



**ASSESSMENT OF THE ROLE OF CSOs ON HMAN RIGHTS EDUCATION IN
ETHIOPIAN JUSTICE SYSTEM**

**A THESIS SUBMITTED TO THE CENTER FOR HUMAN RIGHTS OF ADDIS ABABA
UNIVERSITY IN PARTIAL FULLFILMENT OF THE REQUIREMENTS FOR THE
DEGREE OF MASTERS OF ART IN HUMAN RIGHTS**

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**January 2015
Addis Ababa**

**ADDIS ABABA UNIVERSITY
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CERTIFICATION

I certify that the Thesis entitled “ASSESSMENT OF THE ROLE OF CSOs ON HUMAN RIGHTS EDUCATION IN ETHIOPIAN JUSTICE SYSTEM” is a bona-fide work of Mr. Dawit Berhane who carried out the research under my guidance. I certify further, that to the best of my knowledge the work reported here in doesn't form part of any other thesis report or dissertation on the bases of which a degree or award was conferred on an early occasion on this or any other candidate.

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ACKNOWLEDGEMENT

This thesis is the end of my journey in obtaining my Masters Degree. I have not traveled in a vacuum in this journey. This thesis has been kept on track and been seen through to completion with the support and encouragement of numerous people including my friends, colleagues and various institutions.

At the end of my thesis I would like to thank all those people who made this thesis possible and an unforgettable experience for me. At the end of my thesis, it is a pleasant task to express my thanks to all those who contributed in many ways to the success of this study and made it an unforgettable experience for me.

There are no proper words to convey my deep gratitude and respect for my thesis and research advisor, Professor Awetu Simesso . He has inspired me to become an independent researcher and helped me realize the power of critical reasoning.

I would like to express my gratitude to my wife Misker Wakjira for her unfailing support. This work would not have been possible without her guidance, support and encouragement. Under her guidance I successfully overcame many difficulties and learned a lot. I deeply thank my parents for their unconditional trust, timely encouragement, and endless patience. It was their love that raised me up again when I got weary.

Last but not least, several people have knowingly and unknowingly helped me in the successful completion of this project.

ABSTRACT

Civil Society Organizations as a mediator of change and link the gap between state and society through informing, providing training and educating societies about values, principles and international instruments of human rights play a pivotal role to realize practicality of respect of human freedom and dignity in everyday life of every one anywhere in the world. Human Rights to be a reality in every organ of the society and individuals' everyday life, people should be aware of the idea.

Human Rights Education aims to construct a universal human rights culture which should encompass strengthening respect of human rights and fundamental freedoms, promoting full development of the human personality and fundamental value of human dignity, promoting understanding, tolerance, gender equality and friendship amongst all nations, indigenous and racial, national, ethnic, religious and linguistic groups, enabling all persons to increasingly participate effectively in society, promoting all dimensions of human rights including social and economic rights alongside civil and political rights, furthering the agenda of activities by the United Nations in its Action Plan for the Decade for Human Rights Education.

To create an enabling environment for CSOs engaged in Human Rights Education in Ethiopian Justice System, the government should continue to take initiative regarding on opening its door to discuss with foreign donors, CSOs and major stake holders to look in to laws, regulations and directives and revise its policies to create strong and vibrant CSOs, collaborating with these actors to ensure human rights respecting institution in the Ethiopian justice sectors.

ACRONYM

UDHR	Universal Declaration of Human Rights
NGO	Non-Governmental Organizations
UN	United Nations
CSOs	Civil Society Organizations
CRDA	Christian Relief and Development Association
CSP	Charities and Societies Proclamation
HRE	Human Rights Education
APAP	Action Professionals' Association for the People
ELA	Ethiopian Lawyers' Association
EWLA	Ethiopian Women's Lawyers Association
HRCO	Human Rights Council
JFA-PFE	Justice For All – Prison Fellowship Ethiopia
VECOD	Vision Ethiopia Congress for Democracy (VECOD)
WB	World Bank
WHO	World Health Organization
HIV/AIDS	Human Immune Virus / Acquired Immune Disease Syndrome
CBO	Community Based Organization

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CHAPTER ONE

1. INTRODUCTION

1.1. Background of the Study

The Preamble of The UDHR provides that "every individual and every organ of Society, Keeping this Declaration Consistently in mind, Shall Strive by Teaching and Education to Promote respect of these Rights and Freedom"¹

Human Rights and Freedom to be a reality, every organ of the society, individuals, non-government organizations (NGO) and government should play a critical role by informing, teaching, providing training of Human Equality and respect of Dignity. In order to achieve active citizenship, people should be aware of their rights and to disseminate human rights values, non-state actors are crucial to fill the gap between government and peoples especially those part of the society like Lawyers, Judges, Police and Military Officials "urgently need to understand Human Rights Values, Principles for the reason that these people have a huge responsibility and power they held"². The goal of Education as it is clearly indicated in the UDHR (article 26) is to "The strengthening of respect for Human Rights and Fundamental Freedom".

Laying the foundation on the basis of education in general and Human Rights Education in particular, the UN General Assembly adopted United Nations Declaration on Human Rights Education and Training on 19th December 2011 and " invites Governments, Agencies, and Organizations of the United Nations System and International and Non-Governmental Organizations to intensify their efforts to disseminate the declaration and to Promote Universal respect and Understanding of Human Rights"³. Article 1 declares that Human Rights Education and Training is essential for the promotion of Universal Respect for the observance of all Human Rights and fundamental Freedom for all, in accordance with the Principle of the Universality, Indivisibility and Interdependence of

¹ Universal Declaration of Human Rights

² Flower, N. Human Rights Education Handbook, Human Rights Resource Centre, 2000, p18

³ Ibid

Human Rights"⁴ and according to Article 10:1 Civil Society Institutions have important role to play in promoting and providing Human Rights Education and Training.

The African Commission on Human and Peoples Rights meeting at its fourteenth ordinary meeting in Addis Ababa, from 1 to 10 December, 1993, acknowledges that education in Human and Peoples Rights is a prerequisite for the effective implementation of the African Charter on Human and People's Rights and Other International Human Rights instruments, but in practice, African people lack basic knowledge and information to claim their rights.⁵

In Ethiopia, , the emergence of CSOs were a historical tie with the occurrence of two devastating draughts or / and famines in 1974 and 1984 that they play a significant role of relief and emergency assistance to the victims and became a major agent under CRDA network of NGOs which was the first NGO umbrella organization in Ethiopia.⁶

EPRDF's conception of CSOs in the country became a new reality by paving the way to a new outlook and paradigm shift of CSOs role to disengage from emergency relief operation to development assistance on selective areas like agriculture, environment, education, health.⁷

The enactment of the new CSOs law called CSP 621/2009, as many believed limits the international CSOs not to engage in the promotion of Human Rights and only Ethiopian charities allowed to function on the advancement of Human and Democratic Rights which brought a big confrontation from International Human Rights defenders' side though the Ethiopian Government claims a reason why for details of CSP is required.

⁴ Article 1: 2

⁵ Horn,N. Human Rights Education in Africa, P 57

⁶ Clark, J. Civil Society, NGOs and Development in Ethiopia, A Snap Shot view, WB Washington DC, 2000, P

4

⁷ ibid

1.2. Statement of the Problem

Civil Society Organizations as a mediator of change and link the gap between state and society through informing, providing training and educating societies about values, principles and international instruments of human rights play a pivotal role to realize practicality of respect of human freedom and dignity in everyday life of every one anywhere in the world. Human Rights to be a reality in every organ of the society and individuals' everyday life, people should be aware of the idea.

“Disseminating Human Rights Education and culture is a priority on the basis that the first line of defense of Human Rights is citizen’s awareness of their rights and their readiness to defend them” Casablanca declaration, 1999, Arab Human Rights Movement.

The essentiality of HRE to promote Human Rights and fundamental freedom for all has been acknowledged by different international and regional bodies, as noted by the UN General Assembly in resolution 49/184, 1994 declaring the decade:

“HRE should involve more than the provision of information and should constitute a comprehensive life – long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies...”

In case of Ethiopia, even though the country adopted international and regional human rights instruments enshrined in the constitutional framework, the values and awareness of the society about human rights and fundamental freedom need to be critically analyzed and the gap to create a universal culture of respect of human dignity filled by actors like CSOs though creating human rights value and awareness is a life – long process.

The law enforcement officials in respective justice system would be the premier organs responsible to respect and protect human rights. This justice system with dual responsibility of respecting and protecting Human Rights and fundamental freedom of the society should be aware of inherent and indivisible nature of international and regional human rights instruments and encompass with their policy, procedures and

practices of law enforcement mechanism. To achieve such a practice in Ethiopian Justice Sector, CSOs are the major actors so as to play their educating role of Human Rights.

The second phase (2010 – 2014) World Programme for HRE, a plan of action for HRE in higher education and for a human rights training for civil servants include officials and policy makers from the government ministries, diplomats, employees of local government and municipalities, law enforcement officials including police, prison personnel and security forces and the military under their jurisdiction.

1.3. Research Questions

- What roles do CSOs play to provide Human Rights Education in Ethiopian Justice System?
- What challenges do CSOs face to deliver HRE in Ethiopian Justice System?
- How does Charities and Societies Proclamation affect CSOs to perform HRE in Ethiopian Justice System?

1.4. Objective of the Study

1.4.1. General Objectives

The overall objective of the research is to assess the role of CSOs on Human Rights Education in Ethiopian justice system. In addition to this, the study has an objective of pointing out existing challenges facing by CSOs in delivering Human Rights Education in Ethiopian Justice System.

1.4.2. Specific Objectives

- To assess contributions of CSOs with regard to Human Rights Education in the Ethiopian Justice System
- To analyze impact of Charities and Societies Proclamation on CSOs on disseminating Human Rights Education
- To suggest recommendation on the overall research findings

1.5. Significance of the Study

Human Rights Education in general is a very important and critical part of introducing international human rights instruments, values and creating human rights culture through information, training, awareness – raising in order to achieve the realization of human rights and fundamental freedom specifically to government organs like justice systems holding dual responsibility of protecting and respecting in time of law enforcement duties. The study is significant in assessing CSOs role on Human Rights Education Ethiopian Justice System so as to identify how they perform their roles and what factors affecting their performance to deliver Human Rights Education. Apart from this, the study will also give recommendation how to improve effectiveness of CSOs towards Human Rights Education in Ethiopian Justice System and the study will help future researcher to use this study paper for further references.

1.6. Scope of the Study

The study focuses on Ethiopian Charities and Societies and Ethiopian Resident Charities and Societies which are CSOs categorized based on their source of income and mandate or program activities as per CSP 621/2009. My research conducted by identifying Ethiopian Charities and Societies whom are organized or associated to acquire not more than 10% of their annual fund from foreign sources , fully owned by Ethiopians and allowed to perform their programs and activities on human and democratic rights including Human Rights Education. On the other hand the study conducted by Identifying Ethiopian Resident Charities and Societies which were previously involved in Human rights education, advocacy and awareness raising activities and shifted their main focus and mandate from human rights advocacy.

Based on the above realities which the researcher finds out in the process of conducting detail assessments of CSOs conducting Human Rights Education in Ethiopian Justice System, the study focuses on the following CSOs only (listed in alphabetical order):-

- Action Professionals’ Association for the People (APAP)
- Ethiopian Lawyers Association (ELA)

- Ethiopian Women’s Lawyers Association (EWLA)
- Human Rights Council (HRCO)
- Justice for all and Prison Fellowship Ethiopia (JFA-PFE)
- Vision Ethiopian Congress for Democracy (VECOD)

Moreover, the researcher is limited to CSOs currently conducting human rights education in Ethiopian Justice Sectors and those which have been conducting human rights education in Ethiopian Justice System.

1.7. Research Design

1.7.1. Methodology

The study employed based on methodology to answer the research questions in an organized manner to collect, analyze, interpret and evaluate available data. The researcher employed descriptive type of survey method and uses in-depth interviews, open –ended as well as close – ended questionnaires are undertaken.

1.7.2. Source of Data

The sources of data are both primary and secondary sources. As a primary data, the researcher uses interviews and questionnaires, as secondary sources of data, the researcher uses, academic books, CSOs year books, annual reports, training manuals, international and regional human rights instruments, proclamation, directives and commentaries relevant on the issue of CSOs and Human Rights Education in Ethiopia.

1.7.3. Sampling

Purposive Sampling is employed in this study and respondents are senior human rights researchers, Human Rights Education Experts, CSOs Directors, Human Rights and Governance officers, Project Coordinators, Legal Experts and volunteer facilitators in six CSOs selected purposely for the reason that these groups of informants are significant to provide relevant information related with CSOs role on human rights education in Ethiopian Justice system and identify problems regard to factors affecting their roles.

1.7.4. Instruments of Data Collection

The study uses open and closed ended questionnaire and in – depth interviews with key informants as an instrument of data collection (refer the Appendix).

1.7.5. Data Analysis

The primary data collected from annual reports of CSOs, training manuals of CSOs, brochures of CSOs, Yearbooks of CSOs have been systematically tabulated and summarized in figures and charts. Besides, data collected from primary sources of questionnaire and interviews of respondents has been interpreted and analyzed.

1.8. Limitation of the Study

The researcher encountered limitation on undertaking this study, the first limitation relies on number of informants and respondents are limited in number because of the insignificant number of CSOs engaged in human rights education. Moreover, it was originally planned to take a sample of 10 CSOs undertaking human rights education, however, it was difficult to get their offices' exact location and the telephone number found in their web site is unreachable.

In addition, the researcher could not acquire prior related studies and literatures on human rights education and roles of CSOs in Ethiopian Justice Systems.

1.9. Organization of the Paper

The paper is organized in to five chapters. The first chapters focus on introduction which mainly deals with the overall study of the research in bird's eye view. The second chapter of the research paper clarifies the conceptual framework of CSOs and Human Rights Education Vis a Vis their international, regional and local legal instruments. Chapter three focuses on profiles of target CSOs and overview of Ethiopian Justice System in a glance. The primary and secondary data collected from CSOs respondents and key informants have been systematically analyzed and interpreted in chapter four. Chapter five covers summaries, conclusion and recommendation of the study on the assessment of the role CSOs on Human Rights Education in Ethiopian Justice System.

