proclamation to reform the Ethiopian press agency from the perspective of Civil and Political rights to EHRC's department civil and political rights. EHRC prepared guideline on the conditions of arrest, Police custody and pre-trial detention in Africa translated into Amharic and

³¹ EHRC, (2019), Ethiopian Human Right Commission Report and EHRC, (2022-3), Ethiopian Human Right Commission Synthesis Report

published by EHRC. Office of high commissioner raised public awareness of Universal periodic review. EHRC's communication department broadcasted through radio how to prevent torture, cruel or degrading treatment and detention of Ethiopian public.³² A report by EHRC submitted to the UN Committee on Torture/CAT countering report already submitted by government to cover the issues.

Two reports by EHRC on situation of Civil and Political rights in Ethiopia from April to September 2022 and September 2022 to April 2023 were submitted to the African Commission on human and peoples' rights. EHRC in collaboration with the Office of the United Nations high commissioner for human translated seven general comments and distributed in Amharic general comment number 21, general comment number 32, Article 14: right to equality before trial; general comment number 35, Article 9: liberty and security of person; general comment number 34, Article 19 freedoms of opinion and expression; general comment number 20, Article 7: Prohibition of Torture, or Other Cruel, inhuman or degrading treatment or punishment and; general comment number 36. Enhanced capability of EHRC's staff members through experience-sharing engagement on the work carried out by various departments with the South African Human Rights Commission. Empowered the experts in the department through capacity-building training programs provided by partners and key stakeholders.³³

Through consultations with stakeholders, raised human rights awareness and advocated for improved accountability. Raised awareness of stakeholders on compensation fund for the victims and outlined preliminary works to be conducted by EHRC implementation compensation fund. United Nations committee made concluding observations about Ethiopia's most recent report based on the EHRC's recommendations. Enhanced the capability of EHRC's staff on

³² EHRC, (2022-3), Ethiopian Human Right Commission Synthesis Report

³³ Interview with Rediet Gezahegn, Ethiopian Human Right Defenders Center, Program officer, EHRDC 4/9/2024, 10.00-11.00 AM.,

planning public inquiry and monitoring of the civil sphere including monitoring for hate speech on social media.³⁴

4.7.4 External support to Evaluate the Conditions of Socio-Economic Rights

According to Rediet, to monitor, evaluate and document degradation or on the contrary conditions being honored needs huge number work force, commitment and resource which is unattainable without external support given the number of cases and situation in the country like Ethiopia.³⁵ Therefore the above stated donation from Danish institute for human rights and European Union comes to light. Therefore, activities conducted by EHRC resulted mostly from the aforementioned external funding. Comprehensive review of federal and regional governments' laws, directives and circulars that are related to Economic and Social rights has been completed.

EHRC prepared a comprehensive human rights situation report subsequent to monitoring of the drought that occurred in Borena zone of Oromia, as well as FafenShebele and Jerer zones of the Somali region. In both regions, consultations were conducted with relevant Governmental and Non-governmental institutions, facilitating advocacy for adoption of the recommendations. Data was systematically gathered from appropriate government institutions, Non-governmental organizations, and members of the affected community over reporting period, enabling monitoring of implementation of recommendations and release of final monitoring report.³⁶

³⁴ Ibid

³⁵ Ibid

³⁶ Ibid

Table 5: Example of Budget Acquisition and Expenditure of EHRC

12 Months (July 2022 - July 2023) Financial Report for the 2022/2023 Fiscal Year					
No.	Office	Budget approved for 2022/2023 (birr)	Budget spent in 12 months (birr)	Percentage %	
1	Head Office	117,254,810	117,175,757	100%	
2	Gambella	6,593,350	6,494,618	99%	
3	Bahir Dar	9,225,360	8,982,330	97%	
4	Jimma	9,328,581	9,098,433	98%	
5	Jigjiga	5,611,600	5,532,322	99%	
6	Hawassa	9,456,045	9,398,262	99%	
7	Semera	5,236,691	5,206,414	99%	
8	Asosa	6,722,888	6,575,251	98%	
Budget approved for 2022/2023		169,429,324	168,463,387	99%	

