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The Role of the Ethiopian Human Rights Council in Monitoring and Reporting Human Rights Violations

A Thesis Submitted in Partial Fulfillment for the Requirements of the Degree of Master of Laws
(LL.M) in Human Rights

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July, 2023
Addis Ababa, Ethiopia.

DECLARATION

I, Dan Yirga Haile, hereby declare that the thesis entitles “The Role of Ethiopian Human Rights Council in Monitoring and Reporting Human Rights Violations” submitted by me for the award of the Degree of Masters of Laws (LL.M) in Human Rights Law stream at Addis Ababa University. School of Law and Governance studies is an original work and it hasn’t been presented for the award of any other Degree, Diploma Fellowship or other similar titles in any other Universities or institutions.

Dan Yirga Haile,

July 2023, Addis Ababa

CERTIFICATION

I certify that the thesis entitled “The Role of Ethiopian Human Rights Council in Monitoring and Reporting Human Rights Violations” is a bona-fide work of Mr. Dan Yirga Haile who carried out the research under my guidance. I certify further, that to the best of my knowledge the work presented herein does not form part of any other thesis, report or dissertation on the basis of which a degree or award was conferred on an earlier occasion on this or any other candidate.

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**“The Role of Ethiopian Human Rights Council in Monitoring and Reporting
Human Rights Violations”**

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ACKNOWLEDGEMENT

First and foremost, I would like to thank God for giving me the strength to finish this thesis. I would also like to express my sincere appreciation and gratitude to my lecturer and now advisor for this thesis, Mesenbet Assefa, PhD (Asst. Professor of Law) who has been relentlessly supervising and assisting me to finish this thesis; he has been supportive and provided insightful ideas and ways.

My beloved wife Dr. Bezawit Gezahegne who has been my right hand and tremendously supporting me to finish this research, I can't imagine to finish this thesis had it not been her daily supports in various ways, thanks a lot!

The last but not the least, all EHRCO staff, members, interviewees and Addis Ababa University Law School lecturers who did all they could to make my research a reality, thank you so much all!

Table of Contents

Acronyms.....	iv
Abstract.....	1
CHAPTER ONE	2
1.1 Background of the Study.....	2
1.3 Statement of the Problem.....	3
1.4 Research Questions.....	4
1.5 Objectives of the Research	4
1.5.1 General Objective	4
1.5.2 Specific Objective	4
1.6 Methodology.....	5
1.6.1 Primary data	5
1.6.2 Secondary Data	5
1.7 Significance of the Research	5
1.8 Scope of the Research.....	6
1.9 Limitations of the Research	6
1.10 Ethical Considerations	6
1.11 Organization of data	6
CHAPTER TWO	7
Normative and Institutional Framework of the Ethiopian Human Rights Council.....	7
2.1 Historical Background of EHRCO	7
2.2 Main Objectives of EHRCO	8
2.3 Major Activities and Programs	9
2.4 Institutional Set Up	10
2.5 EHRCO Membership and Funding	13
CHAPTER THREE	14
EHRCO Human Rights activism and advocacy in Ethiopia	14
3.1 EHRCO Human Rights Investigation and Monitoring Activities	14
3.2 EHRCO Human Rights Violation Reporting.....	16
3.3 EHRCO's Legal Aid and Court Monitoring.....	18
3.4 EHRCO's Human Rights Education and Training	19
3.5 EHRCO Voter's Education and Election Observation	20

3.6	The Role of EHRCO in Human Rights activism/advocacy in Ethiopia and Success Stories.....	21
3.6.1	EHRCO’s Role as a Watchdog CSO	23
3.6.2	EHRCO’s Role on Human Rights Education	24
3.6.3	EHRCO’s Role in Human Rights Situations in Ethiopia.....	24
CHAPTER FOUR		27
Major Challenges Hindering the Role of EHRCO.....		27
4.1	EHRCO’s Antecedent Challenges.....	27
4.1.1	Legal Challenges	27
4.1.2	Political challenges	30
I.	Accusation and Labeling.....	30
II.	Harassments and Intimidation.....	32
III.	Arrest and Accusations.....	32
IV.	Physical Injuries and Killings	34
V.	Surveillance and Phone Tapping.....	35
VI.	Blocking Bank Account	35
VII.	Forced Exile.....	36
4.2	The Current Challenges of EHRCO	37
4.2.1	Legal Challenges.....	37
4.2.2	Political Challenges.....	39
I.	Lack of Cooperation	39
II.	Stringent Bureaucracy.....	39
III.	Accusation and Labeling	40
IV.	Harassments and Intimidation.....	40
V.	Illegal Arrest and False Accusations.....	41
4.2.3	Institutional Challenges	42
CHAPTER FIVE		43
Conclusion and Recommendations.....		43
5.1	Conclusion	43
5.2	Recommendation	45
Bibliography		47

Acronyms

AG- Attorney General

GA- General Assembly

CSOs- Civil Society Organizations

EHRCO- Ethiopian Human Rights Council

EHRC- Ethiopian Human Rights Commission

NEBE- National Electoral Board of Ethiopia

EPRDF- Ethiopian People’s Revolutionary Democratic Front

EWLA- Ethiopian Women Lawyer’s Association

CEHRO- Consortium of Ethiopian Human Rights Organizations

ICCPR- International Covenant on Civil and Political Rights

HRC- Human Rights Council

NGO-Non-Governmental Organization

ACHPR – African Charter on Human and Peoples’ Rights

UN- United Nations

UPR- Universal Periodic Review

MDR- Monitoring, Documentation and Reporting

CARD – Center for the Advancement of Rights and Democracy

EHRDC- Ethiopian Human Rights Defenders Center

UPR – Universal Periodic Review

NHRIs- National Human Rights Institutions

Abstract

The Ethiopian Human Rights Council (EHRCO) is a civil society organization that was founded on October 10 1991. Since its establishment, EHRCO has been striving for the establishment of a democratic system, the respect of human rights, for the prevalence of the rule of law in Ethiopia.

This thesis aims to demonstrate the current challenges that EHRCO has faced in its fairly long journey of human rights advocacy in Ethiopia. Moreover, the thesis looks into the current status of the Council and its prospects in human right protection and promotion in Ethiopia. In doing so, the thesis looks into the programs and activities of the Council and their practical role on the protection, promotion and respect of human rights, and its contributions in changing the behavior of the government of Ethiopia and other stockholders over the years.

Accordingly, the thesis demonstrates that EHRCO's role in monitoring and reporting of human rights violations in Ethiopia, practical problems that hinder the effectiveness of the Council in the protection, promotion and respect of human rights in Ethiopia. In the end, the thesis tries to forward some helpful recommendations that, if properly implemented, would better equip EHRCO with technical and professional capacity in its endeavor as well as that could help the government to realize its duty i.e.to respect, protect and fulfil human rights in Ethiopia.

CHAPTER ONE

1.1 Background of the Study

The Ethiopian Human Rights Council (hereunder EHRCO) was founded in October 1991.¹ It was established by 32 founding members that came from academia, business and other professions.² It is an independent, non-partisan and non-governmental organization.³ Its primary objectives are the promotion of democratic process, the rule of law and respect for human rights in Ethiopia.⁴ The movement to establish Ethiopia's one of the first human rights monitoring and reporting organization was initiated by the late Professor Mesfin Wolde Mariam.⁵

EHRCO was established in accordance with Article1(A) of the then Charter of the Transitional Government of Ethiopia, and Article 404-482 of the Ethiopian Civil Code on October 10, 1960.⁶ In 2009, it had to re-register as "Ethiopian Charitable Society" in accordance with the Proclamation number 621/2009, changing its name from Ethiopian Human Rights Council (EHRCO) to the Human Rights Council (HRCO).⁷ Upon the repeal of the infamous Proclamation 621/2009, EHRCO was re-registered once again, in accordance with the new Proclamation regaining its former name the Ethiopian Human Rights Council.⁸

EHRCO is a membership-based independent, non-partisan, non-profit organization that has no affiliation to any political party, religious institution, ethnic group, or social class.⁹ Its sole objectives are the defense of human rights, and the promotion of democracy and rule of law in Ethiopia.¹⁰ While performing the above-mentioned activities, EHRCO has so far issued 39 regular reports, 153 special reports and many press releases in response to different human rights situations in the country.¹¹ Since its inception as an indigenous non-governmental human rights institution,

¹ Hibist Feleke, human rights council: its journey and challenges, 2018, page 2

² Ibid

³ Ibid

⁴ Ibid

⁵ Ibid

⁶ Ibid

⁷ Ibid

⁸ Ibid

⁹ Ibid

¹⁰ Ibid

¹¹ Ibid page 3

EHRCO has been playing important role in the respect, protection and promotion of human rights in Ethiopia. An investigation of any alleged violation of human rights violations, monitoring institutions including police stations, courts and prison administrations, and advocacy services on issues of human rights are some of the tasks that EHRCO has been performing in its endeavor for the respect, protection and promotion of human rights in Ethiopia. However, the context in which EHRCO has been operating has not always been smooth and convenient. EHRCO has been encountering various hurdles, both legal and political. It has been facing several challenges that hinder, and sometimes even prevent it to play its role for the respect, protection and promotion of human rights in Ethiopia.

Against this backdrop, this thesis aims to explore the challenges that EHRCO is facing and the prospects, as well as its role in addressing human rights issues in Ethiopia. This will be achieved by examining the various programs developed by EHRCO over the years and the obstacles it has encountered in their implementation.