CHAPTER TWO

2. LITERATURE REVIEW

2.1. Conceptual Frame Work of Civil Society

2.1.1 What is Civil Society?

The idea of Civil Society is more complicated and could not find an agreed upon definition of the term. For Aristotle, as he is believed to be the first who use the term "koinonia politike" in Greek meaning "communion, association, partnership", for him, "koinonia" created because of their members have common goals and argued that " Political association was the highest form of association for the reason that "political ends were the highest ends of man" so "koinonia politike" in Latin means " Societas Civilis" meaning Civil Society in English.⁸ "For Aristotle, Civil Society was inherently political".⁹ "Politik Koinonia" defined as "a public ethical – political community of free and equal citizens under a largely defined system of rule"¹⁰ which could not clearly differentiate between state and society.¹¹

Adam Smith viewed Civil Society " as " a market organized networks of mutual dependence and reciprocal relations"¹² For Hegel Civil Society is an intermediary agent between family and state and called Civil Society as an independent institution " higher than individual and lower than state".¹³

For the Scottish Philosopher and Historian Adam Ferguson, Civil Society is understood as " an autonomous sphere, a self - regulatory and self-governing society distinct from state", it is a self - governing voluntary association with a goal to develop civility, non-

⁸, Bories Dewels, A conceptual History of Civil Society from Greek beginning to the end of Marx, 1997 pp8-9 retrieved from <https://ejournals.library.ualberta.ca/index.php/pi/article/viewFile/1422/963>

⁹ Ibid p10

¹⁰ Cohen, J, Arato A. Civil Society and Political theory, Masachusetts Institute of Technology, 1994. Retrieved from <http://mitpress.mit.edu/books/civil-society-and-political-theory>

¹¹ Ibid

¹²Anjum, T. Historical Trajectory of the Development of the Concept of Civil Society in Europe from Aristotle to Gramsci, 2010 Journal of political studies, vol. 1(2), 151-152. Retrieved from <http://pu.edu.pk/images/journal/pols/Currentissue-pdf/tanvir9.pdf>

¹³ Ibid

state and non- commercial interest but these kind of associations are not in opposition to the state rather Civil Society depends on state.¹⁴

Recent understanding of the idea of Civil Society as Alexis de Tocqueville argued as a free association of individuals such as Clubs, Charities, and Education and Cultural associations with shared norms.¹⁵

Alexis de Tocqueville, a French political thinker provides that civil society to the west as “voluntary, non - political social organizations that strengthen democracy preventing a tyranny of the majority”. He argued that civil society promote “the social norm and trust” which encourage societies to “work together” and teaches individuals to appreciate and effectively use their liberties’. Civil society for him is “free associations that exists as intermediate institutions that between citizens and the state, and in which citizens can realize, their social freedom and equality.”¹⁶

He perceived these associations in a way that people gather together and learn, practice democracy so that they could change their attitude and behavior in order to “protect and defend their rights against potential authoritarian regimes and tyrannical majority in the society”¹⁷

The contemporary idea of civil society driven from the very origin of the word “culture” from agriculture that signifies “organic sense of orderly growth” in light of people or a group of people emanates from same soil of historical, traditional identity which distinguish from state.

¹⁴ Ibid

¹⁵ Karl, David R, William M.Sulliva , The Idea of Civil Society: Scholarship and debate, 1997, Smith Richardson Foundation, West port, Cl. Retrieved from <http://pu.edu.pk/images/journal/pols/Currentissue-pdf/tanvir9.pdf>

¹⁶Woldring, H,State and Civil Society in the Political Philosophy of de Tocqueville. International Journal of voluntary and non profit organization, vol. 9 (4) , 1998, p363. Retrieved from <http://link.springer.com/article/10.1023%2FA%3A1022197815098#page-1>

¹⁷ Spurk, C. Understanding Civil Society – History, debate and contemporary approaches.2008 p3. Retrieved from <http://graduateinstitute.ch/files/live/sites/iheid/files/sites/developpement/shared/developpement/343/SpurkCivilSocietyInPaffenholz.pdf>

John Locke argues that the idea of civil society as “divinely given to form social group” quoting biblical verses in Genesis Chapter one: that God created man in his own image and not good for him to be alone.¹⁸ He argued that people form a community in which their social life develops and in which the state has no say”¹⁹

For Marx, civil society “is the base of the capitalist domination model regulating and subordinating the state, which thus becomes an institution of the dominant class”. “Some scholars and practitioners see media as part of Civil Society whereas others see them as executing a different role in society. Spurk argues that media does not belong to Civil Society as the large majority of mass media is a professional organizations and not a voluntary one that it belongs to the economic sphere.”²⁰

Civil Society is the sector of voluntary action within institutional forms that are distinct from those of the State (political sphere, family and economy/market, keeping in mind that in practice the boundaries between the sectors are often complex and blurred, it consists of a large and diverse set of voluntary organizations, completing with each other and oriented to specific with each other and oriented to specific interest. It comprises non – state actors and associations that are not purely driven private or economic interests, are autonomously organized, and interact in the public sphere, thus civil society is independent from the state and political sphere, but it is oriented towards and interacts closely with them.²¹

In Marxist theoretical point of view, Antonio Gramsci, an Italian Marxist theoretician and politician, Civil Society looked as part of “the superstructure in addition to the state, but with different function” unlike coercion and force, Civil Society provide consensus,

¹⁸ Anjum, T. Historical Trajectory of the Development of the Concept of Civil Society in Europe from Aristotle to Gramsci. Journal of political studies, vol. 1(2), p4. Retrieved from <http://pu.edu.pk/images/journal/pols/Currentissue-pdf/tanvir9.pdf>

¹⁹ Ibid p2

²⁰ Ibid p 2

²¹ Ibid p 2

meanings and values for a system and confront existing structure and regularity. In addition, Gramsci believed that change initiated from this setup.²²

The word Civil Society Organizations can be regarded as an “independent or non - state, non-for-profit, civic or citizens’ groups formally structured, governed by written rules and institutions, and having a legal personality”²³

2.1.2. Operational Definitions of CSOs

According to the World Bank (WB), the term Civil Society refers to “the wide array of non – governmental and non-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, political, scientific, religious or philanthropic consideration. CSOs therefore refer to a wide array of organizations: community groups, non – governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations”.²⁴

Civil Society as per World Health Organization (WHO), refers “the general public at large, representing the social domain that is not part of the State or the market and WHO defines the term CSOs as “non – state, not –for profit, voluntary organizations formed by people within the social sphere of civil society”²⁵

African Development Bank (ADB) defines that, “Civil Society encompasses a constellation of human and associational activities operating in the public sphere outside the market and the state. It is a voluntary expression of the interest and aspiration of citizens organized and united by common interests, goals, values or traditions, and

²² Spurk, C. Understanding Civil Society – History, debate and contemporary approaches, 2008 p3. Retrieved from <http://graduateinstitute.ch/files/live/sites/iheid/files/sites/developpement/shared/developpement/343/SpurkCivilSocietyInPaffenholz.pdf>

²³ Moyo, B, Civil Society Regulation in Africa Volume I p 191. Retrieved from http://www.afrimap.org/english/images/documents/SAT_CSORegulation_introduction.pdf

²⁴ [Web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO](http://www.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO)

²⁵ Understanding Civil Society Issues for WHO, 2002, p4. Retrieved from http://www.who.int/civilsociety/documents/en/understanding_en.pdf

mobilized into collective action either as beneficiaries or stakeholders of the development process. Though civil society stands apart from state and market forces, it is not necessarily in basic contradiction to them, and it ultimately influences and is influenced by both.”²⁶

CIVICUS defines CSOs as “... the arena between family, government and market where people voluntarily associate to advance their common interest”²⁷

East African Civil Society Organizations’ Forum (EACSO) states that “Civil Society encompasses a wider variety of individuals – the universality of the people that form a community – households, organizations (formal and informal), engaged in social and economic activities for human development.”²⁸

The above operational definitions of the term CSOs reflect the ideas of civil society as wide and diverse in its scope and understanding across different international bodies. whereas, Civil Society can be observed as individuals or groups apart from family, business and states organized or associated to pursue their common goals or others’ in the form of associations, religion, rights groups, clubs, or the like.

In Ethiopian case, the word CSOs refers to Charities and Societies Organizations not denoting the term to Civil Society or Non – Governmental Organizations, ²⁹it is defined as per the CSP based on charities and societies members citizenship, source of income and their organizational or associational mandate or benefits, therefore, article 2(2-4) defines CSOs:- “Ethiopian Charities” or “Ethiopian Societies” shall mean those Charities or Societies that are formed under the laws of Ethiopians, all of whose members are Ethiopians, Generate income from Ethiopia and wholly controlled by Ethiopians.

²⁶ Cooperation with Civil Society Organizations Policy and Guidelines African Development Bank African Development Fund,1999, p8. Retrieved from <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/10000024-EN-COOPERATION-WITH-CIVIL-SOCIETY-ORGANIZATIONS-POLICY-AND-GUIDELINES.PDF>

²⁷ Cluster, K. Bizusew, Mapping of Civil Society Organizations (CSOs) on the Ethiopian Side of Karamoja Cluster, 2009 p7. Retrieved from <http://www.google.com.et/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0CCEQFjAB&url=http%3A%2F%2Fwww.cewarn.org%2Fi>

²⁸<http://eacsof.net/legaldocuments.html>

²⁹የበጎ አድራጎት ድርጅቶች እና ማህበራት ረቂቅ አዋጅ ማብራርያ፡ ፍትህ ሚኒስቴር መስከረም 2001 ዓ.ም

However, they may be deemed as Ethiopian Charities or Ethiopian Societies if they use not more than ten percent of their funds which is received from foreign sources”

2.2. Civil Society in Ethiopian Context

2.2.1. Historical Development of Civil Society in Ethiopia

The first organization in Ethiopia which can be defined as NGOs were traditional self-help system, “these associations bring together individuals and families in informal cooperation and interaction for social, economic and religious pursuits”³⁰, today they are known as Community Based Organization (CBOs) like *Debo (labor sharing groups, grazing alliances)*, *Ekub(rotating saving schemes)*, *Edir(burial societies)*, *Mahber, Senbete, etc.* The first NGOs as we know them today that were established in the country were the Ethiopian Red Cross and Swedish Save the Children. Following this and the famine of 1973 and 1984, the number of NGOs increased and there are mostly international.³¹

In Ethiopia, Civil Society organizations refer to NGOs, Advocacy Organizations, Professional Associations, Cooperatives, Trade Unions, Religious Organizations, and the Independent press.³²

The emergence of Civil Society association in Ethiopia was believed to be related with the 1930s urbanization and economic development in the country, Chamber of Commerce and National Bar Association was played an important role with a relative autonomy detached from the state's influence. During the two famines/draughts occurred in Ethiopia which brought a huge human loss at the time and the NGOs network under CRDAs umbrella achieved a remarkable results in an emergency relief operations. Besides these International NGOs, local ones in the form of national relief agencies flourished. Relief Society of Tigray (REST), Eritrean Relief Association (ERA) and Oromo Relief Association (ORA) were amongst.

³⁰ Assefa, T, Zewde, B. Civil Society at the crossroads challenges and respects in Ethiopia, Forum for Social Studies, 2010, p90

³¹ <http://www.chsa.gov.et/>.

³² Bahru Zewde and Siegfried Pausewang, Nordiska Afrikainstitutent, Ethiopia the Challenge of Democracy from below, Uppsala and Forum for Social Studies, A.A, Sween by Elanders Gotab, Stockholm, 2002, p104

It is believed that Civil Society associations emerged in Ethiopia during 1930's as a reason of urbanization and economic development and a governing law was codified in 1960. Chamber of Commerce and National Bar Association could be examples which played a significant role during Emperor Haile Selassie's reign.

In time of Derg Regime, Civil Society organizations had ceased their operation though during the first famine in 1973-1974, several groups emerged and provide emergency relief for the famine victims under one umbrella of groups of NGOs called CRDA, "Organized by a collection of Catholic charities, other religious affiliates, and a few outside secular NGOs". Because of the two devastating famines in the country, NGOs have got a chance to involve in relief and rehabilitation and later in development sector, that the state was unable to accommodate people's basic needs and services.³³ The two humanity crisis of famine occurred in two decades became a reason to increase in the number of NGOs in the country in the form of relief operation especially in province of Wollo and Tigray.³⁴

After the down fall of Derg Regime in 1991, EPRDF lead government came up with allowing CSOs to flourish; new organizations were formed and increased in number and scopes. "While the government did open new spaces for CSOs and a more open debate, it cannot be said that it ever really welcomed an independent and critical associational sector."³⁵

Altering the mind – set of NGOs away from emergency relief operations was an early priority of the new government. EPRDF's government came up with a new set of priority making development a national agenda from emergency relief. The government therefore starts to look international NGOs in particular in a very different perception as an agent of dependence to the larger society.

³³ Ibid, p106

³⁴ Clark, J. Civil Society, NGO, and Development in Ethiopia, A snapshot view ,The World Bank Wahington DC, 200 pp 4,6,7. Retrieved from <http://siteresources.worldbank.org/INTRANETSOCIALDEVELOPMENT/873204-1111663470099/20489508/CSandDevEthiopiaSnapshotView.pdf>

³⁵ Evaluation of Norewegian People's Aid Development Programme in Ethiopia, March 2012; NUPI Report. Retrieved from <http://www.google.com.et/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved>

“By 1995, the government provided Guidelines for NGO’s operations to classify groups and provide guidance on the priority areas of NGO programming. The areas designated were broad and included agriculture, environment, education, health, women’s empowerment, infrastructure, and the like. Relief and rehabilitation remained areas of sanctioned operations for NGOs, but the provision of relief commodities was subject to control”³⁶

2.2.2. Charities and Societies Proclamation 621/2009

Charities and Societies Proclamation enacted on 13, February, 2009 in pursuance of safeguarding FDRE Constitutional rights of freedom of association and to provide advance the role of Charities and Societies with a full-fledged “development of Ethiopian People”.³⁷

Realizing the above mentioned objectives of recognizing constitutional rights to freedom of association and enhancing the role of CSOs in the overall development of the country, the first aim conceived as the freedom of association “is not a human rights, it is the right that could be exercised only by citizens” means that Ethiopian citizens with “local support” financially and materially only granted constitutional pledge and are supported to engage in areas on human and people’s rights of democracy, equality of religions and ethnic groups, conflict resolution and strengthening of justice to court in time of conflict with Civil Society Agency (CSA) on registration and cancellation. The rationale behind exposed the “Ethiopian Residents and foreign Charities are not allowed to engage in human rights or governance related activities precisely because they are “not the manifestation” of citizens’ freedom of association and not allowed to appeal on the court unlike to Ethiopian Charities and Societies.”. The second objective which aims to provide strengthening of the role of Charities and Societies in Ethiopia and conducive legal frame

³⁶ Ayele, A.(2008). *The Roles, Contribution and Challenges of NGOs in Ethiopia*. Retrieved from https://www.academia.edu/5440737/The_Roles_Contributions_and_Challenges_of_NGOs_in_Ethiopia?login=dawittiwadd@gmail.com&email_was_taken=true

³⁷ See Preamble of Charities and Societies proclamation 621/2009

work with the aim to make CSOs play a significant role on country's overall socio – economic development activities.³⁸

The government stated that the new legislation ratified to provide a legal framework and legitimate body which could monitor, assist and register CSOs' overall performance in the country and found relevant to meet emerging socio – economic development of the country and assist CSOs activities. “The government therefore issued a new Proclamation of Charities and Societies in 2009 in order to facilitate and strengthen the effective contribution of NGOs to the socio – economic development of the country.³⁹

Intensive policy dialogues, discussions, research papers have been conducted and different countries' practice have been considered before the enactment of the new legislation. The benchmarks for the new legislation were selected by the government in order to suit demand of Ethiopia's new proclamation. Singapore's Societies and Charities Act (chapter 37, Revised Ed, 1995) , UKs Charities Act 2006, South Africa's Non – Profit organizations Act, 1997 and Ugandan's the non-governmental organizations registration Act, Statutory instrument 1 were amongst.⁴⁰