Table 6: Rollover from 2021/2022

12 Months (July 2022 - July 2023) Budget Support for the 2022/2023 Fiscal Year						
No.	Source	Income	Budget Spent			
Rollover from 2021/2022	Released for the year	Total	Birr	%		
1	2	3	4= 2 + 3	5	6=5/4	
1	DIHR	17,723,870	103,450,272	121,174,141	103,368,257.00	85%
2	UNICEF	858,128	3,704,161	4,562,289	3,18,093.00	70%
3	<u>IRISH AID</u>	23,129,677	<u>31,577,773</u>	54,707,45	<u>29,572,2</u>	54%

				0	51.00	
4	EU	3,434,601	26,143,620	29,578,22	27,190,5	92%
				1	89.00	
5	OSIEA		8,200,751	8,200,751	8,200,75	100%
					1.00	
6	SCI		2,838,386	2,838,386	2,898,92	102%
					2.73.00	
7	UNCHR	2,400,000	3,692,707	6,092,707	6,092,707.00	100%
8	SWITZERLAN D EMBASSY	1,499,333	1,499,333	1,499,333.00		100%
9	EU/DIHR	27,587,030	27,587,030	13,047,946.00		47%
10		GDPP		573,904.86		
Total		53,347,026	200,493,282	256,240,308	195,625,755.00	76%

Source: EHRC 2021/22/23 Report

The above discussion shows that Ethiopian Human Right Commission since 2019 made significant leap forward comparing with its predecessors. EHRC since the reform jumped from ‘B’ Grade status to ‘A’ grade accredited status granted by global alliance of national human rights institutions. EHRC since the reform and the ‘A’ grade status became the interest of various international partners interested in area of human rights and capable providing fund. (Interview with Selamawit Tezera, EHRC, Partnership Officer, January, 2024) This external funding discussed in the above table shows clearly how EHRC benefited from external funding which is almost double figure comparing with the budget allocated by the parliament. The external fund revolutionized the activities of EHRC in Various areas. EHRC’s office of high commissioner has been beneficiary in between 2021-2023 by becoming a key figure in international human right arena representing Ethiopia. (Interview with Selamawit Tezera, EHRC, Partnership Officer, January, 2024).

EHRCs effort to reach out human right education boosted by fund from Irish Aid. EHRC before 2019 has been accused of not reporting correctly about appalling situation of human rights in Ethiopia. EHRC since the reform showed promising activities down to fund received from Danish institute for human rights. EHRC's activities of human right compliant handling system changed from Manuel to electronic after receiving huge fund from Danish institute of human rights. EHRC since the reform able to create network of regional office based on technology after installing ICT infrastructure funded by Danish institute of human rights. Therefore, the coveted reform and advancement of EHRC since 2019 majorly down to external fund. (Interview with SelamawitTezera, EHRC, Partnership Officer, January,2024).

Chapter Five

Key Challenges of External Support for Ethiopian Human Right Commission

5.1 CompromisingAutonomy

Paris principle requires National human right institutions to have sufficient funding to have their own premises and staff. Therefore, independence of National human rights commission is crucial to fulfill its mandate effectively and impartially. External funding may create a perception of dependence on the donor, leading to concerns about the Commission's ability to act independently and without bias.³⁷ However, Selamawit is adamant that EHRC despite the fact has had established partnership with various Donors is not in the position to surrender its autonomy of functioning. Selamawit,applauded the fact keeping the commission independent is crucial for both the commission and the government.

³⁷Paris Principles, (1993), Status of National human right institutions.

And the donors should not be given a free run in partnership even though they possess the status of donor provider.³⁸ On the other hand, BerrisoAbera suggests there should be a department at EHRC that mandated with a task of donor intelligence, Which is very important in filtering the true intention of the donor which subsequently result public trust is crucial for the existence of National human right institutions. Nevertheless, Berriso, downplays skepticism surrounding EHRC that donors pressure or influence on the EHRC focus on specific Human rights issues or prioritize certain activities over others, which could undermine its autonomy.³⁹

5.2 ErodingPrejudice

If the National Human Rights Commission receives funding from sources that are perceived to have a particular agenda or interest, there is a risk of bias in its work. For example, funding from a government or corporation with a poor human rights record may create skepticism about the Commission's ability to investigate or report on violations impartially.⁴⁰ This could erode public trust in the Commission's credibility and lead to challenges in carrying out its functions effectively. Wesenylesh, argues that EHRC is fully independent and needs to be independent because EHRC is established by the parliament which paves the way to be hold accountable if the partnership process compromises national interest unlike some Civil society organizations. EHRC since reform it is a naked eye truth that the commission being neutral and the engagement with civil society organizations promoted to the required level.⁴¹

³⁸ Interview with SelamawitTezra, Ethiopian Human Right Commission Partnership officer, EHRC 6/1/2024, 8:05-8:30 PM.,

³⁹ Interview with BerrisoAbera, Consortium of Ethiopian Human Right Organizations Program Manager, CEHRO 24/9/2024, 12:00-7:00 AM.,

⁴⁰ Paris Principles, (1993), Status of National human right institutions.