1.3 Statement of the Problem

Since the time of its establishment, EHRCO has been striving to the best of its ability for the establishment of a democratic system, the respect of human rights, the prevalence of the rule of law and the exercise of due process in Ethiopia. EHRCO, like any other CSOs working on human rights in Ethiopia, has been seen with a strong suspicion by government and was subject to strict regulation under the restrictive law¹² that challenged EHRCO and affected its activities. EHRCO has also seen the killing and arrest of its members at different times.¹³ There are still significant challenges that constrain the work of EHRCO in its efforts on the promotion and protection of human rights in Ethiopia.

The aim of this paper is to assess the role of EHRCO in monitoring and reporting human rights violations for the respect, promotion and protection of human rights in Ethiopia and the challenges that continue to affect its effectiveness.

¹² Charities and Societies proclamation number 621/2009 (Now replaced by civil society organizations proclamation number 1113/2019)

¹³ Ethiopian Human Rights Council (EHRCO) Compiled report published on November 7, 1997

1.4 Research Questions

This thesis tries to investigate the following questions;

- What is the contribution of EHRCO in addressing the human rights violation in Ethiopia?
- What are the potential improvements or reforms that could enhance EHRCO's capacity to effectively monitor, report, and address human rights violations in Ethiopia?
- What are the major obstacles faced by EHRCO in gathering accurate and reliable data on human rights violations in Ethiopia?
- To what extent does EHRCO's monitoring and reporting influence policy-making and government actions to address human rights violations in Ethiopia?
- What are the proposed solutions and recommendations to the legal, institutional, political challenges?

1.5 Objectives of the Research

1.5.1 General Objective

The general objective of this research is to assess the role, major challenges, achievements and prospects of EHRCO in the respect, promotion and protection of human rights in Ethiopia.

1.5.2 Specific Objective

Based on the general objective stated above, the following specific objectives are identified for the study:

- To identify the role of EHRCO in addressing human rights issues in Ethiopia, through its human rights monitoring and reporting,
- To analyze EHRCO's role in monitoring and reporting on human rights violations in Ethiopia?
- To study the major challenges faced by EHRCO in its human rights monitoring, investigation and advocacy activities,
- To assess the current working environment of EHRCO and to highlight its future opportunities and challenges.

1.6 Methodology

In order to conduct an in-depth and interpretive understanding of the role of EHRCO in the respect, promotion and protection of human rights through monitoring and reporting in Ethiopia and the challenges it has been facing. The study further attempts to highlight the achievements of EHRCO in the respect, promotion and protection of human rights in Ethiopia. The thesis employs a qualitative approach where different data collection mechanisms are used. Qualitative approach has been employed for the examination of relevant documents and information derived from face-to-face interviews with key informants. Both primary and secondary data are used in the course of this research.

1.6.1 Primary data

The primary data were collected through interview with key informants, including officials from different governmental organizations, the Ethiopian Human Rights Commission and the Institution of the Ombudsman, through purposive sampling whereby individuals were selected based on their expertise and knowledge in the field of human rights monitoring and reporting. Local and international legislations are also examined to evaluate the role of EHRCO in monitoring and reporting human rights violations in Ethiopia and whether there is enabling environment to conduct human rights monitoring and reporting activities in Ethiopia.

1.6.2 Secondary Data

Different documents, such as annual reports of programs and projects, reports and work plans of EHRCO were reviewed as secondary sources. In addition, articles, various media and news reports and books published by EHRCO are also consulted.

1.7 Significance of the Research

This study assessed and documented the contributions EHRCO have made in protecting and promoting human rights in Ethiopia, through its human rights violation monitoring and reporting for the past more than thirty years. This research aimed to identify the challenges faced by EHRCO in its operations and examine the prospects of its work. Therefore, this paper holds great significance in showcasing the role of EHRCO for the protection, promotion, and respect of human rights in Ethiopia. Additionally, it will provide a foundation for future researchers to delve deeper

into the limited body of literature in this particular field and about EHRCO in particular, thereby bridging existing knowledge gaps.

1.8 Scope of the Research

This research covers the role EHRCO has played for the respect, protection and promotion of human rights in Ethiopia with its flagship activity i.e. human rights violation monitoring and reporting, by looking at its challenges, roles and success stories in relation to its contribution to Human Rights handling beginning from the establishment of the organization up to current days.

1.9 Limitations of the Research

Among the limitation of the research, lack of researches specifically conducted on EHRCO, busy schedule of the key informants were the major ones. The limitations were overcome by using alternative time schedules and by assessing documents that could help for this research.

1.10 Ethical Considerations

The appropriate ethical considerations that needed to be kept while conducting a research were applied in this research. Proper permissions were asked from each concerned institution before the collection of data; and key informants were informed about the purpose of the study and were asked for their consent before proceeding with interviews. Despite the fact that I am currently working at EHRCO I have done this research objectively and professionally without any biases that affect this research negatively.

1.11 Organization of the study

This study has five chapters. The first chapter dealt with the introduction, background of the study, statement of the problem, research objectives and questions, significance, scope and limitations of the study. The second chapter deals with the normative and institutional framework of human rights in Ethiopia. The third chapter deals with EHRCO's human rights activism in Ethiopia. The fourth chapter deals with the challenges and prospects in the work of EHRCO. The fifth chapter discusses EHRCO's current working environment, major achievements and success stories. Finally, the sixth chapter presents the conclusions and recommendations of the thesis.

CHAPTER TWO

Institutional Framework of the Ethiopian Human Rights Council

2.1 Historical Background of EHRCO

The Ethiopian Human Rights Council (EHRCO) is an independent, non- governmental, non-profit making, non-partisan and organization established as per Article 1(a) of the Transitional Charter of Ethiopia and Articles 402-482 of the Civil Code on October 10, 1991 by 32 Founding Members from academia, business and the professions.¹⁴ The founding members despite their different backgrounds were individuals committed to the cause of human rights, rule of law and democracy.¹⁵ Its establishment was publicly announced on October 29th 1991.¹⁶ EHRCO is a membership organization and memberships is open to all that support and promote human rights, rule of law and democracy, provided they are committed to human rights, are willing to pay the annual fee and believe in non- violent struggle.

Ethiopians have been subjected a history of abusive and repressive regimes. As a result, the country has been in political unrest, poverty, and lack of economic growth. EHRCO takes note of these historical challenges and is built on the understanding that the establishment of a democratic culture would guarantee the respect and protection of human rights. Where all political power emanates from the public's voice, political leaders will be accountable to the public. Subsequently, there would be equality, rule of law, access to justice, freedom of expression, opinion, religion, movement and an overall culture of tolerance, transparency and legality. As such EHRCO's vision is to see an Ethiopia where human rights are respected, rule of law is upheld and democracy is realized.¹⁷

The organization is built upon the following core principles:¹⁸

¹⁴ Ethiopian Human Rights Council (EHRCO) (2003), Compiled Reports of EHRCO (From DEC 1991- Dec, 1997), 2003, page 2

¹⁵ Id, page 4

¹⁶ Id, page 6

¹⁷ EHRCO (2019), Revised Internal Regulation Code, Page 1

¹⁸ Id Page 3 Article 7

- Do no harm
- Impartiality and independence
- A firm belief in rule of law
- Non- violence
- Confidentiality
- Inclusivity
- Accountability and transparency
- Effectiveness and efficiency
- Fairness
- Trustworthiness
- And developing a team working culture

2.2 Main Objectives of EHRCO

EHRCO has three fundamental and inseparable objectives that have not changed since its establishment:¹⁹

1. **For Democratic Process:** that includes the recognition of the people as the sovereign and the ultimate source of any political authority: Freedom to form associations and organization for all interest groups and the unhampered advancement of their causes by all peaceful means: freedom of press, freedom of all political parties to participate in every part of the political structure: free and fair elections through which the people elect their representatives and the total rejection of violence or war as a means of acquiring or maintaining political power.²⁰
2. **For the Rule of Law:** That includes the legal concept whereby no one is above the law and that any legal issue shall be resolved with due process of law, that every individual accused has the right to proper defense: independence of the judiciary.²¹

¹⁹ See Supra note 4, Article 4 and Interview with Mr. Ameha Mekonnen, former Board Chairperson of EHRCO, currently LHE director on October 5 2022

²⁰ see Supra note 1,

²¹ Ibid

3. **For the Respect of Human Rights:** are freedoms, freedoms from and freedoms for. They are freedoms from oppression and exploration, bigotry, discrimination, arbitrary rule, injustice and fear. They are freedoms for the enjoyment of life, peace, justice and equality.²²

EHRCO does not have a political program nor does it aspire for power. It does not support any political program or group against another. It is not partial to persons or groups but to principles. It is partial to equality, justice, freedom democracy, rule of law and due process. EHRCO cries out when human rights are violated because it opposes inequity, injustice oppression, subjugation, suppression, dictatorship and all form of violence and violation of human rights. It exposes and condemns atrocities committed by government officials and groups who exercise state power. It monitors and reports human rights violations such as extra judicial killings, arbitrary detention, torture, forced disappearance, unlawful and arbitrary confiscation of property, violation privacy and unlawful dismissal of employees.²³

2.3 Major Activities and Programs

In line with its core objectives, EHRCO's main activity has been monitoring the human rights situation of the country and issuing various types of reports of human rights violations based on well investigated and well-founded facts. In its human rights reports, EHRCO assesses the human right situation of the country and urges pertinent government bodies to respect the human and democratic rights of citizens enshrined in the Constitution and other international human rights instruments ratified by Ethiopia. According the head of monitoring, investigation, documentation and reporting (MIDR) department, Mr. Getu Kassa, monitoring, investigation, human rights education, reporting, research, court monitoring, advocacy, human rights training are the major activities at EHRCO.²⁴

“Apart from the human right situation reports and press releases, the organization has also conducted a series of human rights education programs with a view of raising awareness on human rights and selected issues. EHRCO has been issuing a monthly newsletter “*Melike Esemegu*”, posters, brochures and calendars as part of its outreach program. It organizes seminars, workshops,

²² Id, p 2-3

²³ Id, p 3

²⁴ Interview with Mr. Getu Kassa, October 5 2022

panel discussions and lectures in order to promote the respect for human rights, rule of law and democratic process. Furthermore the organization undertakes trial monitoring and reporting tasks and the provision of legal aid services.²⁵”

With a view to developing democratic culture in Ethiopia, EHRCO has been conducting voter education programs and monitoring elections as well as issuing election monitoring report by assessing the entire electoral cycle i.e. pre, during and post-election.