Before the enactment of the proclamation or law, recommendations and comments were forwarded by Ethiopian Civil Society Organizations Ad-Hock taskforce and different scholars. The task force provided major findings and expressed in light of the above two objectives that freedom of association is granted to any one irrespective of one's nationality and source of income and claims that the law is contrary to the constitution. According to the Ethiopian Constitution Art. 31, as the task force claimed, every person has the right to freedom of association for any cause or purpose that freedom of association is guaranteed to everyone not only for Ethiopian Citizens or nationals because the constitution only provide the following rights to Ethiopian nationals as per specified articles below:

³⁸User's Manual for the Charities and Societies law, task force on enabling Environment for civil society in Ethiopia, 2011 p19. Retrieved from <http://csf2.org/sites/default/files/Users%20Manual%20for%20the%20Charities%20and%20Societies%20Law%20%281%29.pdf>

³⁹<http://www.mfa.gov.et/international> More.php?pg=59

⁴⁰የበጎ አድራጎት ድርጅቶች እና ማህበራት ረቂቅ አዋጅ ማብራርያ፡ ፍትህ ሚኒስቴር መስከረም 2001 ዓ.ም

1. Freedom of Movement, Art.32
2. Rights of Nationality, Art. 32
3. The Right to Vote and be elected, Art. 38
4. Rights of Nations, Nationalities, and peoples, Art.39
5. The Right to Property, Art. 40
6. Economic, Social and Cultural Rights, Art.41 and
7. The Right to Development, Art.43

“These rights are Consistent with international instruments ratified by Ethiopian and needs to be reconsidered seriously.”⁴¹

FDRE constitution guarantees freedom of association for “every person” regardless of nationality, race, color, cause and purpose of the establishment of the institution in Article 31, the limitation only in violation of the “appropriate law” and if the association intent is illegally subverting the constitutional purpose.⁴²

2.2.3. Impacts of Charities and Societies Proclamation on CSOs in Ethiopia

Different government states and concerned international, regional and local bodies as well as academicians expressed their concerns, recommendations and critiques seriously on CSOs law, CIVICUS, a world alliance and an international movement with members in more than 100 countries expressed that the law “places excessive restrictions on the work, operations and funding of CSOs including broad limitations on national and international resource mobilization, excessive powers to interfere in their internal affairs and harsh fines and strict punishments for administrative offenses. As a result of these restrictions, Ethiopia has been the near cessation of independent human rights activity in the country.”⁴³ Moreover the government puts ‘excessive unwarranted powers to interfere in the internal affairs of CSOs through CSA allowed scrutinizing CSOs operations,

⁴¹ Commentaries and Recommendations on the latest Draft Charities and Societies Proclamation, Ethiopian Civil Society Organizations Ad-Hock task force, 2880, p 2,8

⁴² Debebe, H. Defending Civil Society, Report on Laws and Regulations Governing Civil Society Organizations in Ethiopia, 2004, p1. Retrieved from <http://www.wmd.org/documents/DCS/09EthEN.pdf>

⁴³ Joint NGO Submission to the UN Universal Periodic Review 19th session of the UPR Working Group, 2013,p3. Retrieved from http://www.ehrco.org/sites/default/files/public/UTC_Public_files/CIVICUS_EHAHRDP_HRCO_Joint_Ethiopia_UPR_Submission.pdf

examine their property, “confiscating original documents and questioning staff without a court – ordered warrant”⁴⁴

Amnesty International; expressed financial impact of the law that the law requires all charities and societies re-register under the CSA under two categories as Ethiopian Charity or Ethiopian Residents Charity, the former required to allocate 90 percent of their budget from local sources to work on human rights or the later receive fund from outside but not to engage on human rights activities. For the reason that Ethiopia is the poorest country in the world and lack of “Tradition of philanthropy” in the country, the human rights based organizations became obsolete and forced to change their mandate.⁴⁵ HRCO and EWLA were the two civil society organizations affected more by the law, “HRCO have been forced to close nine of their twelve branch offices and have cut 85 percent of their staff and EWLA have cut 70 percent of their staff and during 2010 and 2011 had effectively ceased to function, with the exception of a small amount of free legal aid being provided to women by volunteers”⁴⁶

Moreover, the law as per Amnesty international’s written statement to the 20th session of the UN Human Rights Council in 2012, clearly stipulates that the 2009 Charities and Societies Proclamation not only hinder the activities of human rights organizations like HRCO and EWLA, but also “the proclamation jeopardizes the observance and protection of the rights of every person in Ethiopia”⁴⁷

African Rights Monitor to the Human Rights Committee in its 99th session 12-13 July 2010, Geneva release a report of the country situation in Ethiopia and its performance in upholding the ICCPR puts the CSP which prohibits foreign funding and support to Ethiopian CSOs affects their role and forced to cut off their staffs and programs . The

⁴⁴ Ibid

⁴⁵ Amnesty International. (2012) Stifling Human Rights Work, The Impact of Civil Society Legislation in Ethiopia. Retrieved from <http://files.amnesty.org/archives/afr250022012eng.pdf>

⁴⁶ Ibid

⁴⁷ Amnesty International. (2012) .Ethiopia: The 2009 Charities and Societies Proclamation as a serious obstacle to the promotion and protection of human rights in Ethiopia, Amnesty International’s written statement to the 20th session of the UN Human Rights Council. Retrieved from <http://www.amnesty.org/en/library/info/AFR25/007/2012/en>

report provides that “these restrictive measures on associative bodies within Ethiopia are in direct violation of the ICCPR’s mandates...”

The International Federation for Human Rights (FIDH) on its report of Human Rights Situation in FDRE on the 46th session of the African Commission on Human and Peoples’ Rights held from 11 – 25 November 2009, Banjul, Gambia, section 2 (A) clearly refers the law on Charities and Societies as an instrument that the government used “to prevent the public protest ahead of the coming 2010 general election ” and the law is very restrictive which cripple CSOs’ activities specifically on areas of human rights by making them not to receive more than 10% of foreign fund. ⁴⁸

Moreover, as Kumlachew argue that the law has a positive impact for the reason that the government enacts the law to have a regulatory body and allow CSOs to engage in their own income generating activities and tax exemption privilege which will help them to secure their financial sustainability.⁴⁹

In general , the CSP impacted CSOs in terms of scope of activities; the law narrows the scope and activities of CSOs to engage in human rights activities and governance issues, only Ethiopian CSOs with a foreign income source less than 10% are permitted to involve in advocacy activities which impacted several CSOs to change their mandate and engage in a different areas of service delivery because of the financial insecurity and unable to meet the requirement of 90% of income from local sources, another impact of the CSP brought is disintegration between CSOs; means that because of the classification of CSOs in terms of Ethiopian, Ethiopian Residents and Foreign CSOs by the law, they are unable to unite and pursue their purposes together. The repercussion of Denial of access to justice according to CSP article 104, enforce Ethiopian Resident and foreign CSOs discounts to claim and appeal against CSA’s administrative decision to courts; in this instance, only Ethiopian CSOs allowed by the CSP to appeal their case to Federal High Court . Another impact of CSP relies on the withdrawal of Ethiopian Resident and

⁴⁸ International Federation for Human Rights. (2009)Human Rights Situation in the FDRE. Retrieved from <https://www.fidh.org/IMG/pdf/HRSituationEthiopie.pdf>

⁴⁹Dagne,K. Observations on the Draft CSO Law, p3. Retrieved from <http://www.crdaethiopia.org/Documents/Observations%20on%20the%20Draft%20CSO%20Law.pdf>

Foreign CSOs engaged in justice areas from their activities which have their own implication on the right of access to justice.⁵⁰

2.2.4. Classifications of Charities and Societies

Charities and Societies or Civil Society organizations in Ethiopian context as per the proclamation are classified based on source of income and forms of organization as:

Article 2(2): “Ethiopian Charities” or “Ethiopian Societies”: shall mean those charities or societies that are formed under the laws of Ethiopia; all of whose members are Ethiopians; generate income from Ethiopia; and are wholly controlled by Ethiopians. Here it should be noted that the law includes an exception to the general rule concerning the generation of income from within Ethiopia. Accordingly, organizations can still be considered “Ethiopian Charities or Ethiopian Societies” “if they **use** not more than ten percent of their **funds** which is received from foreign sources”. The 10% restriction relates to the use of foreign funds and not to the amount of foreign income the organization is receiving.⁵¹

Article 2(3): “Ethiopian Resident Charities” or “Ethiopian Resident Societies”:- shall mean those charities or societies that are formed under the laws of Ethiopia, and that consist of members who reside in Ethiopia, and that **receive more than 10% of their funding from foreign sources.**⁵²

Article 2(4): “Foreign Charities”:- shall mean those charities that are formed under the laws of foreign countries or which consist of members who are foreign nationals or are controlled by foreign nationals or receive funds from foreign country sources.⁵³

⁵⁰ Chelkeba, A. (2011). Impact Assessment of Charities and Societies Law on the Perception, Growth and Programs of Non-Governmental Organizations. Retrieved from https://www.academia.edu/1957757/Impact_Assessment_of_the_Charities_and_Societies_Law_on_the_Perception_Growth_and_Programs_of_Non-Governmental_Organizations_A_Survey_Study_of_Addis_Ababa_City_Administration_Addis_Ababa_Ethiopia

⁵¹http://www.icnl.org/research/journal/vol12iss3/special_3.htm

⁵² ibid

⁵³ ibid

2.3. Human Rights Education

2.3.1. Definition

“Human rights education can be defined as education, training and information aimed at building a universal culture of human rights...”⁵⁴

Human Rights Education can be expressed and defined as an information, education and training with the aim to build a universal culture of human rights.⁵⁵

“Human rights Education is all learning that develop the knowledge, skills, and values of Human Rights”⁵⁶. The preamble of the UDHR exhorts “every individual and every organ of society “to “strive by teaching and education to promote respect for these rights and freedoms”, Article 30 of the UDHR declares that one goal of education should be “the strengthening of respect for Human Rights and fundamental freedoms”. According to the ICCPR, A GOVERNMENT “may not stand in the way of people’s learning about their right”.⁵⁷

The UN General Assembly in resolution 49/184, 1994 declaring the decade:

‘Human rights education should involve more than the provision of information and should constitute a comprehensive life – long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies. Human Rights Education contributes to a concept of development consistent with the dignity of women and men of all ages that takes into account the diverse segments of society’⁵⁸

⁵⁴ Office of High Commission for Human Rights. (2006) Plan of Action World Programme for Human Rights Education. Retrieved from <http://www.ohchr.org/Documents/Publications/PAActionEducationen.pdf>

⁵⁵ Office of High Commission for Human Rights. (2012) World Programme for Human Rights Education, Second Phase Plan of Action. Retrieved from <http://www.ohchr.org/Documents/Publications/PAActionEducationen.pdf>

⁵⁶ The Human Rights Education Handbook Effective practice for learning, action

⁵⁷ Ibid

⁵⁸ Human Rights Education, a background paper, Euro – Mediterranean Human Rights Network Human Rights Education Working Group, 2003, p3

Based on the above declaration , HRE can be comprehended as a lifelong process of learning, it is all rounded impartation of knowledge, skills and ideas, refers to all and for all, empowering process and promotes social justice for all.⁵⁹

The plan of Action for Human Rights Education 2005 – 2007 provides that HRE involves fundamentals human rights principles of equality and non-discrimination, interdependency, indivisibility and universality.⁶⁰

Human Rights Education aims to construct a universal human rights culture which should encompass strengthening respect of human rights and fundamental freedoms, promoting full development of the human personality and fundamental value of human dignity, promoting understanding, tolerance, gender equality and friendship amongst all nations, indigenous and racial, national, ethnic, religious and linguistic groups, enabling all persons to increasingly participate effectively in society, promoting all dimensions of human rights including social and economic rights alongside civil and political rights, furthering the agenda of activities by the United Nations in its Action Plan for the Decade for Human Rights Education.⁶¹

HRE encompasses:

- A. Knowledge and Skills:** learning about human rights and mechanisms, as well as acquiring skills to apply them in a practical way in daily life
- B. Values, Attitudes and Behavior :** developing values and reinforcing attitudes and behavior which uphold human rights
- C. Action:** taking action to defend and promote human rights

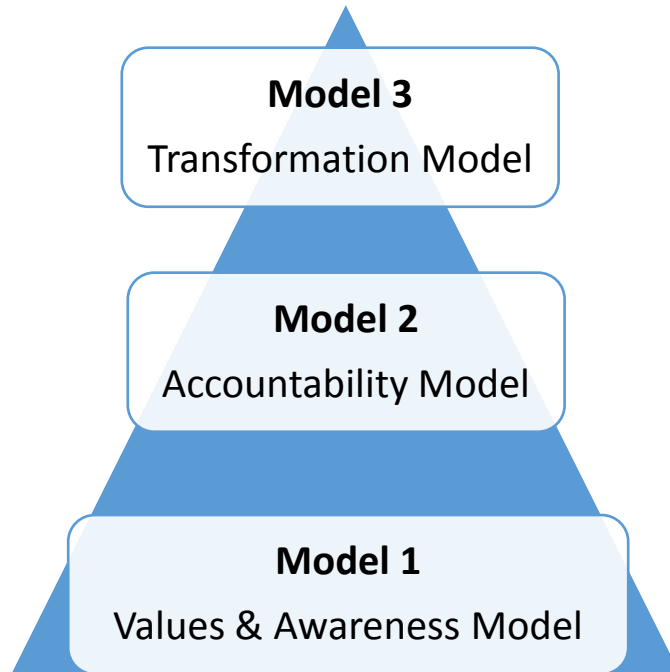
⁵⁹ ibid

⁶⁰ Office of High Commission for Human Rights. (2006) Plan of Action World Programme for Human Rights Education. Retrieved from <http://www.ohchr.org/Documents/Publications/PAActionEducationen.pdf>

⁶¹ Mediterranean Human Rights Network.(2003) Human Rights Education, a background paper, Euro – Rights Education Working Group. Retrieved from <http://www.euromedrights.org/files/education-wg/Background-Paper-on-HRE.pdf>

2.3.2. Emerging Models of HRE

HRE models emerged to formulate a practical guidelines to meet the specific goals as per designated target groups which could provide social change. These three kinds of models could be pictured as a “learning Pyramid” as follows:



Model 1 – Values and Awareness

HRE focuses in this model on transmitting issues of human rights to create preliminary awareness creation in the form of public awareness campaign and school based curriculum aiming on creating conducive environment to the normative goals found in the main international human rights instruments, history of human rights and information about key human rights instruments and protection mechanisms as well as issues like child labor and trafficking. Moreover in this model, human rights related courses should be infused in different academic disciplines like history, social science and law in the form of celebrating human rights day, debate clubs. Under this model, public media

coverage and awareness campaign play a vital role to enhance awareness to the larger community.⁶²

Model 2- Accountability

In this category of HRE model, participants are expected to be aware of major human rights issues on through their professional roles and HRE focuses on educating selected participants or professional about their responsibilities to protect and respect human dignity in relation with their designate roles and duties that their profession required to do so. Under this model, participants are required to take special care to protect the rights of people especially the rights of children and disabled. HRE in this model focuses on equipping people by techniques of how to monitor and documenting human rights abuses and work in accordance with national and international human rights bodies. Law enforcement officials like lawyers, prosecutors, judges, police officers, military, health and social service workers, journalists and other member of the media are categorized to engage in Accountability Model of HRE. The main goal in Accountability Model is to apply a human rights framework in people's professional responsibility in a manner which suit human rights principles.⁶³