⁴¹ Interview with WesenyleshBirhanu, Association for Human Rights in Ethiopia Program Officer, AHE 24/9/2024, 11.00-12.00 AM.,

5.3 Risking Accountability

BerrisoAbera discusses the importance having a mechanism of accountability in the process of utilizing the fund received. He also applauds the notion of evaluating the efficiency level as well as combating corruption and good governance.⁴² Selamawit confer the EHRC's accountability by referring to the internal auditor audit the regular and project fund financial use of city offices and presented the report to relevant stakeholders as well as submitted it to the ministry of finance. Federal auditor general has completed the audit of EHRC's regular budget for the 2020/2021/22/23 fiscal year, and the results have been satisfactorily responded to.⁴³ Therefore ensuring transparency and accountability while using of external support is essential to maintain public trust and credibility. National Human Rights Commissions may face challenges in documenting and reporting on how external funds are utilized, especially if the funding comes with strict conditions or reporting requirements. Lack of proper oversight mechanisms or auditing processes could raise concerns about potential mismanagement or misuse of funds, compromising the Commission's integrity.⁴⁴

5.4 Maintaining Source of Funding

WesenyeshBirhanu hails the importance of sustainable budget for Ethiopian Human Right Commission. However the budget from Ethiopian government allocated to the commission and the amount activities conducted by the commission well apart.⁴⁵ This make even more crucial to maintain partnership with the donors. Therefore, it would have been difficult to achieve what have been achieved since the reform without the presence of external funding. She also added it is an open truth with slim budget allocated by the government all the human right activities conducted by the commission is difficult to think would be successful without external

⁴² Interview with BerrisoAbera, Consortium of Ethiopian Human Right Organizations Program Manager, CEHRO 24/9/2024, 12:00-7:00 AM.,

⁴³ Interview with SelamawitTezra, Ethiopian Human Right Commission Partnership officer, EHRC 6/1/2024, 8:05-8:30 PM.,

⁴⁴ Ibid

⁴⁵ Interview with WesenyeshBirhanu, Association for Human Rights in Ethiopia Program Officer, AHE 24/9/2024, 11.00-12.00 AM.,

funding.⁴⁶ She further discussed that without the presence of external funding the commission hands are tied to address further human right issues. However, the commission itself and internal partners wary of Depending heavily on external funding for its operations can make the National Human Rights Commission vulnerable. Therefore, diversifying funding sources and seeking sustainable financing mechanisms are critical to ensuring the Commission's continuity and independence.⁴⁷

5.5 Conflict of Interest

BerissoAbera acknowledges the fact raising fund is important function of National human rights institutions but instigate the source of funding must be clear and transparent. And the hierarchy at the commission should be proactive and alert to the background of the donors to avert issues we are observing in other countries.⁴⁸ Therefore, the track record of the donor must be traced. He also adds that National Human Right Institutions must be independent though they are non-judicial but they still possess judicial role. Therefore, there should be precaution in extracting benefit without compromising national interest that may arise from external negativity. Institutions Accepting external funds from sources with conflicting interests or values may create ethical dilemmas for the National Human Rights Commission. Engaging with donors who are implicated in human rights violations or have questionable practices could tarnish the Commission's reputation and integrity. Striking a balance between securing necessary resources and upholding ethical standards is paramount to safeguarding the Commission's credibility and upholding human rights principles.⁴⁹

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Interview with BerrisoAbera, Consortium of Ethiopian Human Right Organizations Program Manager, CEHRO 24/9/2024, 12:00-7:00 AM.,