Over the years EHRCO has expanded its area of activities, and currently has nine district offices operating in Nekemte, Hawassa, Diredawa, Bahirdar, Gonder, Central Addis Ababa, Gambela, Arbaminch and Jigjiga. According to Mr. Getu Kassa, there is good day-to-day working relationship between the head office in Addis and other branch offices²⁶ with the support of donors and partners, EHRCO has established the Hawassa Human Rights Library and Resource Center in 2007 and the Bahir Dar Human Rights Library and Resource Center in 2008.²⁷

2.4 Institutional Set Up

Internally EHRCO has four main organs:²⁸

- The General Assembly,
- The Executive Committee,
- Executive Director,
- Deputy Executive director
- Branch Offices,
- Internal Auditor,

The General Assembly: The general assembly as the name suggests is an assembly of EHRCO’s regular members and it is the organization’s highest decision-making organ. It has the power to issues organizational policies and directives: pass decision s on core issues: appoints the director, vice- director, members of the executive committee, and internal auditor; approves of the annual

²⁵ Ethiopian Human Rights Council(EHRCO) (2009), Compiled Reports of EHRCO (January 2007-December 2008), page 5-6

²⁶ Interview with Mr. Daniel Tesfaye, Senior Human Rights Expert at EHRCO, October 5 2021

²⁷ See supra note 11, page 14

²⁸EHRCO (2019), Revised Internal Regulation Code, page 6 Article 13

budget; regulates the activities of the executive committee and awards and recognition of outstanding individuals that have made inspiring and notable contributions to EHRCO's objectives. The general assembly is chaired by a Chairperson and a Secretary, appointed by the general assembly; they serve for a term of three years and an additional one year.²⁹

The Executive Committee: The executive committee has five members: Director of the committee, vice- director of the committee and three other members selected from the general assembly. Members of the committee serve for a term of three years and can only be re-elected for an additional second term. The committee has executive function over the assembly's decisions. Among other things, it admits new members, undertakes project and policy planning tasks: can call an extraordinary meeting of the assembly where need arises: appoints the organization's manger.

Executive Director: The executive director is mandated to oversee the overall day to day activities of the council including its all branch offices, also responsible for signing organizational agreements, grants and any other responsibilities that could benefit the council.

Deputy Executive Director: Is mandated to do all the activities that the executive director do in his/her absence, also perform other activities that are directly entrusted to him/her.

Branch Offices: EHRCO has its head office in Addis Ababa and district offices in other parts of Ethiopia. The structure and operation of the branch offices is determined by the assembly's decision. EHRCO's office monitors the human rights climate and democratic structure of the county: collects and records appeals form victims of human rights violations: collects and stores evidence of human rights violations: prepares and issues reports on human rights : educates the public on human rights: establishes partnerships with domestic and international human rights and democratic organizations: conducts research on human rights, rule of law and democracy: the head office also regulates, monitors and supports district offices.³⁰

²⁹Id, Article 14,15 and 16

³⁰Id, Articles 20, 21

Internal Auditor: EHRCO's internal auditor is appointed by the general assembly for a term of three years and an additional three-year term. Such person assists the organization in all its financial matters. EHRCO also has an external auditor.³¹

In addition to the above organs, EHRCO also has an Executive Director. Such person is engaged in the day to day activities of the organization. He/she plans, directs, executes and assesses the organization's activities. He/she represents the organization in all official matters including court proceedings and contractual agreements. He/she regulates the activities in the head and district offices.³²

Though EHRCO has different departments working on different areas, there are two basic departments that work toward the protection and promotion of human rights. These are the monitoring, documentation, and reporting (MDR) and Research and advocacy.

Department of Monitoring, Documentation and Reporting: this department is entrusted with different specific tasks, such as the investigation and monitoring of human rights violations both in its own motion and upon receiving complaints; report its findings about the violation of international and domestic laws and compile the reports in the form of a document; providing a free legal aid service for victims of human rights violation and trial monitoring on selected politicized cases, and providing human rights education and trainings for the public at large and other human rights stakeholders, such as legal professionals and students from High school and Universities.

Department of Research and Advocacy: This department undertakes researches on different sensitive areas of human rights. It also provides advocacy service on issues of human rights. The whole process of the council's endeavor to realize the respect and promotion of human rights are performed by these two departments.

³¹ Id, Article 24

³² Id, Article 25

2.5 EHRCO Membership and Funding

EHRCO has three classes of membership: regular, assisting and honorary.³³The core criterion for regular membership is a firm belief and support for human rights, rule of law, democracy and the readiness to implement such beliefs. Any Ethiopian who is above the age of 18 can be EHRCO's member; in addition, membership is open to non-governmental and non-political originations. Persons accused of human right violations, however, are barred from such membership. Members as part of their membership obligation are required to make annual membership contributions, take part in meetings, exercise voting rights and take part in elections. Members also have the discretion to be life time members. As per the principle of impartiality and independence, a person who is a member of any political party cannot be a member of an employee of EHRCO.

Assisting members are those that do not fulfill the requirements for regular membership, however are willing to contribute to the implementation of EHRCO's objectives. Such members can take part in EHRCO meetings and give opinions without however, having a voting or participation rights in the Board.

Honorary membership is accorded by the decision of the board. Honorary members are persons that have made notable and inspirational contributions to the implementation of EHRCO's objectives. Honorary members have no membership obligations; however, can willingly make membership contributions. Such members also have no voting or election rights. In addition to its members, EHRCO also has supporting organization and partners.

³³Id, Articles 17,18, 19

CHAPTER THREE

EHRCO Human Rights activism and advocacy in Ethiopia

EHRCO has been contributing for the respect, promotion and protection of human rights in Ethiopia for more than three decades. It has largely been working in raising the awareness of the people to stand for their rights and at the same time voicing the suffering of those who experience human rights abuse and violations, mainly from the government, without brushing off the human rights violations committed by informal groups, national and international companies and armed groups.

In this chapter, therefore, a discussion of the human rights activism of the EHRCO is made. Accordingly, the roles of the Council in investigating and reporting, trainings, legal aid and some others are discussed.

1.1 EHRCO Human Rights Investigation and Monitoring Activities

Investigation and monitoring of human rights violation in the country have been the major activity or in the language of the EHRCO itself “the most outstanding or flag-ship activity” of EHRCO over the years.³⁴ This is also true from the objectives of the EHRCO as stated in its constituting document, which reads as “to monitor and expose violations of human rights by groups or government institutions in Ethiopia and demand corrective measures.”³⁵ In the introductory part of the special human rights report, it’s stated that EHRCO presents all of its reports first and foremost to the government of Ethiopia and the Ethiopian public; and through the reports it basically urges all concerned parties to put pressure on the government to take remedial measures.³⁶ Of course, EHRCO has been doing human rights violations monitoring and reporting in the country for more than two decades. Since the time of Emperor Haile Selassie I to the military

³⁴ Human Right Council (2016), 140th Special Report, page 4

³⁵ Ethiopian Human Rights Council (1991), the Statutes of the Ethiopian Human Rights Council, Art.4.2.2

³⁶ Ibid

regime, which took over power via coup d'état, there was no independent body that played the role of monitoring the issues of human rights, EHRCO tried to do so.³⁷

Human rights monitoring seeks to gather information about the human rights situation in a country or region over time through readily available methods, with the goal of engaging in advocacy to address human rights violations. It also involves a process of documenting human rights violations and practices so that the information can be categorized, verified, and used effectively. Human rights monitoring is sometimes called fact-finding. Fact-finding consists of investigating a specific incident or allegation of human rights violations, collecting or finding a set of facts that proves or disproves that the incident occurred and how it occurred, and verifying allegations or rumors. On this background, the EHRCO while passing through politically serious and tough times of the country has been carrying out these activities.