Model 3 – Transformation

The last model of Transformation focuses on “empowering to acknowledge human rights and prevent human rights abuses and to commit their prevention” in this approach target groups would be the general public. In addition, the model concentrate on providing human rights education in selected vulnerable areas in post-conflict societies, with victims of domestic abuse and with groups serving the poor, in schools based on critical case studies to inspect human rights abuses.⁶⁴

⁶² Tibbitts,F. (2002) Emerging Models of Human Rights Education. Retrieved from http://www.hrea.org/index.php?doc_id=558

⁶³ Ibid

⁶⁴ Ibid

2.4. International Instruments on Human Rights Education

At an international level, International covenants, conventions and treaties provides international instruments which could help states and concerned bodies to encourage the application of HRE and monitor its implementation and related activities. Selective provisions relating to HRE are discussed below

UDHR

Article 26

1. *“Everyone has the right to Education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of Merit”*
2. *“Education shall be directed to the full development of human personality and for the strengthening of respect for human rights and fundamental freedoms..”⁶⁵*

ICESCR

Article 13

1. *“The states parties to the present government recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms...”⁶⁶*

⁶⁵ Universal Declaration of Human Rights Article 26:1-2

⁶⁶ International Covenant on Economic , Social and Cultural Rights Article 13

CRC

Article 29

1 (b) *“States parties agreed that the education of the child shall be directed to the development of respect of human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations.”*⁶⁷

CEDAW

Article 10

*“State parties shall take all appropriate measures to eliminate discrimination against women in order to ensure them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women”*⁶⁸

Vienna Declaration and Programm of Action

Part 1 (Paragraph 33)

“The world conference on Human Rights reaffirms that states are duty – bound, as stipulated in the UDHR and the ICESCR and in other international Human Rights instruments, to ensure that education is aimed at strengthening the respect of Human Rights and fundamental freedoms

The world conference on Human Rights emphasizes the importance of incorporating the subject of HRE programs and calls upon states to do so. Education should promote understanding, peace and friendly relationship between the nations and all racial or religious groups and encourage the development of UNS and dissemination of proper information, both theoretically and practically play an important role in the promotion and respect of Human Rights with regard to all individuals without distinction of any kind such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels. The World Conference on Human

⁶⁷ Convention of Children’s Rights Article 29: 1(b)

⁶⁸ Convention on Elimination of non-Discrimination Against Women Article 10

Rights notes that resource constraints and institutional inadequacies may impede the immediate realization of these objectives.

Part 1

(Paragraph 34)

“Increased effects should be made to assist countries which so request to create the conditions whereby each individual can enjoy UDHR’s and fundamental freedoms. Governments, the UN system as well as other multilateral organizations are agent to increase considerably the resources allocated to programs aiming at the establishment and strengthening of national legislation, national institutions and related infrastructures which uphold the rule of law and democracy, electoral assistance, human rights awareness through training, teaching and education, popular participation and civil society.”

Part 2

(Paragraph 78)

“The world conference on Human Rights consider HRE, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace”

(Paragraph 79)

“States should strive to eradicate illiteracy and should direct education towards the full development of the human personality and to the strengthening of respect for Human Rights and fundamental freedom. The World Conference on Human Rights calls on all states and institutions to include Human rights, Humanitarian law, democracy and rule of law as subject in the curricula of all learning institutions in formal and non-formal settings

(Paragraph 80)

“HRE should include peace, democracy, development and social justice, as set forth in international and regional Human Rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to Human Rights.”

(Paragraph 82)

“Governments, with the assistance of inter-governmental organizations, national institutions and non – governmental organizations, should promote an increased awareness of Human Rights and mutual tolerance. The World Conference on Human Rights underlines the importance of strengthening the world public information campaign for Human Rights carried out by the UNs, they should initiate and support education in Human Rights and undertake effective dissemination public information in this field. The advisory services and technical assistances programs of the UN system should be able to respond immediately to requests from states for educational and training activities in the field of Human Rights as well as for special education concerning standards as contained in international Human Rights instruments and in humanitarian law and their application to special groups such as military forces, law enforcement personnel, police and the health profession. The proclamation of a UNs decade for HRE in order to promote, encourage and focus these education activities should be considered”

I. Plan of Action for the United Nations Decade for HRE.

(Paragraph 2)

2. *“In accordance with those provisions, and for the purpose of the Decade, HRE shall be defined as training, dissemination and information efforts aimed at the building of a universal culture of Human Rights through the imparting of knowledge and skills and the molding of attitudes and direct to:-*
 - a. *The strengthening of respect for Human Rights and fundamental freedoms*
 - b. *The full development of Human personality and the sense of dignity*

- c. *The promotion of understanding, tolerance. Gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups*
- d. *The enabling of all persons to participate effectively in a free society*
- e. *The furtherance of the activities of UNs for the maintenance of peace*

II. Program of Action

HRE

(Paragraph 126)

Encourages all states, in cooperation with the UNs, UNESCO and other relevant international organs, to initiate and develop cultural and educational programs aimed at countering racism, racial discrimination, xenophobia and related intolerance, in order to ensure respect for the dignity and worth of human beings and enhance mutual understanding among all cultures and civilizations. It further urges states to support and implement public information campaigns and specific training programmes in the field of Human Rights, where appropriate formulated in local languages, to combat racism, racial discrimination, xenophobic and related intolerance and promote respect for the values of diversity, pluralism, tolerance, mutual respect, cultural sensitivity, integration and inclusiveness. Such programmes and campaigns should be addressed to all sectors of society, in particular children and young people

(Paragraph 127)

Urges states to intensify their efforts in the field of education, including HRE, in order to promote an understanding and awareness of the causes, consequences and evils of racism, racial discrimination, xenophobia and related intolerance, and also urges states, in consultation with educational authorities and the private sector as appropriate, to develop educational materials, including textbooks, and dictionaries, aimed at combating those phenomena and in this context, calls upon states to give important, if appropriated, to text book and curriculum review and amendment, so as to eliminate any elements that might promote racism, racial discrimination, xenophobia and related intolerance or reinforce negative stereotypes, and to include materials that refutes such stereotypes.

HRE for Public Officials and Professionals

(Paragraph 133)

Urges states to develop and strengthen anti – racist and gender sensitive human rights training for public officials, including personnel in the administration of justice, particularly in law enforcement, correctional and security service as well as among health care, schools and migration authorities

(Paragraph 134)

Urges states to pay specific attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the administration of justice and their trial, and to conduct the nationwide campaigns, amongst other measures, to raise awareness among states organs and public officials concerning their obligations under international convention of all form of racial discrimination and other relevant instruments.

(Paragraph 135)

Requests states, wherever appropriate through cooperation with international organizations, national institutions, NGOs and other private sector, to organize and facilitate training activities including courses or seminars on international norms prohibiting racial discrimination and their applicability in domestic law, as well as on their international Human Rights obligation for prosecutors, members of the judiciary and other public officials.

(Paragraph 136)

Calls upon states to ensure that education and training, especially teacher training, promote respect for Human Rights and the fight against racism, racial discrimination, xenophobia and related intolerance.... It further urges all educators, including teachers at all levels of education, religious communities and the print and electronic media, to play an effective role in HRE, including as a means to combat racism, racial discrimination, xenophobia and related intolerance.

(Paragraph 138)

Urges states to strengthen the Human Rights training and awareness raising activities designed for immigration officials, border police and staff of detention centers and prisons, local authorities and other civil servants in charge of enforcing laws, as well as teachers, with particular attention of the Human Rights of migrants, refugees and asylum – seekers, in order to prevent acts of racial discrimination, xenophobia, and to avoid situations where prejudices lead to decisions based on racism, racial discrimination, xenophobia or related intolerance

(Paragraph 139)

Urges states to provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking of persons.

III. Revised draft Plan of Action for the first phase (2005 – 2007) of The World Program for HRE

(Paragraph 1)

The international community has increasingly expressed a consensus that HRE constitutes a fundamental contribution to the realization of Human Rights. HE aims at developing an understanding of everybody's common responsibility to make Human Rights a reality in each community and in the society at large. In this sense, it contributes to the long term prevention of Human Rights abuses and violent conflicts, to the promotion of equality and sustainable development and enhancement of people's participation in decision-making processes within democratic system, and stated in resolution 2004/71 of the commission on Human Rights.

(Paragraph 3)

In accordance with these instruments, which provide elements of HRE as agreed by international community, HRE can be defined as education, training and information aiming at building a universal culture of Human Rights through the sharing of knowledge , imparting of skills and molding of attitudes....

(Paragraph 4)

HRE encompasses:-

- a. *Knowledge and skills: - learning about Human Rights and mechanisms for their protection, as well as acquiring skills to apply them in daily life*
- b. *Values, attitudes and behavior:- developing values and reinforcing attitudes and behavior which uphold Human Rights*
- c. *Action: - taking action to defend and promote Human Rights.*

CHAPTER THREE

3. CSOS PROFILE AND REVIEW OF ETHIOPIAN JUSTICE SYSTEM

3.1. Profile of CSOs

3.1.1. Action Professionals' Association for the People (APAP)

Background

Action Professional's Association for the Peoples (APAP) is a not – for profit, non-partisan and indigenous non – governmental organization established in 1993 by a group of professionals. APAPA was founded with the objective of accessing justice and human rights information to the marginalized sections of the Ethiopian society so as to bring about an attitudinal change for them to become informed and active participant in the overall development process.

Objectives

1. To facilitate organizational development of community based organizations aimed at capacitating them to provide access to education, livelihood, health and housing to the poor and the disadvantaged
2. To build the capacity of and create partnership with government organs, academic institutions and professional associations aimed at provision of support to joint initiatives in areas of basic social service delivery to the poor and the disadvantaged.
3. To make available relevant information aimed at creating a more enabling environment for effectively access quality socio – economic services for the poor and the disadvantaged.

Programs

I. Organizational Development of Community Based Organizations Program

Improving the information base, skills and competencies and other resources of CBOs and social groupings of the poor in the areas of basic socio – economic services like education, primary health care, food and housing to the poor and the disadvantaged being the main intervention of the program.

II. Capacity Building and Partnership Development Program

Strengthening the capacity of relevant governmental and non – governmental stakeholders to efficiently support CBOs and create access to services like education, primary health care, food and housing being the main intervention of the program the

III. Research, Publication and Documentation Program

Creating information and knowledge base for actors involved in accessing socio economic services and make their intervention informed and meaningful being the main intervention of the program. The following specific activities would also be undertaken

- Conducting and availing research out puts and other relevant information for actors involved in accessing socio – economic services to the community
- Promote socio – economic service provision, professional volunteerism, resource mobilization, constituency building and organizational development of CBOs as development actors using various kinds of mediums like IEC materials or print and electronic media
- Document and publish relevant experience of APAP and partners for learning and designing of future interventions in the areas of socio – economic services to the poor and disadvantaged.

3.1.2. Vision Ethiopian Congress for Democracy (VECOD)

VECOD was founded at the Addis Ababa University on February 7, 2003 by five individuals with sound educational background and experience relevant to civic education. These individuals are representative of the Ethiopian ethnic and gender configuration.

Objectives

1. Foster democratic values and practices so as to enrich civic empowerment.
2. Sensitize the public at large of the aims, objectives and practices of human rights, constitutional law, and self – government.
3. Monitor democratic processes, including human rights abuses.
4. Perform human resource development and humanitarian activities

Programs

- I. Conduct sessions, seminars, workshops and humanitarian activities
 - Principles and practices of democracy
 - Election Administration and Election monitoring
 - Democratic Leadership and Management, Labor Education, Home and Family Management, Public Administration, Policy Development and Management
 - The roles and functions of Political Parties
 - Human Rights and Constitutional Law
 - Gender Issues
 - Women’s and children’s rights
 - How to start small business (SB), and how to improve small business
- II. Perform humanitarian activities as necessary
- III. Monitor democratic process such as freedom of speech and assembly
- IV. Research human rights problems and disseminate information
- V. Provide consultancy service on leadership, local governance, and on legal, social, political issues to political parties, interest groups, individuals and the community at large
- VI. Research on government service and find ways to get them improved
- VII. Research on child development practices and find ways to improve quality
- VIII. Research on gender issues and find ways of improvement
- IX. Find ways of combating the HIV/AIDS epidemic
- X.

3.1.3. Ethiopian Women Lawyers Association (EWLA)

Background

Objectives

Protecting the economic, political, and legal rights of women and to secure full protection of women's rights under FDRE constitution and international human rights convention.

Programs

EWLA's programs are:-

I. Provide free legal aid services

Including legal advice, mediation, counseling, court representation, financial support, psycho – social support (referral), hotline service, reporting criminal cases

II. Public Education and Capacity Building

Awareness of rights through education is one of the main method of through which EWLA promotes women's rights. WELA has a legacy of providing public education on women's rights throughout the nation. Millions of people have benefited from the various public education programs throughout the years. Program also aims to sensitize legal and moral duty bearers which led to improvements in the handling of cases of women and girls in the justice system. Over 50,000 people have participated directly in the public education activities. In addition EWLA has reached over 3 million people indirectly.

III. Research and Advocacy

EWLA considers undertaking research projects that are often used as a basis for advocacy, legal reform and related programs as its main strategy. The research findings serve as advocacy materials in order to bring about policy and practice changes as well as to create public awareness in order to protect women's rights. EWLA succeeded in advocacy and lobbying to reform discriminatory laws which resulted in revised laws such as

- The Revised Family Law

- The Revised Criminal Law
- Pension Law
- Sexual Harassment Guideline

In addition, EWLA lobbied for amendment of the Criminal Procedures Code to review the procedures that negatively affect investigation and prosecution of gender based crimes. Enactment of domestic violence act and sexual harassment law.

3.1.4. Justice for all Prison Fellowship Ethiopia (JFA-PFE)

Background

JFA-PFE is a non – governmental, non - profit seeking organization established in 1982 aiming to work on justice, human rights, good governance, and democracy contributing an effort to the endeavor of the government in creating a better and modern societal system. It is established with a vision to see a prosperous, peaceful and democratic Ethiopia where efficient, quality, effective, fair and accessible justice system that meets the requirement of international human rights standards

Objectives/ Mission

- Capacity building of the legislative, the executive, and judicial arms of the government
- Advocate for the improvement of the justice system to achieve International Human Rights Standards
- Work on peace building, managing conflict, and creating a culture of tolerance to contribute to the development of the country
- Meet, in holistic ways, the needs of prisoners and work on reintegration of ex-prisoners and families of victims.