⁴⁹ Ibid

5.6 Conclusion

National human rights institutions established majorly to foster and defend human rights within national jurisdiction. It is tough to indicate exact meaning of NHRIs and yet have universally agreed up on concise explanation. NHRIs should be constituted either by the constitution and must be independent. There was a little room for concept of NHRIs to be inculcated in Ethiopia before 1991. Moreover, the 1995 constitution was instrumental for the foundation of NHRI in Ethiopia. Where the parliament of Ethiopia established NHRI. Followed by the establishment Ethiopian human right commission under proclamation no 210/2000. Proclamation number 211/2000 established Ombudsman endorsed by house of federation under the horizon of Ethiopian parliament. The former amended in 2020 under proclamation No 1224/2000. In line with its staff and leadership since the reform picked based on merits and with the absence of party affiliation. This was a turning point for the subsequent achievement since 2021. The Commission made a significant breakthrough in promotion of human right education. EHRC in terms of reporting (UPR) has been immensely improved since 2021 though declined since the turn of 2023 with the reversal political space. On the other hand, external support is indispensable in empowering Ethiopian human rights commission to execute mandate of promoting and protecting human rights in Ethiopia. EHRC closely working with international partners. EHRC can strengthen its institutional capacity and addressing human right violations in Ethiopia. Analysis of data shows the budget allocated for EHRC is not enough to combat the array of human right issues in Ethiopia. In fact, EHRC before 2019 crippled in its abilities firmly because lack of adequate budget. Since the reform EHRC under new leadership able to identify the importance of creating important partnership.

Therefore, Program and Partnership agreement has been reached with partners such as European Union, the Danish Institute for Human Rights, Irish Aid, Save the Children International, Spain Embassy, Switzerland Embassy, United Nations children's fund and UNHCR establish bilateral cooperation and collaboration and to obtain support in terms of financial, knowledge, and material. One important achievement after securing important donors between 2021-2023 which eclipsed government budget which is (168,463,387 Million Birr) and partnership resulted budget

(256, 240, 308 Million Birr).with regard to administrative empowerment. EHRC's office of the high commissioner benefited greatly. Danish institute for Human rights in collaboration with European Union donated 27,587,030 (2022-2023) Birr 13,047,946(47%) which was invaluable for institutional support and capacity building and sustainability. Therefore, the success of reform conducted by EHRC since 2019 is evident in empowering office the chief commissioner partially down to external support. This facilitated Participation in continental and international human rights conferences, a reporting capacity of EHRC has been upgraded. EHRC on human rights situation in Ethiopia presented on 51st and 52nd regular sessions of the United Nations human rights council.

With regard to enhancing technological development of EHRC external funding undoubtedly played an immense role. Installing ICT infrastructure in head quarter and branch offices, developing strategic plans and implementation of activities, capacity development of staff and leadership, exchange visits to fellow NHRIs and developing tools and methods in mandate areas. Therefore, one of the area for the purpose of empowerment is enhancing information communication technology. And this was EHRC's area of project proposals to get fund from external donors. DHIR forwarded 17,723,870(2021-2022) and 103,450,272 (2022-2023) Birr, which EHRC utilized to enhance ICT department.

Moreover, to handle situation of refugees, internally displaced persons and Migrants' Right external funding takes the upper hand. Particularly European Union played significant role by injecting 3.2 million Euros between 2022- 2024. This fund came as basket fund that directly support the autonomy, professionalism and increased effectiveness of Ethiopian Human right commission. Furthermore to add financial support of United Nations international children emergency fund is invaluable in addressing issues related to IDPs. This is due to the fact Ethiopia currently the largest refugee hosting country in Africa. UNICEF committed 858/128(2021-2022) and 3/704/161 Birr (2022-2023) fiscal years, which EHRC utilized 3/18/093 Birr 70%. To maximize the public trust while maintaining of external support, the EHRC must continue to be independent. It is important to address that while acquiring external support EHRC must maintain its autonomy. Therefore, the commission must open a donor intelligence department to filter real agenda behind the donation. Again it is important to notify the EHRC officials remain

adamant that the Commission did not compromised its autonomy to get any donation which have been confirmed by officials from civil society organizations during this study.

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Interviews

No	Name	Sex	Age	Institution	Position
1	BeresoAbera	M	42	Consortium of Ethiopian Human Right Organizations	Program Manager
2	Befikadu Derebe	M	37	- Ethiopian Human Right Defenders Center - Hawasa University	- Human Right Protection Manager, - Lecturer
3	RedietGezahagne	F	30	Ethiopian Human Right Defenders Center	Program Officer
4	SelamawitTezera	F	35	Ethiopian Human Right	Partnership Officer

				Commission	
5	WoseneleshBerhanu	F	39	Association for Human Rights in Ethiopia	Program Officer