Mr. Yenemengist Demised, current Chairman of the EHRCO's Board stated in an interview³⁸, EHRCO assesses human rights violations and presents the case to the public and government. In the meantime, the EHRCO believes once the cases are brought to the attention of the public and the government this will pave a way for justice to be served, and will contribute in avoiding similar violations, as the particular cases will serve as an example. He also stated that the council provides human rights education; carries out advocacy and researches on the respect of human rights, identifies and assesses law and presents alternative policy and law. It follows up on prisoners handling and court monitoring. An interview with Mr. Tesfaye Gemechu, Deputy Executive Director EHRCO, informs the same.³⁹ According to Mr. Tesfaye, the purpose of investigation is to prepare a human rights violation report and human rights violation documentation. The report has the objective of showing violation and calling for correction, accountability and to urge the government to examine its institutions and also to inform the government.⁴⁰

EHRCO, besides the activities of monitoring and documenting the human rights situation in the country, it conducts studies and prepares seminars and lectures on topics relevant to human rights, the rule of law and the democratic process. Moreover, for collecting data for human rights violation

³⁷ See Hibist Feleke, *supra* note 33, page 4

³⁸ Interview with Mr. Yenemengist Demisse, current EHRCO Board chairman and Lawyer on April 19, 2023

³⁹ An Interview with Tesfaye Gemechu, Deputy Executive Director of, EHRCO, conducted on October 5, 2022.

⁴⁰ *ibid*

reports EHRCO conducts extensive filed investigations regarding human rights violations. And through the reports, press releases, media advocacy and shadow reports it is playing a critical role in Ethiopian Human Rights handling contributing to the protection, respect and promotion of human rights in the country.

1.2 EHRCO Human Rights Violation Reporting

Human rights violation reporting is another very important activity of the EHRCO. Since its establishment it has issued reports concerning the democratic process, the rule of law and the human rights situation in Ethiopia.⁴¹ In preparing its reports and analyzing the violation of the rights, the EHRCO uses evidences, laws and legal documents as its basis. Accordingly, the 1995 Ethiopian Constitution, the African Charter on Human and Peoples Rights and other regional and international treaties which Ethiopia has ratified. Based on these the EHRCO identifies the types and nature of rights and violations made.

The aim of the reports as usually explained in the beginning of each report is to present any kind of human rights violations taking place in different parts of the country and call for solutions to them; to urge the government to stop the violations that are being committed and prevent any such kind of violation not to happen, to advocate for the compensation of those who are victims of the human rights violations, to urge to bring the violators of rights and those who caused others to violate others rights before the law and to urge the government to stop the trend of leaving violators unasked for their criminal acts.

Extolled for their objectivity, these reports are commonly employed as source documents for national, international and national human rights organizations. In 2008, 16 junior and senior human rights investigators at EHRCO's head office in Addis Ababa and its 8 branch offices received, investigated and documented over 9000 reports of human rights violations. To date, EHRCO has issued over 39 regular, 153 special and numerous press reports⁴².

From the outset, EHRCO has maintained a policy of presenting well investigated and unbiased reports. However, despite their veracity and credibility, EHRCO's special and regular reports have traditionally been a major source of contention between the government and the Council.

⁴¹ EHRCO's bylaw, see supra note 36

⁴² Interview with Mr. Getu Kassa, monitoring and reporting department head, April 2023

Government officials routinely rebuff invitations from EHRCO investigators to discuss reports of human rights violations. Attempts to secure essential documents and information detailing official responses to allegations of human rights abuses are also generally met with significant resistance. Furthermore, the government steadfastly refuses to accept EHRCO's thematic and general reports and on several occasions has discounted them as fabricated or partisan⁴³.

A mention can be made about just few of recent reports that were released during the time when the country facing a lot of human rights challenges. Recently, the EHRCO has released a report on, for instance, ethnic based killings,⁴⁴ illegal detention, forced disappearances, displacement and forfeiture of property of persons,⁴⁵ urging to put an end to human rights violations committed during the state of emergency⁴⁶, human rights violations committed in the Ethiopian Somalia region and Oromia regions,⁴⁷ mass killing in Northern Wollo, Amhara Regions⁴⁸ and many others.

EHRCO releases three types of reports: Regular report, special report and press release. According to Mr. Getu⁴⁹, Special Report is issued when the issue deserves special attention, or when immediate action needs to be taken, or where there is a need to pressurize for emphasis to be given to the issue. It focuses on the same thematic issues. If the special report is about extra judicial killings it includes extra judicial killings taking place across the country, if eviction it includes all evictions all over the country, if ethnic clashes, the same.

Regular report: it is broad both in scope and variety. By scope, we refer to the geographical coverage of the study and by variety about the types of human rights violations included in the report. It includes reports of extra judicial killings, bodily injury, violations to property right and many others. It is broad.

Special Report: is the report that deals about various types of human rights violations that is committed repeatedly, in mass number, so as to show its grievances.

⁴³ Interview with Mr. Buzuayehu Wondimu, EHRCO Central Ethiopia ranch office head, April 20/2022

⁴⁴ Human Rights Council (HRCO) (2017), 141st Special Report, page 2

⁴⁵ *ibid*

⁴⁶ Human Rights Council (HRCO) (2017), 142th Special Report, page 3

⁴⁷ Human Rights Council (HRCO) (2018), 144th Special Report, page 2

⁴⁸ Human Rights Council (HRCO) (2018), 145th Special Report, page 4

⁴⁹ Interview with Mr. Getu Kassa, investigation dept head, October 5, 2019

Press release: Press release is a report through which the EHRCO reveals its stand over certain issues in the country. Sometimes the press release includes conferences where discussions with media and the participants are made.⁵⁰

1.3 EHRCO's Legal Aid and Court Monitoring

Encouraging and promoting for the respect of human rights are the objectives of EHRCO. To this end, legal aid or services to those who are in need of it is an obvious activity. By legal aid we mean the provision of assistance to people who are unable to afford legal representation and access to the court system. Legal aid is regarded as central in providing access to justice by ensuring equality before the law, the right to counsel and the right to a fair trial.

EHRCO was engaged in the provision of free legal service to victims of human rights violations. Through its Legal Support Unit, EHRCO informed victims of their rights and on the options and services available for redress. In the event that a plaintiff presented a justifiable claim, staff lawyers from the Legal Support Unit would assist the claimant in submitting the case to the appropriate judicial body in the form of petitions and pleadings. In 2009, EHRCO provided Legal Aid to over 750 clients.⁵¹

EHRCO's nine district and branch offices senior experts and qualified members of the human rights monitoring and investigation department are the one that are giving free legal counsel to victims of human rights violations, specially to those who can't afford to pay for lawyers.

EHRCO also undertakes court monitoring, in court monitoring the purpose is to observe the observance of due process of law. It is not in all types of cases that the EHRCO undertakes court monitoring, rather in cases that involves human rights violation cases. Those cases are selected based on the court monitoring manual that is used by the council, such as cases that involve journalists, persons with disabilities, women and children.

⁵⁰ *ibid*

⁵¹ Human Rights Council (HRCO) (2011), report "The Impact of the CSO Proclamation on the Human Rights Council", page 12

1.4 EHRCO's Human Rights Education and Training

In stating its objectives EHRCO put that the sole objectives of it are the defense of human rights, and the promotion of democracy and rule of law. EHRCO strives to help improve the human rights education and training for the Ethiopian public (right bearers) and members of the government (duty bearers) at different levels.⁵² Very interestingly, the EHRCO had a separate department called Advocacy and Human Rights Education Unit for human rights education that had contributed much for the effectiveness of the Council.⁵³ This was, however, seriously affected due to financial constraints following the enactment of Proclamation No. 621/2009.

As part of its initiative to reduce the severe human rights awareness deficit in Ethiopia, EHRCO previously conducted a number of human rights education seminars and specialized training workshops in targeted kebeles throughout Ethiopia. While students and community leaders were encouraged to participate, EHRCO's human rights education seminars were developed with the specific aim of raising awareness of good practices and human rights standards among public servants, police officials and members of the judiciary. Initially, ranked officials were reluctant to recommend participants to the Council's education programs. However, in recognition of the utility of the seminars, government willingness to recommend officials grew considerably. In 2009, 1034 people took part in two rounds of seminars.⁵⁴

According to the Ethiopian Human Rights Council aside from the human rights situation reports and occasional press releases, the council has also conducted series of human rights education programs with a view to raising citizens' awareness on human rights and related issues. It has also been issuing and disseminating its monthly newsletter "*Melikte Esemegu*" that translates to "Message of EHRCO" posters and canvas as part of its communications and advocacy works.⁵⁵ The impacts of the EHRCO's education and training program are very vivid as the interview with professor Mesfin informs this research. According to the professor, it was due to the very effortful

⁵² Human Rights Council (HRCO) (2017), 141th Special Report, page 4

⁵³ Hibist Feleke, *supra* note 33, page 5

⁵⁴ See *Supra* note at 13, page 13

⁵⁵ See Hibist Feleke, *supra* note 33, page 8

work of the EHRCO that the idea and terminology of human rights become known and common to the Ethiopian people.

Due to sizeable budget cuts, in 2010 EHRCO was forced to formally disband its Advocacy & Human Rights Education Unit. Mr. Atnaf Birhane, who is the program director at Center for Advancements of Rights and Democracy (CARD),⁵⁶ says Investigation Department to conduct human rights training programs have been severely hampered by the renewed truculence of city administrators responsible for approving the seminars and recommending participants. In February 2010, preparations for a human rights seminar for prosecutors, judges, prison officials at EHRCO's branch in Nekemte City, Oromiya Region were met with severe scrutiny and uncooperativeness among city officials. Yet, despite all these challenges EHRCO has been engaged in educating the Ethiopian public about human rights, democracy and the rule of the law.