Programs

JFA –PFE implements four major programs through its various departments. The four programs can be classified as:

I. Advocacy, Lobby and Policy Dialogue

This program is the first major program of JFA-PFE has embarked upon to improve the country's justice sector performances. Activities under this program include identifying gaps in the numerous legal instruments guiding the workings of the justice sector and putting forth recommendations for review and improvement of mal-functional, archaic policy, regulation and procedure or for the promulgation of new legal instruments deemed necessary. Towards this cause, pertinent training events are offered to professionals in the justice sector on issues such as community policing, abolition of death penalty, forensic pathology, psychiatry, drug trafficking, etc. The advocacy component of the program focuses, among others, on restorative justice, community service, and court annexed alternative dispute resolution. These advocacy and policy interventions are always based on relevant research while efforts aimed at filling identified gaps are made simultaneously through experience sharing travels locally and abroad and in collaborations with major justice bodies through events such as National and Regional Joint – up Justice Forums, bilateral and multilateral discussions, etc. Moreover, the experience sharing visits abroad and locally have playing a chief role in setting benchmarks for improving standards.

II. The Capacity Building and Awareness Raising

This program has contributed significantly to raising both the technical and material the capacity of justice officials in the country. A need has been identified to raise the capacity of officials in the justice sector to ensure an effective justice system, guarantee the supremacy of the law and maintain full respect of human rights. In 2011, a few of the capacity building trainings and forums include the following: Human Rights Training for Judges, Prosecutors, Regional Police, Militia, Leadership training for local government officials, etc. It has been proven that the quality of the justice system and protection of human rights has been improving through the capacity building training undertaken. Studies are conducted identifying gaps in the justice delivery and human rights protection work; results of the studies then provide a benchmark for the trainings. Apart from such need – based capacity building training, JFA – PFE has taken it upon itself to back the

justice sector performances though provision of materials whenever required resources are available.

Training for Addis Ababa Police Officials (Compiled from JFA-PFE Year Book 2011)

Full respect to human rights protection is only possible with the unrestrained involvement of several stakeholders. Police officials are among those that play crucial role in ensuring human rights protection. Raising the capacity of police officials would be tantamount to injecting more sensitivity of policing to human rights protection. In view of this, a capacity building training was offered in four rounds to the Addis Ababa police officials in the city of Adama.

The first- and second-round training was focused on the topic of the role of investigators in ensuring human rights protection in the process of crime and traffic accident investigations. Each round training was conducted for the duration of three days. In the first two rounds, 171 police officials participated. The first round was conducted from 16-19 March, 2011 and the second round of training from 26-29 March, 2011. Training objectives include:

- Identify type and source of human rights violations and put forth recommendations for tackling them;
- Raising the investigation and forensics capabilities of detective police members.
- Raising the knowledge of the police on human rights protection
- Assessing the guideline of the Addis Ababa police investigators against human rights protection principles.

Participants held group discussions on the causes of human rights breaches and on best ways and means of tackling them. Each group then reported back to all the participants its finding. These were the points the participants converged on:

- That they were committed to respect the FDRE constitution in the process of conducting investigations;

- That they were committed to respect basic human rights in the process of traffic accidents' investigations;
- That they were committed to fight unethical behaviors in connection with the work of traffic accidents' investigations;
- That they were committed to carry out investigations in line with "Crime and Traffic Accident Investigation Manual".
- That they would do all they could to integrate their efforts so as to help the country's justice system become efficient, accessible and quality.

The third- and fourth round training events were held at the same venue. The training brought together 175 police officials drawn from sub-cities in Addis Ababa.

The training was held on the lead topic of the role of the police in ensuring full respect to human rights. These rounds saw presentation of two papers. The first paper was presented by Ato Getahun Kassa on the topic: The Role of Police in the Protection of Human Rights.

The second paper was presented by Ato Demelash Kassahun (at the time pursuing his PhD. Study in social science). His paper focused on two issues: The Mission of Police in the Protection of Human Rights; and Community Policing.

Upon the conclusion of the training, the participants said the training enabled them to see that there remained much to be done in terms of human rights protection.

Similarly, training was given to the police officers of the Addis Ababa Police Commissions on issues related to the foregoing. The training was conducted under the lead topic of the role of police officers in ensuring human rights protection. Some 144 participants attended the training held from December 10 -12, 2011 on the premises of the Police Headquarters in Addis Ababa.

III. Holistic Support

This is a third major area of strategic intervention of JFA-PFE. Under this program, ranges of activities come into play towards providing supports to improve inmate's care in correctional centers. JFA-PFE works in collaboration with over 65 correctional centers throughout the country to improve the lives of inmates. Its focus is mainly on those deemed vulnerable, women inmates and their children who are forced to remain under the custody of in prisons with their parents due to absence of someone to care for them. Some of the support provided by JFA-PFE include: the construction of living quarters for women prisoners that meet international standards, provision of basic supplies to inmates, counseling, food/nutrition, clothing and education for the children living inside the correctional centers, facilitating skills training for young offenders (both male and female), materials for vocational training centers in prison, etc.

IV. Studies and Research

Under this program, conducting research studies, gaps in justice deliver have been identified and the findings have been used to design important interventions for capacity building and awareness raising, for advocacy and lobbying, and for holistic support. In 2011, a baseline study was done to assess the human rights protection status in Gambella and Afar Regional States; justice officials had the opportunity to travel to the United Kingdom, and Kenya for experience sharing; and much more.

As aforementioned, JFA-PFE has implemented various activities and events through its four major programs.

3.1.5. Human Rights Council (HRCO)

Background

The then Ethiopian Human Rights Council now named as Human Rights Council is a non- governmental not for profit organization established on 1991 and is the only organization which monitor human rights abuses and reporting in the country

HRCO has an observer status in the African Commission on Human and People's Rights, is a member of World Organization Against Torture and is also a corresponding member of the International Federation of Human Rights.

3.1.6. Ethiopian Lawyers Association (ELA)

Profile

The Ethiopian Lawyers' Association (ELA) is a non-profit making and a non-partisan professional association of attorneys. It is established with the aim of promoting the interest of its members and the development of the legal profession. It also upholds rule of law, the independence of the judiciary, good governance and human rights. It endeavors to ensure the dignity and independence of the profession and to upgrade the legal skills of practicing lawyers along with the provision of free legal aid to those who are needy.

ELA was initially organized under the name Advocates' Welfare Association in 1965. As the name indicates, it was only organized for social purpose. One year later, the Association evolved into Advocates' Association in 1966 and registered with the then Ministry of Interior. It was later renamed Ethiopian Bar Association in 1967.

ELA is a founding member of Pan African Lawyers' Union (PALU) who headquarters is in Addis Ababa, Ethiopia.

The Association currently has about 533 members out of which only 24 are women lawyers. All members are private practitioners.

Activity1

Continuing Legal Education

Continuing Legal Education is designed to upgrade the legal knowledge and legal skills of lawyers with the objective of training of members. This program also aims at acquainting Ethiopian Lawyers with new laws and legislations and at providing a forum of discussion on current legal issues.

Activity2

Law Reform and Advocacy

The Law Reform and Advocacy program is aimed at proposing amendments and new laws to contribute to the developments in law and in the administration of justice in Ethiopia.

It also includes the creation of awareness of the general public in law and human rights through research and publication.

It is organizing workshop on constitutional topics to acquaint lawyer, judges and Parliamentarians with the constitution.

ELA has already participated in the deliberations of various bills, including the new criminal code when it was at a drafts stage, Evidence law, Procedure law, and Anti-Corruption law. It is a standing member of the committee for judicial reform under the Court Administration Reform Program (CARP).

Activity3

Legal Aid Services

Providing legal aid service to those who are economically and social underprivileged is an objective imperative in Ethiopia given the prevalent poverty. It aims at making justice accessible to the needy.

Immediate Objectives

The immediate objectives of ELA are those problems identified and to be tackled in the near future. In this regard, ELA has initiated the following activities:

- Promote the participation of its members and activate the various organs of the Association
- Provide legal assistance for those who are needy.

- Perform sustained activities to create public awareness about the Association, law and human rights.
- Make the necessary preparations for the construction of the future office of the Association.

3.2. Review of Ethiopian Justice System

3.2.1 Law-Making Institutions

3.2.1.1. Federal Institutions

(1) The Federal Legislature

The Constitution of the Federal Democratic Republic of Ethiopia (FDRE Constitution) establishes a two-house parliament for the federal government: the House of Peoples' Representatives and the House of Federation. Although the FDRE Constitution establishes a two-house parliament, the Ethiopian Parliament is not bicameral in the strict sense of the term. The highest legislative authority is vested in the House of Peoples' Representatives (HPR), which is comparable to the first or lower chamber of a legislature, normally serving the interests of the people in the federation as a whole. The members of the HPR are elected by a plurality of the votes cast in general elections every five years. The HPR has 550 members, and at least 20 seats are reserved for minority nationalities and peoples in order to ensure their representation. However, the FDRE Constitution does not define these groups, save that it declares that particulars shall be determined by law.

The Ethiopian system is essentially parliamentarian, where the political party or parties with the greatest number of seats in the HPR shall form and lead the executive and approve the appointment of members for the executive Council of Ministers and the Prime Minister. The HPR shall also nominate the candidate for the president, who will be accepted by a two-thirds majority of both chambers of the legislature. The President has no real powers, but should, similar to other constitutional presidents and monarchs,

formally sign all new laws coming from the HPR. The Prime Minister has extensive powers, akin to those of presidents in presidential systems.

Members of the HPR are popularly elected for a five-year term in a “first-past-the-post” electoral system. The most important function of the HPR is to enact laws on matters assigned to federal jurisdiction and ratify national policy standards. The HPR also exercises other important functions including the appointment of federal judges, the ratification of international agreements and the investigation of the conduct of members of the executive.

The House of the Federation (HOF) is the second or upper chamber in the federal government of Ethiopia. In conventional federal systems, the second chamber serves as the representative institution for the regional units. In the Ethiopian system, the HOF has essentially the same function, but in the FDRE Constitution, this is formulated in a slightly different way: it is not composed of representatives from the federal units, but “of representatives of Nations, Nationalities and Peoples”.

Each officially recognized ethno-national group should have in principle one representative in the HOF. Additionally, the population number of each nation or nationality is taken into consideration by giving one representative extra for each million of its population. Members of the HOF are elected by the State Councils in each regional state. The HOF is given the most important power of the interpretation of the FDRE Constitution. The HOF is also empowered to decide upon issues related to the rights of states to self-determination including secession, find solutions to disputes between states, and determine the division of joint federal and state revenues and the federal subsidies to the states.

(2) The Federal Executive

(i) The Prime Minister

The power of government is granted to the majority party in the House of Peoples’ Representatives (HPR), and the highest executive powers of the federal government are

vested in the Prime Minister and Council of Ministers, who are accountable to the HPR. The Prime Minister is elected from among members of the HPR and is not subject to a term limit. The Prime Minister has the following powers and functions:

- The Prime Minister is the Chief Executive, the Chairman of the Council of Ministers, and the Commander-in-Chief of the national armed forces.
- The Prime Minister shall submit for approval to the House of Peoples' Representatives nominees for ministerial posts from among members of the two Houses or from among persons who are not members of either House and possess the required qualifications.
- He shall follow up and ensure the implementation of laws, policies, directives and other decisions adopted by the House of Peoples' Representatives.
- He leads the Council of Ministers, coordinates its activities and acts as its representative.
- He exercises overall supervision over the implementation of policies, regulations, directives and decisions adopted by the Council of Ministers.
- He exercises overall supervision over the implementation of the country's foreign policy.
- He selects and submits for approval to the House of Peoples' Representatives nominations for posts of Commissioners, the President and Vice-President of the Federal Supreme Court and the Auditor General.
- He supervises the conduct and efficiency of the Federal administration and takes such corrective measures as are necessary.
- He appoints high civilian officials of the Federal Government other than those referred to in sub-Articles 2 and 3 of this Article.
- In accordance with law enacted or decision adopted by the House of Peoples' Representatives, he recommends to the President nominees for the award of medals, prizes and gifts.
- He shall submit to the House of Peoples' Representatives periodic reports on work accomplished by the Executive as well as on its plans and proposals.

- He shall discharge all responsibilities entrusted to him by this Constitution and other laws.
- He shall obey and enforce the Constitution.

(ii) The Council of Ministers

The Council of Ministers along with the Prime Minister is vested with the highest executive authority. The Council of Ministers comprises the Prime Minister, the Deputy Prime Minister, Ministers and other members as may be determined by law. The Council of Ministers has the following powers and functions:

- The Council of Ministers ensures the implementation of laws and decisions adopted by the House of Peoples' Representatives.
- It shall decide on the organizational structure of ministries and other organs of government responsible to it; it shall coordinate their activities and provide leadership.
- It shall draw up the annual Federal budget and, when approved by the House of Peoples' Representatives, it shall implement it.
- It shall ensure the proper execution of financial and monetary policies of the country; it shall administer the National Bank, decide on the printing of money and minting of coins, borrow money from domestic and external sources, and regulate foreign exchange matters.
- It shall protect patents and copyrights.
- It shall formulate and implement economic, social and development policies and strategies.
- It shall provide uniform standards of measurement and calendar.
- It shall formulate the country's foreign policy and exercise overall supervision over its implementation.
- It shall ensure the observance of law and order.
- It has the power to declare a state of emergency; in doing so, it shall submit, within the time limit prescribed by the Constitution, the proclamation declaring a state of emergency for approval by the House of Peoples' Representatives.

- It shall submit draft laws to the House of Peoples’ Representatives on any matter falling within its competence, including draft laws on a declaration of war.
- It shall carry out other responsibilities that may be entrusted to it by the House of Peoples’ Representatives and the Prime Minister.
- It shall enact regulations pursuant to powers vested in it by the House of Peoples’ Representatives.

3.2.1.2. State Institutions

The Federal Democratic Republic of Ethiopia consists of the Federal Government and nine member States (also referred to as regions or regional States) and two federal cities, Addis Ababa and Dire Dawa. The nine member States of the federation are the State of Tigray, the State of Afar, the State of Amhara, the State of Oromia, the State of Somalia, the State of Benshangul/Gumuz, the State of the Southern Nations, Nationalities and Peoples, the State of Gambela, and the State of Harari People. The FDRE Constitution provides that the nine member States of the federation shall have legislative, executive and judicial powers over matters falling under State jurisdiction. Within their legislative mandate, the member States of the federation have the power to enact and execute state constitutions. All member States of the federation have enacted their respective constitutions. The State constitutions provide the details of the legislative, executive and judicial branch of State administration.

(1) The State Legislature

The FDRE Constitution empowers member states of the federation to establish a legislative organ called the State Council. The State Council is composed of representatives accountable to the people of the State. The State Council represents the highest level of state authority, and has the power of legislation on all matters falling under state jurisdiction. The State Council is also given the power to draft, adopt and amend the state constitution. State Constitutions provide the number of the members of the State Councils in each state and the modalities of their election. Most States have only a single parliamentary Council that both enacts laws and decides State constitutional issues. In at least two States, however, second legislative houses have been established to

decide State constitutional issues, similar to the role of the Federal House of Federation. Where they exist at State level, these separate constitutional decision-making parliamentary bodies are known as the House of Nationalities.