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APPENDICES

Appendix- A: List of Key Informant Interviewee

No	Name	Sex	Age	Institution	Position
1	BeresoAbera	M	42	Consortium of Ethiopian Human Right Organizations	Program Manager
2	Befikadu Derebe	M	37	- Ethiopian Human Right Defenders Center - Hawasa University	- Human Right Protection Manager, - Lecturer
3	RedietGezahagne	F	30	Ethiopian Human Right Defenders Center	Program Officer
4	SelamawitTezera	F	35	Ethiopian Human Right Commission	Partnership Officer
5	WosenyeleshBerhanu	F	39	Association for Human Rights in Ethiopia	Program Officer

Appendix- B: Interview Questions Prepared for the Ethiopian Human RightCommission

Appendix B-1: To Identify the Source and Types of External Funding Received by the EHRC

- A. Can you provide an overview of the sources of external funding that the EHRC has received in between 2019-2023?
- B. What types of external funding does the EHRC typically receive?
- C. How does the EHRC go about and securing external funding?
- D. What are the main challenges you face in obtaining external funding for the EHRC?
- E. Have there been any significant changes in the source of external funding in between 2019-2023?
- F. How do you ensure transparency and accountability in the use of external funding for the EHRC?
- G. Are there any specific criteria or requirements that external funders have when providing funding to the EHRC?
- H. How do you determine the priorities for allocating external funding within the EHRC?
- I. Are there any restrictions placed on the use of external funding by the EHRC?
- J. How do you evaluate the effectiveness of external funding in supporting the EHRC'S work?

Appendix B-2: To Examine the Extent to Which External Funding Influences the Operational Capacity and Protect Human Rights in Ethiopia: Interview Questions prepared for Ethiopian Human Rights Defenders Center

- A. In what ways does external funding impact the operational capacity of the EHRC?
- B. How does external funding contribute the EHRC's ability to protect human rights in Ethiopia?
- C. Can you provide examples of specific initiatives or projects that have been supported by external funding and their impact on human rights protection?
- D. How do you ensure that external funding aligns with the EHRC's mission and values?
- E. What challenges have you faced in leveraging external funding to enhance the operational capacity of the EHRC?
- F. To what extent do you rely on external for the EHRC's day –to-day operations?
- G. How does external funding influence decision-making within the EHRC?
- H. Have there been any instances where external funding has had a negative impact on the EHRC's work?
- I. How do you measure the effectiveness of external funding in supporting human rights protection in Ethiopia?
- J. How do you plan to further enhance the utilization of external funding for the EHRC's work in the future?

Appendix B-3: To Assess the Impact of External Support on the EHRC's Ability to Effectively Promote and Protect Human Rights in Ethiopia : Interview Questions prepared for Associationfor Human Rights in Ethiopia.

- A. How has external support impacted the EHRC's ability to promote and protect human rights in Ethiopia?
- B. Can you provide examples of successful outcomes or achievements that have been possible due to external support?
- C. What are the key areas in which external has strengthened the EHRC's work?
- D. How do you ensure that external support is utilized effectively to achieve the EHRC's goals?
- E. What are the main challenges you face in maximizing the impact of external support on human rights promotion?
- F. How do you involve external partners in the planning and implementation of projects aimed at promoting human rights?
- G. How do you measure the impact of external support on the EHRC's work?
- H. What are the criteria you use to evaluate the effectiveness external support in promoting and protecting human rights?
- I. How do you communicate the outcomes of projects supported by external funding to external partners and stakeholders?
- J. How do you ensure the sustainability of the impact achieved through external support?

Appendix B-4: To Explore the Challenge and Opportunities Associated with External Funding for the EHRC Interview Questions Prepared for Consortium of Human Right Organizations .

- A. What challenges do you face in accessing external funding for the EHRC's work?
- B. Can you provide examples of challenges that have arisen in utilizing external funding effectively?
- C. How do you navigate the potential risks of associated with dependency on external funding?
- D. How do you ensure that external funding aligns with the EHRC's mission and values?
- E. What opportunities do you see in leveraging external funding to enhance the EHRC's impact on human rights protection?
- F. How do you stay informed about new funding opportunities and trends in external funding for human rights organization?
- G. How do you address any conflicts or tensions that may arise between external partners and the EHRC's objectives?
- H. What strategies do you employ to diversify your sources of external funding?
- I. How do you maintain transparency and accountability in the use of external funding despite the challenges the organization face?
- J. How do you capitalize on the opportunities presented by external funding to further strengthen the EHRC's role in promoting and protecting human rights?