1.5 EHRCO Voter's Education and Election Observation

Promotion of democracy and rule of law being one of the pillars of the EHRCO, the council has been carrying out this role in a different degree in different times. Whenever there is election period, the council has been conducting voters' education programs and monitoring elections. It also has been issuing reports of election monitoring by assessing the pre, during and post- election periods.⁵⁷

After the 2005 elections the political space has narrowed for EHRCO to function as its desire. The post 2005 election period was marred with violence due to disputes among the contending parties over election results, the post-election violence led to country wide human right violations and a political impasse.⁵⁸ The period after the 2005 elections the laws became more restricting for civil society organizations. This is, among others, due to the revised Electoral law (Electoral Law of Ethiopia Amendment Proclamation No.532/2007) which requires civil society organizations to engage in either voters' education or election monitoring, this law strictly limit the involvement of

⁵⁶ Center for Advancement of Rights and Democracy (CARD) program director, interview October 14 2021

⁵⁷ *ibid*

⁵⁸ Tensae Teshome Seifu (2015) Causes of Electoral Violence: Lessons from the May 2005 Election of Ethiopia, Thesis Submitted in Partial Fulfillment for the Award of Master of Philosophy in Peace and Conflict Transformation University of Tromsø, Norway, Page 32

CSOs in electoral activities such as; carrying out voter's education and the role of observers during an election. In short, NGOs can only engage in either of the two during election periods.

Aside from this, NGOs are required to obtain approval from the National Electoral Board of Ethiopia to engage in voters' education or election monitoring activities, decision by the Board rejecting permission to either or both of the activities is not subject to judicial review. The Electoral Law of Ethiopia Amendment Proclamation No.532/2007, under article 1 states "Observer" includes both local and foreign election observers, while "Local election observer" means "a legally registered and independent domestic organization that in accordance with the license given to it by the Board observes elections by assigning its representatives". Mr. Getu Kassa asserted that the EHRCO following this directive wrote application to the National Electoral Board of Ethiopia (NEBE) requesting to be allowed the status of "local election observer".⁵⁹ However, the National Electoral Board of Ethiopia ignored repeatedly the written application by EHRCO to monitor and observe the April 2008 local and by elections. EHRCO was denied the observer status, even though it is an independent domestic organization.⁶⁰ Even though EHRCO had been denied its observation status in the 2008 local and by election EHRCO has continued advocating the public about their rights in relation to the election and to inform them to vote for the party whom they believed would serve them.

1.6 The Role of EHRCO Human Rights activism/advocacy in Ethiopia and Success Stories

The Role of the EHRCO needs to be analyzed from the point of its objectives in making reports of human rights violations. Accordingly, the objectives of the Council in making reports of violations is to present any kind of human rights violations taking place in different parts of the country and call for appropriate interventions; to urge the government to stop the violations that are being committed and prevent any kind of violation, to advocate for the compensation of those who are victims of the human rights violations, and ensure accountability for human rights violations. When looked in light of this, the EHRCO has been doing a lot. It has been advocating for Ethiopia to accept international human rights conventions together with other CSOs, such as

⁵⁹ Interview with Getu Kassa, Investigation dept Head, October 5, 2022

⁶⁰ Ibid

by using the UPR process, and also for the country to establish NHRIs. Prof. Mesfin W/Mariam stated in an interview⁶¹ that the EHRCO shed a light on the brutal human rights violations committed by the government.

EHRCO has tread to reveal human rights violations to the world through its reports that were published both in Amharic and English. Some of the EHRCO's reports have immediate effect. For instance, there were instances whereby evictions and displacement were stopped immediately after EHRCOs' reports. We can mention Mrs. Alemitu Gebrie's Case for instance. Mrs. Alemitu was a resident of Dire Dawa city. She was evicted from her house which she lived in for over 25 years by an illegally issued Title deed on her house to a third party. Mrs. Alemitu came to EHRCO's Dire Dawa office on June 2016. EHRCO investigated the case and submitted its investigation report to the city's authorities. On October 2017, the city Authorities decided Mrs. Alemitu was illegally evicted and agreed to pay compensation of Birr 75,000 and a 160 Meter square plot of Land in the city⁶².

Another example could also be the case of the TV program “የፖሊስና ህብረተሰብ ፕሮግራም” police and the Community. In that program those who were suspected of committing a certain crime were identified and presented as criminals. But latter due to a continued phone calls and discussions with ETV to stop identifying suspects as criminals, the TV program stopped to identify suspects as criminals by reaching an understanding on the right to be presumed innocent until proven guilty by the court⁶³.

With the aim of ensuring realization of peoples' rights, EHRCO since it commenced its operation has been involved in extensive awareness raising programs. These are carried out through the dissemination of civic and Human Rights education; promoting principles, cultures and values of democracy; enlightening the public about their human rights.

⁶¹ An Interview Conducted with Professor Mesfin W/Mariam, on October 16, 2019, Addis Ababa.

⁶² Report from EHRCO Dire dawa branch office REF. DRW/043/2017 Date, November 28/2017

⁶³ According to Mr. Atnafu Bogale, who is EHRCO's lawyer and former board member an interview conducted on July 15/2022

1.6.1 EHRCO's Role as a Watchdog CSO

Watchdog institutions are usually non-profit groups that view their role as critically monitoring the activities of governments, industry, or other organizations and alerting the public when they detect actions that go against the public interest. The EHRCO, as per this understanding has played its role in Ethiopia and contributed in this regard. In the past thirty-two years the council has been closely monitoring the acts of the government in handling human rights, Democracy and rule of law. Through different types of reports discussed above, the council revealed/exposed human rights violations committed in different parts of the country both to the Ethiopian public and the international community.

EHRCO has also a role in complementing the role of the government in democratization process. Since the government cannot involve in every democratization process, civil society plays a significant role in complementing the activity of the state by filling the gap where the government capacity is limited. Civil societies also assist the government in identifying social problems, which have not been detected or addressed by the government. EHRCO has shown its willingness to collaborate with the government departments to increase their accessibility to the public, in this regard, EHRCO has contributed by providing different support such as provision of appropriate training for improved institutional practices.

In addition to raising awareness EHRCO also support people, especially poor and marginalized people, whose rights have been deprived, to claim their basic economic, social, cultural and political rights through its Legal Aid Program.

The Ethiopian Human Rights Council (EHRCO) organized zonal level human rights education and training workshops across various regions of the country. These workshops specifically targeted judges, prosecutors, administrators, and police officials who operate at the local government level. The primary objective of these workshops was to promote accountability and transparency within the operation of low-level government administration and law enforcement organs. During these workshops, EHRCO provided comprehensive training on human rights principles, laws, and international standards. Participants had the opportunity to engage in interactive sessions, discussions, and case studies that focused on the application of human rights in their respective roles and responsibilities. The workshops aimed to enhance participants'

understanding of human rights, strengthen their capacity to respect and protect human rights in their daily work, and foster a culture of accountability and transparency. By organizing these zonal level education and training workshops, EHRCO demonstrated its role to promoting human rights among key stakeholders within the justice system and local government administration. Through targeted capacity building initiatives, EHRCO sought to empower judges, prosecutors, administrators, and police officials with the knowledge and skills necessary to effectively uphold human rights in their professional practices⁶⁴.

1.6.2 EHRCO's Role in Human Rights Education

Another role of the Council regarding human rights handling in Ethiopia is in human rights education. As mentioned now and then the EHRCO played its part to help improve the human rights education and training for the Ethiopian public (right bearers) and members of the government (duty bearers) at different levels. Accordingly, EHRCO previously conducted a number of human rights education seminars and specialized training workshops in selected *kebeles* throughout Ethiopia. As consequences of this, as professor Mesfin W/Mariam pointed out, EHRCO played its part to create human rights awareness to the public and started to resist when a violation committed.⁶⁵ EHRCO also translated major international human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention for the elimination of all Discrimination against Women (CEDAW), into various local languages such as to Amharic, Afan Oromo, and Tigrigna. This work of the Council has played great deal of importance for awareness creation to the public and academic institutions⁶⁶.

1.6.3 EHRCO's Role in Human Rights Situation in Ethiopia

EHRCOs work in Human Rights violations monitoring and reporting, training in capacity building for stakeholders and human rights advocacies in collaboration and partnerships with national, regional and international organizations has played a role for better human rights normative frameworks in Ethiopia. Its human rights advocacy through the means of its human rights violation

⁶⁴ EHRCO annual activity report, on march 2022 page 9

⁶⁵ Ibid

⁶⁶ EHRCO Compiled translated books, first published in 2000, second in 2003 and the third in 2008

reports has played a role to marshal a diplomatic pressure on the government to accept human rights instruments and to stop its acts of human rights violation.

The publication of reports detailing acts of human rights violations raised awareness among the public about the situation of human rights in the country. As a result, many individuals were motivated to actively participate in efforts to bring about positive change. Moreover, the council played its role in advocating for justice by rectifying the grievances of victims and securing the release of individuals such as members of Oromo Federalist Congress (OFC) party who had been wrongfully detained⁶⁷. This demonstrates the significant role that the council's advocacy and reporting had in addressing human rights violations and promoting a more just society. EHRCO has also greatly impacted the Ethiopian human rights handling through monitoring the democratic process, rule of law and violations of rights and promoting fair and democratic election. EHRCO is one of the first civil society organization in Ethiopia that monitors and reports on human rights violations such as extra-judicial killings, arbitrary detention, torture, forced disappearances, unlawful and arbitrary confiscation of property, violation of privacy, unlawful dismissal of employees, and denial of the freedom of conscience, religion, expression and association.