(2) The State Executive

The State administration constitutes the highest organ of executive power. The State administration has a Chief Administrator, or Regional Administrator as its chief executive officer. The Chief Administrator is elected among members of the State Council by a political party or coalition of political parties that constitutes a majority in the State Council. The Chief Administrator establishes the State executive council and nominates its members. The members of the State executive council (the Chief Administrator, Deputy Administrator and the heads of the various regional bureaus) need to be confirmed by the State Council. State executive councils have the power to implement laws and policies enacted by the State Council and the federal legislature. The State executive structure is replicated in lower State administration levels such as Zones and *Weredas* (districts).

3.2.1.3 The Judiciary

Federal Courts

(A) Structure and Jurisdiction

Ethiopia has a dual judicial system with two parallel court structures: the federal courts and the state courts with their own independent structures and administrations. Judicial powers, both at Federal and State levels, are vested in the courts. The FDRE Constitution states that supreme federal judicial authority is vested in the Federal Supreme Court and empowers the HPR to decide by a two-third-majority vote to establish subordinate federal courts, as it deems necessary, nationwide or in some parts of the country. There is a Federal Supreme Court that sits in Addis Ababa with national jurisdiction and until recently, the Federal High Court and First Instance Courts were confined to the federal cities of Addis Ababa and Dire Dawa. In recent years, Federal High Courts have been

established in five States. Federal courts at any level may hold circuit hearings at any place within the State or “area designated for its jurisdiction” if deemed “necessary for the efficient rendering of justice.” Each court has a civil, criminal, and labor division with a presiding judge and two other judges in each division.

The Federal Supreme Court includes a cassation division with the power to review and overturn decisions issued by lower federal courts and State Supreme Courts containing fundamental errors of law. Besides, judicial decisions of the Cassation Division of the Federal Supreme Court on the interpretation of laws are binding on Federal as well as State courts.

The Federal Courts Proclamation allocates subject-matter jurisdiction to federal courts on the basis of three principles: *laws*, *parties* and *places*. It stipulates that federal courts shall have jurisdiction over, first, “cases arising under the Constitution, federal laws and international treaties,” second, over *parties* specified in federal laws.” Article 3(3) of the Federal Courts Proclamation states that federal courts shall have judicial power in places specified in the FDRE Constitution or in federal laws. Article 5 of the same Proclamation stipulates that federal courts shall have civil jurisdiction over “cases to which a federal government organ is a party; suits between persons permanently residing in different regions; cases regarding the liability of officials or employees of the federal government in connection with their official responsibilities or duties; cases to which a foreign national is a party; suits involving matters of nationality; suits relating to business organizations registered or formed under the jurisdiction of federal government organs; suits regarding negotiable instruments; suits relating to patent, literary and artistic-ownership rights; and suits regarding insurance policy and application for *habeas corpus*’.

Article 4 of the Federal Courts Proclamation bestows upon federal courts criminal jurisdiction over: offences against the national state; offences against foreign states; offences against the law of nations; offences against the fiscal and economic interests of the federal government; offences regarding counterfeit currency; offences regarding forgery of instruments of the federal government; offences regarding the security and

freedom of communication services operating within more than one region or at international level; offences against the safety of aviation; offences of which foreigners are victims or defendants; offences regarding illicit trafficking of dangerous drugs; offences falling under the jurisdiction of courts of different regions or under the jurisdiction of both the federal and regional courts as well as concurrent offences and offences committed by officials and employees of the federal government in connection with their official responsibilities or duties.

(B) Accountability and Administration

The FDRE Constitution provides that the President and Vice-President of the Federal Supreme Court shall be appointed by the House of Peoples' Representatives upon the recommendation of the Prime Minister; other federal judges are appointed by the HPR from a list of candidates selected by the Federal Judicial Administration Commission.

The FDRE Constitution prohibits the removal of judges before retirement age except for violation of disciplinary rules, gross incompetence or inefficiency, or illness that prevents the judge from carrying out his responsibilities. Such determinations are made by the Federal Judicial Administration Commission, which likewise decide issues of appointment, promotions, disciplinary complaints, and other conditions of employment.

The Federal Judicial Administration Commission is a nine-member body comprising of six Federal judges and three members of the House of Representatives. The Commission is composed of the following members:

- The President of the Federal Supreme Court, Chairman;
- The Vice-President of the Federal Supreme Court;
- Three members of the House of Peoples' Representatives;
- The most senior judge of the Federal Supreme Court;
- The President of the Federal High Court;
- The most senior judge of the Federal High Court ;
- The President of the Federal First Instance Court.

The Federal Judicial Administration Commission has the following powers and duties:

- To select those who qualify for judgeship in accordance with Article 8 of this Proclamation from among candidates nominated by members of the Commission;
- To forward its opinion on the list of Regional Supreme and High Court candidate-Judges, submitted to it by a Regional Judicial Administration Commission pursuant to

Article 81 (4) of the Constitution;

- To issue the Disciplinary and Code of Conduct Rules for federal judges; ,
- To decide on the transfer, salary, allowance, promotion, medical benefits and placement of federal judges;
- To examine and decide in accordance with Article 79 (4) of the Constitution, matters presented to it pursuant to article 9 herein. It may suspend a judge until the decision is approved by the House of Peoples' Representatives, subject to details to be determined in the Disciplinary and Code of Conduct Rules.

The day-to-day operations of the Federal Courts in Ethiopia are supervised and managed by court presidents, who therefore act both as judges and administrators with responsibilities and obligations towards the President of the Supreme Court.

State Courts

(A) Structure and Jurisdiction

The FDRE Constitution provides for the establishment of three levels of State courts: the State Supreme Court (which also incorporates a cassation bench to review fundamental errors of state law), High Courts, and First-Instance Courts. State Supreme Courts sit in the capital cities of the respective States and have final judicial authority over matters of State law and jurisdiction. State High Courts sit in the zonal regions of States while State First Instance Courts sit at the lowest administrative levels of States.

The FDRE Constitution delegates to State Supreme Courts and State High Courts the jurisdictions of the Federal High Court and Federal First Instance Courts respectively. In order to guarantee the right of appeal of the parties to a case, decisions rendered by a State High Court exercising the jurisdiction of the Federal First Instance Court are appealable to the State Supreme Court while decisions rendered by a State Supreme Court on federal matters are appealable to the Federal Supreme Court.

(B) Accountability and Administration

The State systems of judicial administration and accountability mirror the federal process. The State governments have also established Judicial Administration Commissions with a view to safeguarding the independence and accountability of State Courts. With respect to appointment, the President and Vice-President of the State Supreme Court are recommended by the President (Chief Executive Office) of the States and appointed by the State Council; all other State judges are appointed by the State Council based upon recommendations made by the State Judicial Administration Commission. Similar guarantees of tenure of judges exist in State Judicial Administration Commissions.

Municipal Courts

The Addis Ababa City Charter creates two levels of City Courts exercising municipal jurisdiction: First Instance and Appellate Courts. There is no Supreme Court in the municipal system, although a cassation bench is included within the Appellate Court. Cassation review of the Appellate Court decisions can be brought before the Federal Supreme Court, which also decides jurisdictional conflicts between the city and federal courts. The Addis Ababa City Courts have civil, criminal and petty offence jurisdiction. The State of Oromia has also established similar Municipal Courts in cities with more than 10, 000 people.

Social Courts

The Addis Ababa City Charter established *Kebele*. Social Courts (more than 200 *Kebeles* exist in Addis Ababa) to hear property and monetary claims up to 5,000 birr. Social Court

decisions can be appealed to the First-Instance City Courts. If there is a fundamental error of law in the decisions of the First-Instance City Courts on appeal from Social Courts, it can be a ground to lodge cassation before the Appellate Court of the City. Some States have also established Social Courts that handle small claims and minor disputes.

Religious Courts

The FDRE Constitution provides the framework for the independent validity of non-state or unofficial laws such as customary and religious laws in some fields of social activity. Article 34 (5) of the FDRE provides that: “This Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious and customary laws, with the consent of the parties to the dispute. Particulars shall be determined by law.” Article 78(5) of the FDRE Constitution also stipulates that: “Pursuant to sub-Article (5) of Article 34 the House of Peoples’ Representatives and State Councils can establish or give official recognition to religious and customary courts that had state recognition and functioned prior to the adoption of the Constitution shall be organized on the basis of recognition accorded to them by this Constitution.” As can be gleaned from the above-cited constitutional provisions, formal legal pluralism under Ethiopia’s new constitutional order is confined to certain matters: only personal status and family law.

To date, Sharia Courts that apply Islamic law are the only religious courts that have been officially established both at the federal and state levels. Sharia Courts apply only Islamic law and have their own appellate system. They are required, however to follow the procedural rules of ordinary courts and receive their budgets from the state. Parties must voluntarily submit to the jurisdiction of these courts, or the dispute should be redirected to the regular courts. Proclamation 188/1999 spells out the circumstances under which Islamic law can be applied by Sharia courts at the federal level. The Sharia Courts at the federal level have been reconstituted in to a three-level judicial structure, distinct from the regular federal judicial structure. These are: (1) Federal First-Instance Court of Sharia, (2) Federal High Court of Sharia, and (3) Federal Supreme Court of Sharia. Like the federal state judicial organs, all the federal Sharia courts have been made accountable

to the Federal Judicial Administration Commission. All of the State Councils have also given official recognition to Sharia Courts within their respective jurisdictions.

Article 4(1) of Proclamation No. 188/1999 stipulates that Federal Courts of Sharia have common jurisdiction over the following matters:

- Any question regarding marriage, divorce, maintenance, guardianship of minors and family relationships; provided that the marriage to which the question relates was concluded or the parties have consented to be adjudicated in accordance with Islamic law;
- Any question regarding Wakf, gift/Hiba/, succession of wills, provided that the endower or donor is a Muslim or the deceased was a Muslim at the time of his death;
- Any question regarding payment of costs incurred in any suit relating to the aforementioned matters.

Sub-Article (2) of the same reiterates the principle of parties' consent as the basis for the adjudicatory jurisdiction of Sharia courts. Sharia courts can assume jurisdiction "only where... the parties have expressly consented to be adjudicated under Islamic law." Tacit consent has also been provided for in addition to express consent. Pursuant to Article 5(2) of Proclamation No. 188/1999, failure to appear before the Sharia court amounts to consent to the court's jurisdiction on condition that the defaulting party has been duly served with summons. Thus, the suit will be heard *ex parte*. Article 5(3) of the same provides that in the absence of clear consent of the parties for the case to be adjudicated by the court of Sharia before which the case is brought, such court shall transfer the case to the regular federal court having jurisdiction. Moreover, once a choice of forum has been made by the plaintiff and the defendant has consented to the jurisdiction of such a forum, under no circumstance can either party have their case transferred to a regular court.

Customary Courts

Customary courts are not established by law, despite their constitutional recognition. They are only recognized, not created, by law. The authority of these courts stems from tradition and local customs. These courts have evolved from traditional elder councils, which do not have legal authority, but carry moral force and still operate widely as primary decision-makers in rural areas throughout Ethiopia. To name but a few of the customary courts: the Shemagelle in Amhara, the Bayito and Abo Gereb in Tigray, and the Luba Basa in Oromia. In addition, the choice whether to take a dispute to regular courts or to one of those non-official forums is entirely left to the parties.

Alternative Dispute Resolution Mechanisms

Alternative Dispute Resolution Mechanisms as they are applied here refer to the mechanisms of resolving differences through processes other than formal litigation in courts. This section outlines the mechanisms found in formal laws and institutions rather than customary/ traditional methods.

CHAPTER FOUR

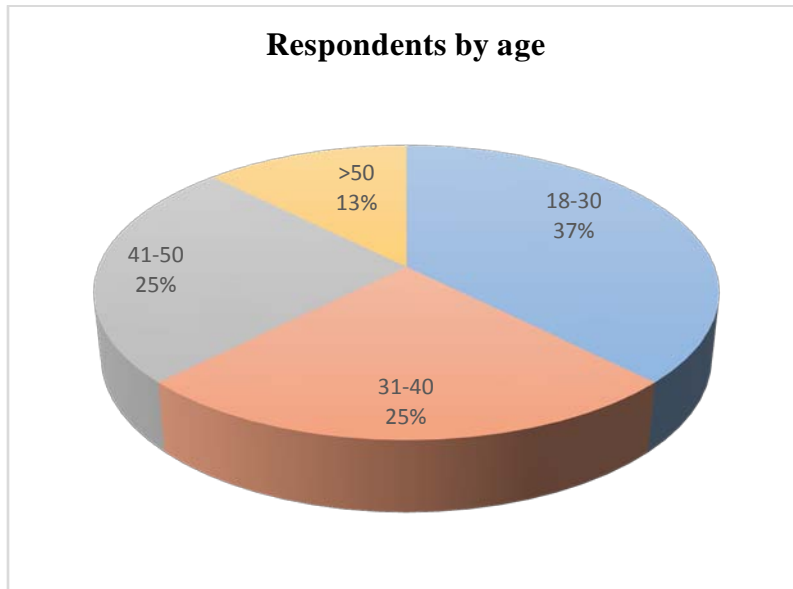
DATA ANALYSIS AND INTERPRETATION

4. The Role of Civil Society Organization on HRE in Ethiopian Justice System

4.1. Analysis and Interpretation of respondents' general information

4.1.1. Respondents by Age

Fig.1



As per Fig. 1, 37% of respondents are between 18-30 years of age, 50% are encompasses the age between 31-50 and only 13% are above 50 years of age.

4.1.2. Respondents by Sex

Fig. 2

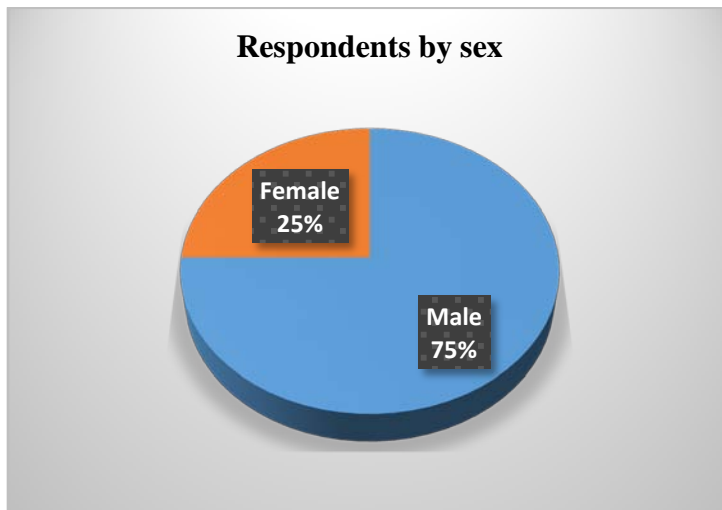
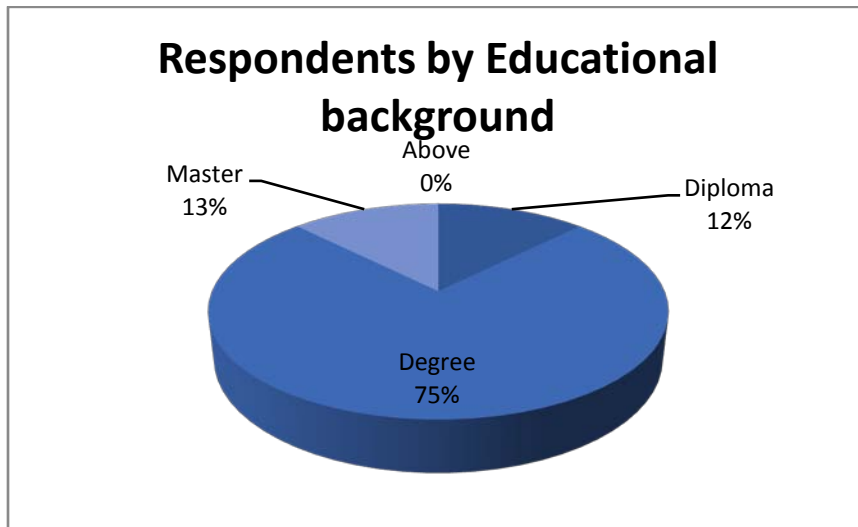


Fig. 2 clearly shows that 75% of the respondents are male and 25% are female respondents, which shows that greater number of individuals working as an expertise are occupied by male.