EHRCO is also involved in election monitoring, conducting civic education programs and organizing debate forums among contending parties to ensure access to information to the public on the programs and plans of action of different parties. Its role in this case, is not only contributing to fair and democratic elections but also contributing towards the development of a democratic culture, based on dialogue, accommodation and tolerance at all level of the country.

We can also attribute the 2018's political current changes in relation to human rights like release of prisoners, freedom of expression, improvement in democratic institution, improvement in staffing of national human right institutions, improvements in the judiciary, the amendments of some laws. EHRCO has played together with other CSOs its role for the improvement to the better human rights policy of the country. The Council's membership in international human rights institutions such as, World Organization Against Torture and the International Federation of Human Rights has also an effect of bringing global attention to the human rights issue of the country. It has also an observatory status in African Commission on Human and Peoples Rights. In addition

⁶⁷ Interview with Mr. Tiruneh Gemta Oromo Federalist Congress Party office head, on December 18 2022

to that EHRCO is one of the civil society organizations that prepare alternative, universal periodic report (UPR) to the UN and shows to the international stakeholders the gaps with regards to the human rights handling in Ethiopia and lobby for the betterment of human rights in Ethiopia.⁶⁸

EHRCO's reports have been serving as local source of human rights violations in Ethiopia at national, regional and international level. Since the reports have been released on media, the internet and it will be accessible all over the digital platforms⁶⁹, it has played a role of bringing the human rights issues to the world and particularly to those who have a role to play.

⁶⁸ Ethiopian Human Rights Council compiled report, 2nd edition publicized on 2003

⁶⁹ EHRCO Digital platforms; www.ehrco.org and its digital pages, accessed on July 2 2023

CHAPTER FOUR

Major Challenges Hindering the Roles of EHRCO

The above-mentioned contributions of EHRCO from its very inception were not however played in the absence of any challenges and obstacles. As the aim of this thesis is to investigate the role of EHRCO and its challenges since its establishment on October 10 1991, this chapter will delve into the challenges faced by EHRCO in its human rights violations monitoring and reporting working environment.

4.1 EHRCO's Antecedent Challenges

4.1.1 Legal Challenges

Legal challenges directed at EHRCO started from the very beginning when it was looking to get registered and to become a legal person. EHRCO applied for registration to the Ministry of Justice in 1991 with all the required documents and yet it did not get a response for seven years.⁷⁰ In the late 90th the Commercial Bank of Ethiopia froze EHRCO's account without fulfilling the lawful procedure on the alleged grounds that the association was not registered and thus illegally operating.⁷¹ It was in 1997 that EHRCO was finally granted its registration license and its account was reopened, allowing the council to access its bank accounts.⁷²

The 2007 Electoral law (Proclamation 532/2007) of Ethiopia had stipulated that election observation and voter education shall only be done after gaining license from the National Electoral Board of Ethiopia.⁷³ The board had not answered all written applications by EHRCO to

⁷⁰Julia Littmann, Arnold Tsunga and Carole Berrih (2005), Ethiopian Human rights defenders under pressure: The Observatory for the Protection of Human Rights Defender, page 22, available at: - <https://www.refworld.org/pdfid/46c190620.pdf> Accessed on October 14, 2019.

⁷¹ Id, page 24

⁷² Id, page 26

⁷³ The Amended Electoral Law of Ethiopia (Proclamation No. 532/2007), Article 79 and 90.

monitor and observe the April 2008 local elections.⁷⁴ As if this was not enough, when EHRCO reregistered in 2009 under Proclamation No. 621, it was forced to remove election observation and voter education programs from its statutes.

With the Charities and Societies Proclamation No.621/2009 the FDRE government succeeded in nearly closing a once vibrant human rights societies in Ethiopia.⁷⁵ When the Ethiopian Women Lawyers' Association's board chairperson and former director, Mrs. Zenawi Tadesse, was asked about the CSO proclamation, she replied, '...The spirit of the proclamation was to limit Ethiopian civil societies especially those CSOs who worked on right advocacy and exposing the violation of human rights, publishing human rights violations reports was considered as damaging the country's good image.'⁷⁶

Proclamation No. 621/2009 stayed in force for ten years the marks it left even till now on CSOs in the country can be observed, due to this restrictive proclamation there are CSOs such as Action Professional Association for the Peoples (APAP) and Organization for Social Justice (OSJ) that are once vibrant but were forced to change their human rights advocacy works to development related activities⁷⁷.

According to proclamation No. 621/2009 Ethiopian charities and societies, the only that can participate in human rights related advocacy⁷⁸ is only allowed to receive 10% of their funds from a foreign source.⁷⁹ In a country like Ethiopia, one of the poorest countries in the world, it is very challenging to raise large amounts of funds from local sources.⁸⁰ As most of the funding came from foreign sources, this hit Ethiopian charities and societies hard. Before the coming into force of this law, EHRCO had more than seventy employees in 12 branches situated all over Ethiopia.⁸¹ Following the adoption of the law, EHRCO's staff members went down to just 12 and only 3

⁷⁴ Ethiopian Human Rights Council (EHRCO) (2009), UPR Submission by Ethiopian Human Rights Council(EHRCO), Page 3

⁷⁵ See Human Rights Council (HRCO), supra Note 51, page 3

⁷⁶ Interview with Mrs. Zenawi Tadesse, Former Director of EWLA, October 11, 2022.

⁷⁷ Interview with Mr. Debebe Hailegebriel, former director of APAP, on February 20 2023

⁷⁸ FDRE Civil Society Proclamation (proclamation No.621/2009), Article.14(5)

⁷⁹ FDRE Civil Society Proclamation (proclamation No.621/2009), Article 2(2)

⁸⁰ EHRCO, See Supra Note 68, page 2 para.7

⁸¹ Interview with Mr. Daniel Tesfaye, Senior Human Rights Expert at EHRCO, October 5, 2021

branches remained.⁸² The salary of the staff members that were left was reduced by more than 50% and sometimes they would go for a whole four months without getting paid.⁸³

Departments and units like Branch and Membership Affairs Department, Communications & External Relations Department, Advocacy and Human Rights Education Unit, Legal Support Unit and Planning and Project Development Service Unit within EHRCO were forced to discontinue.⁸⁴

The number of reports EHRCO used to publish was also reduced significantly due to the shortage finance and sometimes the staff members would even purchase ink and paper from their own pockets so to publish the reports.⁸⁵

EHRCO was forced to omit the prefix ‘Ethiopian’ from its official name due to the lack of representation in the composition of its members and place of work as prescribed by article 69 of the proclamation 621/2009. It was allowed to add the prefix ‘Ethiopian’ back to its name in the year July 7/2019.⁸⁶ According to this proclamation, administrative cost of any Charity or society could not be more than 30% of its expenses.⁸⁷ The allotment for administrative costs was so low that is why EHRCO was forced to reduce salary, internet usage, telephone communication and totally cut insurance coverage and transport allowance of its employees.

In addition, the Anti-Terrorism Proclamation No.652/2009 created a fearsome environment in EHRCO areas of work.⁸⁸ When investigators are sent to investigate certain human right violation, the documents collected can be grouped as “possessing or using property for a terrorist act” under that Proclamation.⁸⁹ Victims have been scared to report their human rights violations from fear of the anti-terrorism Proclamation no. 652/2009. This proclamation had also affected the reporting team because again the reports EHRCO published could be easily categorized as “encouragement

⁸² id

⁸³ id

⁸⁴ See EHRCO, supra note 51, p.10 and 11.

⁸⁵ Interview with Mr. Tesfaye Gemechu, Deputy Executive Director, October 5, 2021

⁸⁶ EHRCO new registration certificate given by Ethiopian Civil Societies Organizations Agency

⁸⁷ Charities and Societies Proclamation (proclamation No.621/2009), Article 88(1)

⁸⁸ Interview with Mr. Daniel Tesfaye, Senior Human Rights Expert at EHRCO, October 5, 2023.

⁸⁹ Anti-Terrorism Proclamation (Proclamation No.652/2009), Article 8

of terrorism”⁹⁰. With this anti-terrorism proclamation EHRCO members have been arrested, put to trial, imprisoned and abused.⁹¹

4.1.2 Political challenges

EHRCO while working on its objectives of working for a democratic system, the rule of law, and for the respect, protection and promotion of human rights, often times come in collision with the government and particularly from security forces. Ever since its establishment the Ethiopian Government, has been taking many illegal actions against EHRCO and its members, staff and supporters.⁹² One of EHRCO’s works which is monitoring human right violations in Ethiopia involves the release of various human rights violations reports that do not resonate well with questions that the Ethiopian Government does not want to be asked.

There have been occasions where leaders of human rights organizations were summoned to the Ministry of Justice following human rights violations press releases and special reports issued by EHRCO, at times ordered by officials of the Ministry to retract the content of statements and told to refrain from any further similar activities.⁹³ EHRCO had also received a warning letter from Federal Democratic Republic of Ethiopia president’s office not to write nor send its human rights violations report claiming that EHRCO has no mandate to do the human rights violation monitoring and reporting⁹⁴.

I. Accusation and Labeling

Even though the human rights monitoring and reporting issues that EHRCO raises could be political in nature, EHRCO itself is not a political party and does not vie for political power nor support any political ideology.⁹⁵ The May 2005 national election was a very decisive event that

⁹⁰ Id, Article 6.

⁹¹ Interview with Mr. Wondwosen Dessie, EHRCO Gonder branch office head, April 5, 2023

⁹² EHRCO(2001), 40th Special Report, Stop the Violation of the Rights of Human Rights Defenders!, accessible at <http://ehrc.org/wp-content/uploads/2016/03/special40.pdf> Accessed on October 21,2023

⁹³ EHRCO (2009), UPR Submission, see Supra note 68, page 4 para. 18

⁹⁴ EHRCO’s annual activity Report on April 12/2005 page 21 para. 3

⁹⁵ EHRCO (2001), 40th Special Report, see supra note 84, page 6.

changed the face of human rights advocacy in Ethiopia. The accusation and labeling going against EHRCO at this time has also aggravated followed by arrest and forced exile of its staff members.

The state-owned Medias was one actor in labelling and accusing EHRCO⁹⁶. Labeling was very common and it happened almost every time a report was released.⁹⁷ EHRCO's reports have been claimed to be false and baseless information released to initiate disagreement between Ethiopian people and create instability.⁹⁸ There were also accusations claiming EHRCO was supporter of opposition parties.⁹⁹

Owing to the universal characteristic of human rights, EHRCO works with different partners outside the country.¹⁰⁰ As a result there were views that EHRCO was the 'supporter of neo-liberalism westerns and work with their money, support and order'. EHRCO is a membership based organization and ironically not one foreigner has ever been a member.¹⁰¹ The email exchanges with international human right institutions were intentionally banned and contacting them was very challenging for EHRCO.¹⁰²

The demonstrations, wherein thousands were detained without a judicial warrant and an estimated 193 civilians were murdered, were attributed to the incendiary work of journalists, human rights activists and members of the opposition.¹⁰³ This view, that civil society organizations are the "opposition in disguise" has motivated the government to take increasingly prejudicial and obstructionist stances against the Ethiopian human rights community, such as against EHRCO.¹⁰⁴

⁹⁶ Addis Zemen newspaper published on April 29/2000, page 10

⁹⁷ Interview with Mr. Negash Gesesse, one of EHRCO founder, interview on October 5, 2022

⁹⁸ *ibid*

⁹⁹ *ibid*

¹⁰⁰ *ibid*

¹⁰¹ *ibid*

¹⁰² *ibid*

¹⁰³ HRCO (2011), see *supra* note 50, page 3

¹⁰⁴ *Ibid*

EHRCO was not allowed by the government to teach human rights at school: it tried to organize human rights clubs at schools but was stopped by the authorities on the grounds that it has a political agenda.¹⁰⁵

EHRCO received a letter of warning for legal action from Addis Ababa City Administration Communication Bureau and from Addis Ababa City Administration Justice Bureau letter dated on 13/06/2023 reference number AA/co/Of/22/1474/15 and 21/06/2023 reference no. aa/qn30/2015 respectively, accusing EHRCO for disseminated false report on it's the 153rd Special Report released on May 2023 the report was regarding the house demolition and eviction in Addis Ababa and Sheger city requesting EHRCO to correct and to write a disclaimer the report and if not, the letter says EHRCO would be sued and later on EHRCO wrote a letter its answer to Addis Ababa City Administration Bureau on June 30/2023 Ref. no ER3-M41/135/23 indicating that it has released the 153rd special report based of the finding and hence nothing to correct and need to write a disclaimer.

II. Harassments and Intimidation

When EHRCO deploys its staff and when necessary, its members and supporters to do the human rights violation monitoring activities and also during election observation activities these individuals often face various difficulties harassment and intimidation, including maltreatment by regional and federal securities, police, armed cadres and informal armed groups in different parts of the country.¹⁰⁶

III. Arrest and Accusations

On 8 April 2001, EHRCO organized a panel discussion on the topic of "human rights, university and academic freedom" for Addis Ababa University students.¹⁰⁷ The panelists were Prof. Mesfin

¹⁰⁵Julia Littmann, Arnold Tsunga and Carole Berrih (2005) Ethiopia: Human rights defenders under pressure. Accessible on <http://www.refworld.org/pdfid/46c190620.pdf>, Page 23 accessed on September 21, 2022

¹⁰⁶ EHRCO (2016), 140th Special Report, page 6

¹⁰⁷ University of Pennsylvania - African Studies Center (2005), Ethiopia: Human Rights Alert, Accessible on: https://www.africa.upenn.edu/Urgent_Action/apic-051601.html Accessed on October 2 2019.

Wolde Mariam, EHRCO founder and Chair together with professor Berhanu Nega.¹⁰⁸ The following day, university students stopped their education and that eventually turned into a riot in Addis Ababa university and the two panelists were arrested on the 8th May 2001 and accused of inciting the students to riot and to stand against the government.¹⁰⁹ Prof. Mesfin Wolde Mariam and Birhanu Nega were released on June 5, 2001 on a 10,000 birr bail after going on a hunger strike to protest against their conditions of detention.¹¹⁰

In an interview¹¹¹ conducted with Getu Kassa, EHRCO Investigation department head, he recalls the following situation that happened to one of his colleagues

“One of EHRCO Human Rights Investigator who was well known exposing human rights violations committed by the police at the Desse branch office Mr. Mulugeta Fanta, on February 7 2011 when he was getting back from work, he had fallen into a pre-organized trap by the government security forces looking to arrest him. While he was peacefully going home a lady sitting next to him in the taxi falsely accused him of stealing money from her bag. He was then arrested due to that accusation but later it became a highly politicized one despite the lady admitted that he had not steal anything from her. Later on, he was even forced to leave the country. This was retribution from the government since Mr. Mulugeta plays a role in monitoring the human right violations committed in that area”

In May 14/2000, EHRCO staff were told that the certificate of registration in the Federal Ministry of Justice was not sufficient to operate in those regions and therefore it should be registered anytime a worker wants to work in their region.¹¹² Even though the freedom of movement is assured by article 32 of the Ethiopian constitution¹¹³ regional officials insist that EHRCO human rights investigation staff members must inform them about their movement and the human rights

¹⁰⁸ Ibid

¹⁰⁹ Ibid

¹¹⁰ See Julia Littmann, Arnold Tsunga and Carole Berrih (2005), page.22

¹¹¹ Interview with Tesfaye Gemechu, deputy executive director of EHRCO, May 20 2022

¹¹² See EHRCO (2001), 40th special Report page 15

¹¹³ Article 32 of the Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995 states that ‘Any Ethiopian or foreign national lawfully in Ethiopia has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he wishes to’

victims and witness that they plan to meet and interview.¹¹⁴ In 2000 and 2001 the then head of EHRCO's branch office in Bahir Dar, Mr. Alemayehu Fanta, a staff member of EHRCO's headquarters, Mr. Wondimagene Gashu, one of EHRCO's supporters, Mr. Getaneh Dimtsu are some of the people arrested in the so called the above stated arbitrary requirements.¹¹⁵ Following the June and November 2005 student-led protests across Addis Ababa, dozens of Ethiopian human rights activists, including EHRCO staff, were arbitrarily detained on trumped up charges including treason and genocide.¹¹⁶

IV. Killings and Physical Injuries

Mr. Assefa Maru, active member of the executive committees of Ethiopian Human Rights Council (EHRCO), was shot dead in broad daylight by Federal Police in the morning of May 8, 1997.¹¹⁷ Even though there were different stories to this killing Human Rights watch has investigated eyewitnesses and different Photographs obtained and have reached that it was committed by the federal policemen, armed and uniformed policeman sharpshooter took two shots at Assefa Maru and he was bleeding on the sidewalk.¹¹⁸ In the aftermath the relatives and colleagues of Assefa Maru received phone call, reportedly from the police, telling them to collect the body from the morgue, the police issued certification about the cause of dies by reporting that he had died in a car accident.¹¹⁹ EHRCO officials, who received one such call, rushed to the hospital and discovered that Assefa Maru had been shot in the head and chest, and that his entire face and the left side of his shirt were covered with blood.¹²⁰

In an interview, Mr. Getu Kassa¹²¹ stated that “Beatings and physical assault by security forces of the government were very common and we are accustomed to these types of treatment from the

¹¹⁴ See EHRCO (2001), 40th special Report, page 14

¹¹⁵ Ibid

¹¹⁶ See EHRCO (2011), supra note 51, Page 3

¹¹⁷ Human Rights Watch (1997), Ethiopia- The Curtailment of Rights, page 30, accessible at <https://www.refworld.org/docid/3ae6a8554.html> , last accessed 4 October 2019

¹¹⁸ id, page 31

¹¹⁹ Id, page 30

¹²⁰ ibid

¹²¹ Interview with Mr. Tesfaye Gemechu, Deputy Executive Director, March 5, 2023.

government security forces although ours is nothing to be compared to what was done to Mr. Assefa Maru”.

V. Surveillance and Phone Tapping

There have been phone tapping on active and key staff members that receive complaints and exchange information on human rights violations.¹²² Knowing this for the safety of victims we do not talk details on the phone about violations.¹²³ EHRCO’s physical and digital activities have for a long time been under surveillance.¹²⁴ Sometimes security persons would come to EHRCO offices impersonating victims to collect data of what activities are being performed in the office.¹²⁵ EHRCO website has been time and again hacked and flooded with viruses.