4.1.3. Respondents by Education Background

Fig.3 below illustrates that 75% of the respondents are Degree holders which makes the data very reliable in terms of receiving professional responses from sample CSOs respondents.

Fig. 3



4.1.4. Respondents by duties and responsibilities

Fig. 4

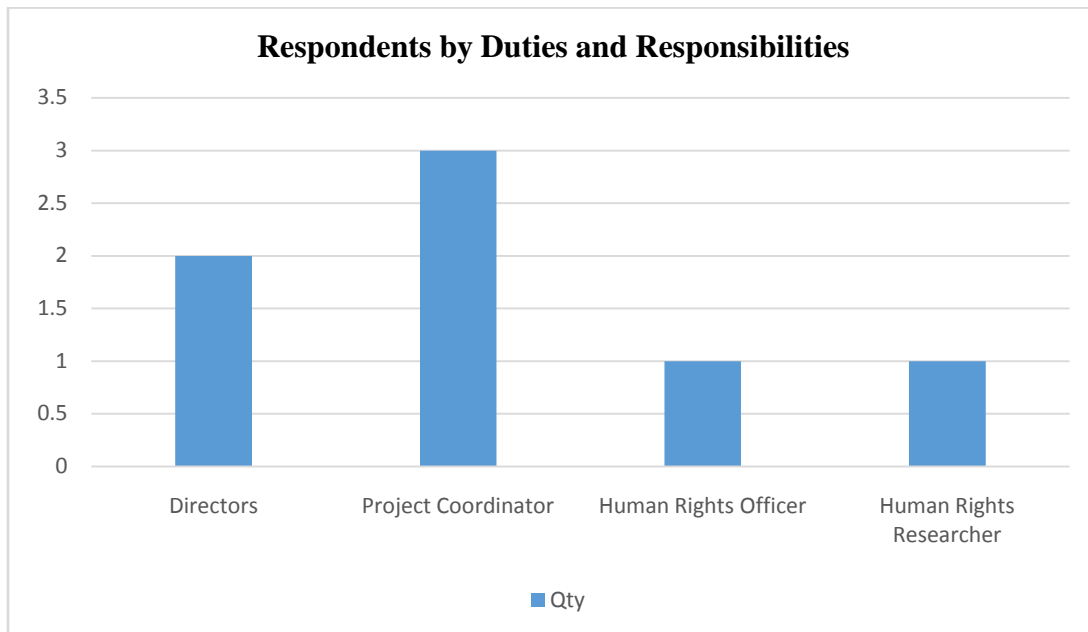


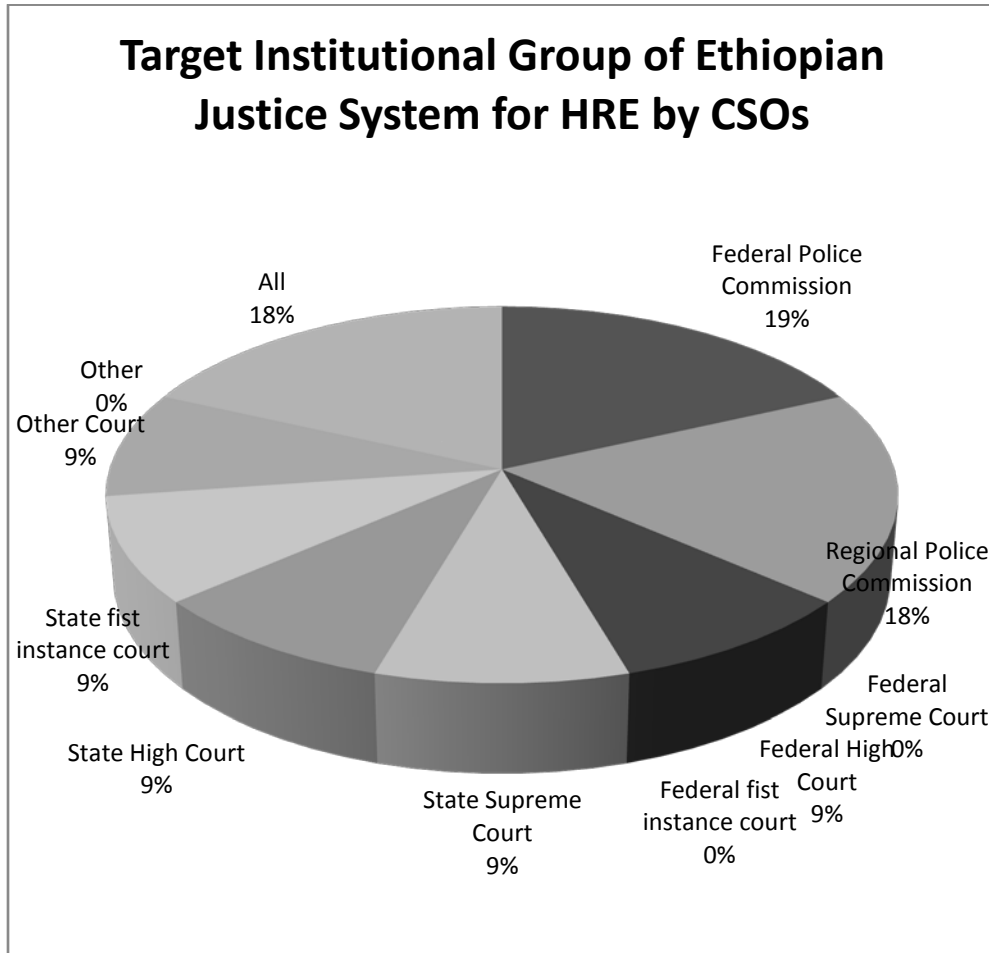
Fig. 4 shows that all respondents are expertise in the area of Human rights, most of the respondents are Project coordinators and directors, and some are human rights officers and researchers on human rights, rule of law and governance issues providing a reliable

information, comments and suggestions on roles of CSOs on conducting human rights education in Ethiopian Justice System.

4.2. Analysis and Interpretation of CSOs’ target group in Ethiopian Justice System

4.2.1. Target Institutional group of Ethiopian Justice System for HRE by CSOs

Fig.5

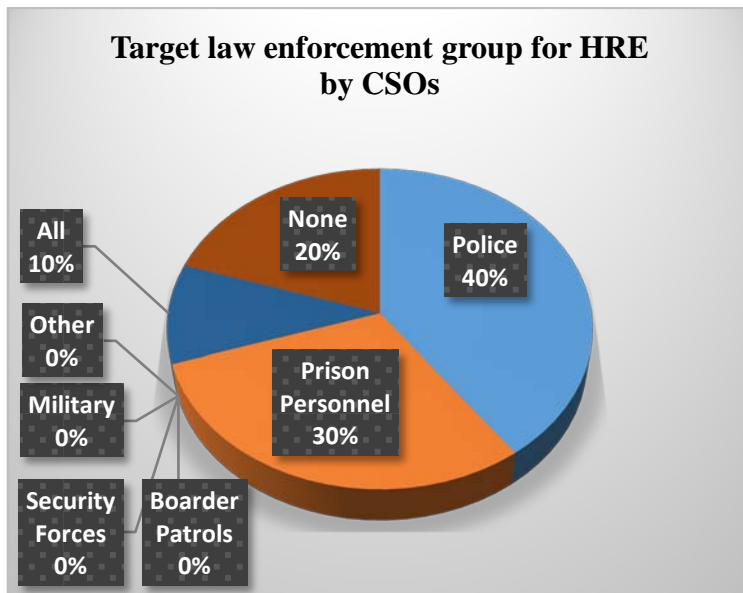


CSOs engaged in different justice sectors in addressing Human Rights Education, 19% of CSOs are focusing on providing Human Rights Education for Federal Police Commission, 18% of CSOs are encompassing Human Rights Education to Regional Police Commission only, where as 18% of CSOs are providing human rights education to all targeted justice system in Ethiopia. For instance JFA-PFE and HRCO are covered all

mentioned justice sectors in Ethiopia though the researcher couldn't get annual report from these two CSOs.

4.2.2. Target Law Enforcement Group for HRE by CSOs

Fig. 6



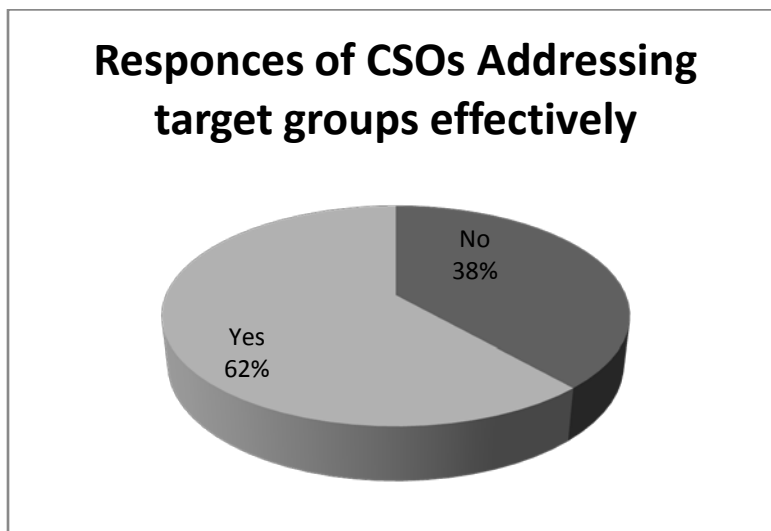
Target law enforcement group(s) for HRE by CSOs shown in the above figure provides that 40% of law enforcement group covered by CSOs to address human rights education is Police and 30% are addressed to Prison Personnel, others like border patrols, security forces, military are insignificant in number which CSOs are not focused on. JFA-PFE addressed Militias in its Capacity Building program, the organization is doing its human rights education activities by preparing a training manual specifically to Police and Militias. The intended beneficiaries of this program are members of the militia who have a dominant presence in the rural parts of the country and are likely engaged in the daily enforcement of law and court orders. The training is intended to be implemented with the view to address their needs in raising awareness in human rights and the relevance of human rights to the work of the militia. The training delivered in a training of trainer arrangement using trainers drawn from institutions such as the police force or the prosecutor. The militia is a non-paid rural police with no training background in law or human rights. The chance for members of the militia to pass through such trainings is

nonexistent and this program will be the major intervention. The training manuals are prepared in consideration of the practical experience and challenges and taking in to account the needs of the beneficiaries of the program. The training content and methodology needs to be carefully handled taking consideration of the capacity of the beneficiaries and different circumstances of the non – trained rural police, the militia.

As per the analysis, 20% of CSOs are not engaged in any of human rights education in the above listed law enforcement groups which are critical in Ethiopian Justice System to provide effective use of Human Rights standards in the institution and informing of the relevant human rights instruments, principles and values in the daily practice of these law enforcement officials. Only one Organization is actively engaged in addressing the entire law enforcement groups of the entire country to provide basics of human rights, conducting capacity building activities.

4.2.3. Responses of CSOs addressing their target groups effectively

Fig.7



As per Fig.7, 62% of respondents believe that they are effectively provide HRE to their target groups even though many limitations are on the ground most of the CSOs are addressing their target groups effectively, 38% of the respondents are believed not effectively run their HRE to their target groups of Ethiopian Justice System. The

followings are major factors which brought obstacles faced by CSOs to address their HRE to law enforcement groups:

- Financial Constraints
- Limited Human Resources or Personnel and logistics
- Lack of sufficient branch offices in regional states

4.2.4. Measuring of HRE towards the benefit of target groups in Ethiopian Justice System

CSOs measures their results towards the benefit of target groups in Ethiopian Justice system in different mechanisms though measuring the effect of HRE is more qualitative in nature and slow in progress which is mainly related with people's attitude, values and behavioral changes.

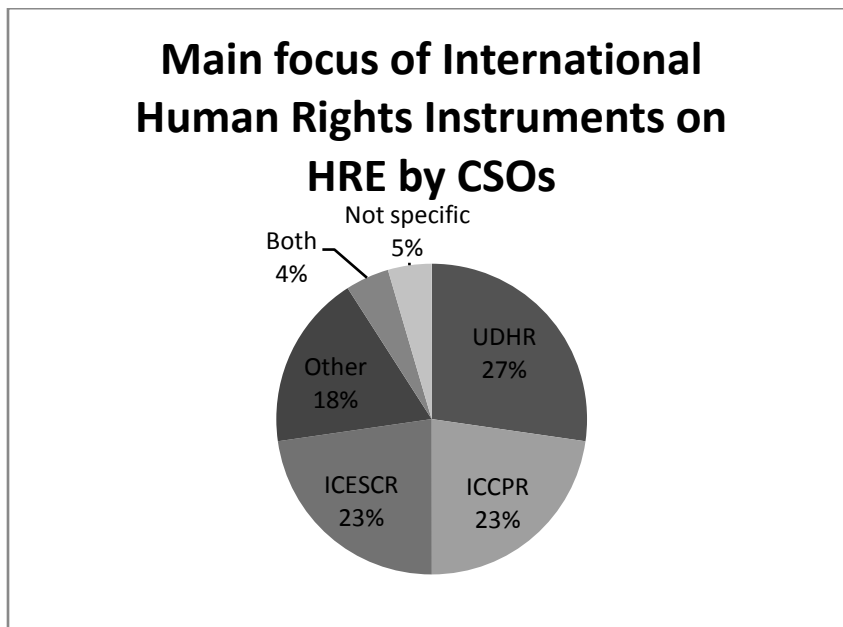
The following measurement mechanisms are employed by CSOs to identify whether their HRE program benefits their target groups or not in Ethiopian Justice System:-

- Collecting comments from trainees
- Assessing communities demands on protection of respect of Human Rights
- Assessing impunity of government officials
- Pre and Post training tests; the pre-training test is administered before the human rights training whereas the post – training test is conducted after the human rights training and results are reviewed based on scores administered in the pre and post training tests whether the training provide benefits to the trainees or not
- Impact Assessment
- Project monitoring and evaluation
- Providing case study questions either in group or in person and a term paper presentation conducted by the trainee two times in every round training program.

4.3. Analysis and Interpretation of CSOs’ focus on International Human Rights Instruments to deliver HRE in Ethiopian Justice System

4.3.1 Main focus of International Human Rights Instruments of HRE by CSOs

Fig.8



4.3.2. Responses of CSOs; are there any specific human rights thematic areas that CSOs are focuses on for HRE in Ethiopian Justice System?

Respondents provide 50% yes and 50% no which shows that half of the CSOs engaged in Human Rights education have specific human rights thematic areas and the rest have not engaged in specific human rights thematic areas.

The following are lists specified by the CSOs engaged in HRE of specific human rights thematic areas Ethiopian justice system

- The rights of prisoners and accused person
- Women and Children rights
- Access to legal aid and information
- Human rights protection in the armed conflict
-

4.4. Analysis and Interpretation of CSOs regarding on CSP 621/2009

4.4.1. CSP discourages citizens to organize and establish new CSOs? And discourages donors from supporting CSOs?

90% of the respondents believe that CSP discourages citizens to organize and establish new CSOs in Ethiopia for the reason that the proclamation limited financial sources of CSOs engaged in Human Rights activities not to receive more than 10% from foreign aid. Besides, lack of philanthropic and volunteerism culture in the society hinders CSOs to collect the required 90% of fund from local sources. Few expertise argue that to acquire local funds, CSOs are responsible to create fundraising programs and influence the society and work hard to change the perception of the larger society who believed that CSOs are reach and not in need of peoples' financial assistance. Moreover, subsidiary directives and detail procedures on the other hand are believed as an impediment to establish and create new and vibrant CSOs in Ethiopia specifically CSOs promote Human Rights values, principles and standards. Donors are unable to assist CSOs because of the limited foreign fund imposed by the law.

The proclamation as Debebe argued contains restrictions on foreign fundings that are fundamental to the definition, identity, and operational mandate of CSOs. Based on this standard, the Proclamation recognizes three forms or types of CSOs, which may be established as either charities or societies. Article 2(2): "Ethiopian Charities" or "Ethiopian Societies" "if they use not more than ten percent of their funds which is received from foreign sources. The 10% restriction relate to the use of foreign funds and not to the amount of foreign income the organization is receiving"

The Civil Society Fund II launched in October 2012 a joint initiative of the European Union and the government of Ethiopia under the 10th European Development Fund (EDF) with a total of budget of 12 million Euros granted. The Civil Society Fund (CSF) was designed in response to relevant provisions of the Contonou Partnership Agreement between the EU and African, Caribbean and Pacific (ACP) countries that calls for an increased involvement and participation of CSOs in the development process, not only as implementation of service delivery project, but also as partners in dialogue and policy

elaboration. Accordingly, the programme aims to strengthen the capacity, enhance participation and contribution of Non – State Actors (NSA) to governance and development in Ethiopia. As per the European Union Delegation to Ethiopian press release in 11th April 2014 Addis Ababa, the Ethiopia-European Union Civil Society Fund II (CSFII) awards 18 grants to Ethiopian Civil Society Organizations (CSOs) reinforcing its Ethiopia – European commitment in strengthening the capacity of CSOs as key actors of democratic governance and development process.

The grants will benefit projects focusing on key governance areas:

- on network capacity strengthening
- on the provision of innovative services in maternal health in emerging regions,
- environmental sustainability
- campaign against gender based violence
- Promotion of rule of law
- **Human Rights education**
- Strengthening community structures for peace building

The programme is supporting Ethiopian Charities and Societies and Ethiopian Resident organizations at regional and national level. The 18 projects to be implemented by 48 CSOs spread across all regions of Ethiopia. “The fund is now considered an Ethiopian local fund” and this funding enable HRCO, EWLA and ELA to acquire 90% local fund from EU considered as local sources and revive to undertake their main duties of legal aid, human rights education and awareness raising activities even though, the fund is limited for two years only. Respondents consider this privilege as special one allowing them to receive more than 10%.

In a different manner, JFA-PFE is one in a unique status compared to other CSOs as Ethiopian Charities not bounded by the CSP required not to receive more than 10% from foreign sources. The organization is one of the few organizations which have not been affected by the proclamation which prohibits national, right based NGOs from receiving more than 10% of their funding from foreign sources. The exemption enabled JFA- PFE to keep endeavoring to attain its objectives. The organization is supported by USAID, the

Embassy of the Netherlands, the Norwegian Embassy, and Friends of JFA-PFE in UK. Furthermore, the organization has special consultative status from UN Department of Economic and Social Affairs, ECOSOC Support and Coordination Office, and also has an Observer Status in the African Commission on Human Rights JFA-PFE undertake its human rights education, capacity building, and other right based programs with a “special privilege”. As per Ministry of Foreign Affairs, Addis Ababa file no: 104, Etiopien.19-11 and Internal Grant Committee Meeting 11 December 2013 Agenda Item no. 4, JFA-PFE grants 5.0million DKK for three years project or 37 months.

The overall objectives of this project are to enhance human rights protection in Ethiopia. The immediate objectives are:

- to build capacity of the legislative, executive and judicial arms of the governments with respect to justice, human rights and good governance
- to advocate for adoption of international human rights standard in the justice system, including training of Ministry of Justice experts in legal drafting
- to provide holistic support to prisoners to strengthen their rights and re – integration into society, and,
- to enhance peace building efforts and conflict management in a multi – socio – cultural settings

4.4.2. Effect of 70/30 directives on administrative and operational costs towards CSOs’ program of HRE

70/30 directive is one of the few directives issued by ChSOs in July 2011 to determine charities and societies’ operational and administrative costs which dictates that CSOs are required to utilize not less than 70% of their annual budget to operational costs and not more than 30% of its annual budget to administrative costs. The agency categorized details of operational and administrative costs in this directives aims to how to allocate resources on operational and administrative costs in a manner of accountability and transparency.

Respondents unanimously agree that the objectives of the directive are useful and important that the government should control whether the resources are beneficial to the

end users. Respondents provide the 70/30 directive is problematic not because 30% administration cost is small, but because there has not been consensus on the definition of administration costs. Most of the organizations were working with less than 10% admin costs before the directive and donors were regulating this. The Problem is that most costs categorized under administration costs are not administrative costs in nature which raise controversies in financial classifications of the costs. Monitoring and Evaluation of the project for instance is essential for good project implementation which the directives categorized under administrative costs hinder CSOs to reduce the proportion and affect implementation of their program.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1. Summaries

CSOs as an agent of change and actors to fill the gap between society and state in socio economic and political endeavor of the country play a vital role by delivering services to the community at large. In case of informing human rights values, principles, standards in collaboration with major state actors which are a duty bearer and responsible on protecting and respecting human rights in their respective institutions specifically in Justice System, CSOs are responsible to deliver applicable standards of human rights in conformity with international human rights instruments to law enforcement institutions, justice sectors through informing, educating, training, capacity building so as to induce knowledge, skills about human rights and mechanisms and skills to apply in a day to day professional activities. Moreover, CSOs are required not only providing information and knowledge to these law enforcement organs but also are engaged in developing values, attitudes and behavior which maintain human rights in the law enforcement officials like police, militias, military as well as judges, prosecutors, prison personnel directly accountable to protect and respect human rights as well as to maintain public order through enforcing law and orders in a given country.

In 2009, FDRE government introduced a new law aim to administer the overall activities of CSOs in Ethiopia called “Charities and Societies Proclamation 621/2009” often refer as CSP. As it is clearly stipulated in the preamble of the proclamation, the rationale of the enactment of the law is to guarantee citizen’s right association and the essential to enable CSOs’ role in the overall development of Ethiopian peoples. This paper is aimed to investigate and assess role of CSOs on Human Rights Education in Ethiopian Justice System and try to look in to factors affecting CSOs in addressing HRE in Ethiopian Justice System in line with the proclamation and directive based on purposive sampling questionnaire collected from expertise, director generals, researchers and officers in human rights and human rights education.

5.2. Conclusion

The study found out that CSOs engaged in different justice sectors in addressing Human Rights Education is insignificant in number compare to the overall institution of the justice system, only one organization is fully engaged on providing human rights education in the form of capacity building to law enforcement officials in the Federal and Regional states that the organization have a bilateral agreement with Ministry of Justice. Other CSOs engaged in specific justice system are weak in delivering human rights education in a comprehensive manner because of financial and resource limitation encountered because of the CSP not to receive more than 10% from foreign sources though recently few CSOs granted fund from European Union Civil Society Fund II to engage in human rights activities like capacity building and awareness raising projects. This fund is assumed as government fund as contracting party.

International Human Rights instruments like UDHR, ICCPR, ICESCR and specific rights on Women and Children, rule of law, good governance are the focus of CSOs to address Human Rights Education to Ethiopian Justice System.

The study also found that the objective of the Charities and Societies Proclamation 621/2009 fail to ensure the realization of citizen's right to association enshrined in the Constitution of the FDRE which respondents are believed that individuals are discouraged to organize and establish new charities and societies organization because of foreign source limitation by the law not to receive more than 10% and established CSOs changed their main focus areas of human rights advocacy in to different mandate though government's recent willingness to cooperate with foreign donors like EU-CSF I&II is welcomed by CSOs so as to revive their programs and projects weakened by financial limitation and need to strengthen the effort made by the government and involve in ensuring the realization of human rights and fundamental freedoms through Human Rights Education, capacity building, awareness raising of the institution of justice sectors.

5.3. Recommendation

To create an enabling environment for CSOs engaged in Human Rights Education in Ethiopian Justice System, the government should continue to take initiative regarding on opening its door to discuss with foreign donors, CSOs and major stake holders to look in to laws, regulations and directives and revise its policies to create strong and vibrant CSOs, collaborating with these actors to ensure human rights respecting institution in the Ethiopian justice sectors

To address the larger society to be aware of CSOs role and support in different manner like volunteering in collaboration with academicians, expertise, medias, business sectors...

Human Rights are rights entitled to all human beings by being only humans and states as a duty bearer has an obligation to ensure the full enjoyment of human rights and fundamental freedom enshrined in international human rights instruments as well as the constitution. The state is obliged to Respect, Protect and fulfills these rights. In this manner, the justice system as a government organ of executive branch has a due obligation to respect and protect human rights and fundamental freedoms. Polices, Prison administration officials, judges, prosecutors, militias, border patrols, and other main law enforcement officials in the justice sector are individuals responsible in the process and procedure of investigating crimes, preventing crimes, enforcing law and orders in a day to day duties of their professional services. These individuals should be aware of their dual responsibility of enforcing law and order and respecting and protecting human rights and fundamental freedoms of individuals or the people at large. The aim of Human Rights Education in the form of capacity building, training and awareness raising is to inform, provide knowledge, skill and to acquire attitude changes in general and in particular in case of Ethiopian Justice system in order to achieve a human rights sensitive institution of ensuring the obligation of the state to protect and respect human rights values and principles in performing law enforcement duties and activities. The role of CSOs in performing Human Rights Education should be supported by the whole society in general with available financial, human, logistics resources so that these actors could achieve their role efficiently.

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A.A University Centre for Human Rights
The Role of Civil Society Organizations on Human Rights Education in
Ethiopian Justice System

For the Purpose of Partial Fulfillment of the
Requirements for the Masters of Art Degree in Human
Rights

QUESTIONNAIRES

Dear Respondent,

The ultimate objective of this questionnaire is to collect data from CSOs (Charities and Societies Organizations) which enable the researcher to identify their roles on Human Rights Education in Ethiopian Justice System and point out factors affecting their roles on HRE (Human Rights Education) activities. The research findings will be used for the partial fulfillment of Degree of Masters in Human Rights at Addis Ababa University Center for Human Rights. I therefore, kindly request your kind co-operation to fill and return the questionnaire.

N:B

- The data is solely used for this research
- Please mark **X** for your “yes” or “no” question

I. General Information

1. Address:

Sub City:- _____

Woreda/Kebele:- _____

Name of the Organization:-

2. Current field of occupation:-

Position:-

Main duties and responsibilities:-

3. Gender

Male

Female

4. Age

18-30

31-40

41-50

>50

5. Educational Background

Diploma

Degree

Degree of Masters

Doctorate

If you are a student or graduate, please state your major area of study

6. Target institutional group for HRE (Human Rights Education) on Ethiopian Justice System

The Federal Police Commission

The Regional Police Commission

The Federal Supreme Court

The Federal High Courts

The Federal First Instance Courts

State Supreme Court

The State High Courts

The State First Instance Courts

Other Courts, please

specify _____

Federal Prison Administration

Regional Prison Administration

Other, Please

specify _____

All

All

except _____

7. Target law enforcement group (s) for HRE

Police

Prison Personnel / Officials

Border Patrols

Security forces

Military

Other, Please

specify _____

All

8. Do you think your organization addressing your target groups effectively and efficiently?

Not specified

2. Are there any specific human rights thematic areas that your organization focuses on for HRE(Human Rights Education) on Ethiopian Justice System?

Yes

No

3. If your answer for question number two is “yes” please specify in which thematic areas are your organization focuses on for HRE (Human Rights Education) on Ethiopian Justice System

4. Do your organization have HRE (Human Rights Education) training manual compatible with international Human Rights Training manual?

Yes

No

5. How do you measure your results towards the benefit of target groups on HRE (Human Rights Education) in Ethiopian Justice System?

III. Questions on CSP(Charities and Societies Proclamation)

1. What do you think about the Charities and Societies Proclamation 2009? Does the law meet its objectives of realizing citizens’ rights of association and enabling CSOs to the overall development of the society?

2. Do you think the CSP (Charities and Societies Proclamation) discourages citizens to organize and establish new CSOs?

Yes

No

3. If your answers for question number two is “yes”, how?

4. Do you think the CSP (Charities and Societies Proclamation) discourages donors from supporting CSOs?

Yes

No

5. If your answers for question number four is “yes”, how?

6. Do you think the CSP (Charities and Societies Proclamation) make you insecure for your future activities on HRE (Human Rights Education) in Ethiopian Justice System?

Yes

No

7. If your answers for question number six is “yes”, how?

8. Does CSP (Charities and Societies Proclamation) to raise only 10% from foreign source affect your HRE (Human Rights Education) program to address Ethiopian Justice System?

Yes

No

9. If your answers for question number eight is “yes”, how?

10. If your answer for question number two is “no”, how?

11. Does your organization have a “special privilege” to acquire more than 10% fund from foreign sources?

Yes

No

12. If your answer for question number five is “yes”, why you are privileged?

13. How do you see the 70/30 directives towards administrative costs on your organization’s program of HRE?

Interview Questions with Key Informants

1. What do you think about the importance of HRE in Ethiopian Justice System?
2. Do you think CSOs as an agent of change and bridge the gap between state and society play their role on HRE in Ethiopian Justice System?
3. Do you think there is a conducive environment for CSOs to provide HRE in Ethiopian Justice System?
4. Do you think that there are obstacles for CSOs to provide HRE in Ethiopian Justice System?
5. What do you think about the CSP (621/2009) positive and negative aspects towards delivering HRE in Ethiopian Justice System?
6. According to CSP, only Ethiopian Charities/Societies that receive less than 10% of their income from foreign sources are allowed to work on human and Democratic rights, does this article affect CSOs' HRE program in Ethiopian Justice System?
7. What do you think about 70:30 guidelines of CSA on CSOs to determine the delineation of operational and administrative costs in principle and in practice relating with delivering HRE in Ethiopian Justice System?
8. What are your recommendations and suggestions to create vibrant CSOs to deliver HRE in Ethiopian Justice System?