Mr. Getu Kassa¹²⁶, when explaining how challenging it is to work on the field stated “The whole purpose of investigation is to finally know the perpetrators that inflict human right violations. As investigators conduct their search they will find and come face to face with the violators themselves. They are not going to sit around and wait when questions are being asked. Everywhere we go threats follow us”

VI. Blocking Bank Account

Before re-registration began in 2009, various government officials assured the CSO community that existing NGOs would be able to operate unencumbered until the one-year transition expired in January 2010. Article 111(2) of the CSO proclamation 621 2009 stated that all CSOs had to re-register within one year of the coming into effect of the law.¹²⁷ However, the then Charities and Societies Agency, by a letter written in December 2009, directed four private banks to freeze all of EHRCO’s assets including its bank accounts and sustainability fund.¹²⁸

¹²² *ibid*

¹²³ *ibid*

¹²⁴ *ibid*

¹²⁵ *ibid*

¹²⁶ *ibid*

¹²⁷ See EHRCO(2011), *supra* note 51, page 8

¹²⁸ *ibid*

The Agency did not secure a court-ordered warrant permitting it to freeze EHRCO's assets nor does the CSO Proclamation 621 2009 give the agency the authority to block EHRCO's bank accounts.¹²⁹ Ethiopian Women Lawyers Association (EWLA) an association that works on women's right advocacy was in the same situation as EHRCO. They had exhausted all administrative remedies and found no solution. EWLA argued that the court has not been independent, the court did not accept their submissions, even if they had enough backing from the law.¹³⁰

On 13 April 2013, EHRCO, supported by International Centre for the Legal Protection of Human Rights (INTERIGHTS), which subsequently withdrew from the matter; East and Horn of Africa Human Rights Defenders Project; CIVICUS; International Federation for Human Rights (FIDH); and Word Organization Against Torture, submitted a complaint against the Federal Democratic Republic of Ethiopia, to African Commission on Human and Peoples Rights (ACHPR). The complaint alleged that on 8 December 2009, without a court order or prior notification, the then CSOs Agency blocked EHRCO's assets including private bank accounts and sustainability fund which together were in the sum of approximately nine million Birr (equivalent of US\$ 566,000.00). These funds had been acquired from both international and domestic sources since 2002 and the complaint to the African Commission submitted "that EHRCO's rights under Article 1, 7(1), 9(1) and (2), 10, 14 and 15 of the African Charter have been violated". However, the ACHPR dismissed the case as Inadmissible under Article 56(5) of the African Charter on Human and people's Rights for failure to exhaust the relevant local remedies.¹³¹ The frozen account was later released on September 7/2019 after the coming into force of the new Civil Societies Organizations proclamation number 1113/2011.

VII. Forced Exile

It was following the national election of 2005 staff and members working for EHRCO were searched and arrested and those who were not arrested fled the country fearing the then raging

¹²⁹ *ibid*

¹³⁰ Ethiopian Women Lawyers Association (EWLA)

¹³¹ Mekelle University Law Journal (2016), African Commission on Human and Peoples' Rights Communication 445/13 Human Rights Council and Others v Ethiopia, Vol. 4 page 153-176

government attacks.¹³² For instance, four senior human rights violation investigators of EHRCO fled the country upon their release from detention three of them were detained for 21 days without any court charges and later on the general secretary of EHRCO was also forced to leave the country.¹³³

Yared Hailemariam, who was EHRCO human rights violations investigator explained it was due to the government increasing persecution and with the fear for his life and liberty that he fled out of the country, he further stated that he and his EHRCO colleagues had done nor committed any crimes what so ever but only their human rights related activities that invited all the pressure from the government side¹³⁴.

4.2 The Current Challenges of EHRCO

Currently there is different challenges both from the side of the government and other stakeholders, including challenges from the informal groups created in different parts of the country hindering EHRCO's efforts in monitoring and reporting. EHRCO offices both at the head and branch offices have also been illegally broken into. The main office branch has been broken into twice¹³⁵, Hawasa branch office twice with the purpose of stealing files and leave inappropriate files inside.

Below, the major current challenges that negatively affect EHRCO in the course of playing its role in human rights monitoring and reporting of human rights violations in Ethiopia.

4.2.1 Legal Challenges

Despite commendable and positive legal improvements under the new CSO proclamation No. 1113/2019. However, there are still some restriction such as but not limited to; on administration costs (80%-20%) another is other legal challenges, the capacity of organizations to solicit and utilize resources is indispensable for effective planning, functioning, efficient fund utilization, and overall growth. It empowers organizations to be financially sustainable, expand their programs, attract talented individuals, engage in strategic partnerships, and contribute significantly to the

¹³² See EHRCO (2009), UPR Submission, Page 4 para.15

¹³³ *ibid*

¹³⁴ Interview on April 20/2023, Addis Ababa

¹³⁵ EHRCO Urgent press release on February 14/2023 page 1

development of civil society.¹³⁶ Article 63(2) states that “the administrative costs of an organization established for the benefit of the general public or that to the third parties may not exceed twenty percent of its total income. It is positive that the proclamation lifts restrictions on receiving foreign funding, but it places excessive controls on use of resources by capping administrative costs at 20% of income (compared to 30% in the previous CSO Proclamation No.621/2009).¹³⁷

Restriction on expenditure appropriation limits the financial autonomy of CSOs and goes against established norms under international law, including as reflected in the ACHPR’s Guidelines on Freedom of Association and Assembly in Africa which provides “the law shall clearly state that associations have the right to seek, receive and use funds freely in compliance with not-for-profit aims. Every CSO shall utilize its financial and other resources for the attainment of its aim (non-profit making), objects and purposes,¹³⁸ non-commercial and non-business making purposes and the officers or employees shall not use its objects, aims and purposes for personal financial gain or profit or for gain or profit of relatives or friends.¹³⁹

In practice, the distinction between administrative and programmatic costs is subjective and varies from one CSO to another.¹⁴⁰ This limitation will naturally constrain the works of CSOs as a result of which it can be considered as a disabling ground. Moreover, given the fact that not all but some CSOs consume most of their money for administrative purposes out of necessity than choice, the formula is one size fits all and this needs to be rectified.¹⁴¹ As a result, Organizations like EHRCO have been unable to conduct inter alia trainings of their staffs, hire researchers or commission studies, network or collaborate, participate in workshops and other learning and sharing opportunities without overspending their allocated 20%.¹⁴²

¹³⁶ Human Rights Reports and Urgent Press Releases Preparation & Releasing Procedure Manual, page 10

¹³⁷ Ibid

¹³⁸ Article 37 of draft Civil Society Organizations Act, Act No. 2004.

¹³⁹ Ibid, article 6(5)

¹⁴⁰ Ibid

¹⁴¹ Tsehai Wada; The Regulatory Framework for Civil Society Organizations in Ethiopia, Civil Society at the Cross Roads: challenges and prospects in Ethiopia, Forum for Social Studies, 2008, available on <https://addisababa.academia.edu/TsehaiWada> access on 24 August 2019 page. 1.

¹⁴² Dina Townsend with Nicky Brockhoven and Desta Gidey; Ethiopia’s new civil society law, page. 1

4.2.2 Political Challenges

In addition to the above mentioned legal challenges that affect the activity of EHRCO, different practical hurdles such as politicizing human rights activities have been challenging EHRCO in the course of monitoring and reporting human rights violations. Below, the specific challenges that are hindering effective performance of the EHRCO;

I. Lack of Cooperation

EHRCO has been doing monitoring and reporting human rights violation reports to the concerned organs of the government and thereby document the finding thereof. However, investigators often face difficulties in accessing different information and documentary evidences as a result of the failure of government officials, especially those working in regional states, to cooperate with EHRCO's staffs.¹⁴³ This in turn makes the investigation process onerous and its result lacks comprehensiveness. In addition, the politicization of human rights by the government adds its own negative consequence on the ineffectiveness of the council. For instance; though the council had asked the government to grant permission to investigate the human rights violation in the Tigray Region, there was no willingness to give permission on the part of the government.¹⁴⁴

II. Stringent Bureaucracy

The other equally challenging problems that hinder the human rights monitoring and reporting activity of EHRCO is the unnecessary bureaucracy of government officials. In any attempt to investigate human rights violation, monitor institutions and in their handling of human rights of their workers or individuals under their control, and to conduct different conference, government officials have been continuously asking EHRCO to always present its license and letter from the federal government that authorize the same¹⁴⁵. Such requirement has no legal base as EHRCO is

¹⁴³ EHRCO, 'Ethiopia at the verge of genocide' (2013) 147th special report, page.6

¹⁴⁴ Request letter was sent such as to the Ministry of Defense and Ethiopian Ministry of Peace with a letter number ER3-M41/07/21 on March 21, 2021 requesting for permit to investigate the human rights violations that committed by all parties in Tigray region

¹⁴⁵ EHRCO annual activity report on august 7 2005, page 13 para. 2

a legally recognized institution and its objective thereof has been duly registered from its very inception.

III. Accusation and Labeling

It has been explained above that EHRCO is an independent institution that has no affiliation to any religious and political institution nor does it connect with any ethnicity both at national and international level. However, there is an allegation that EHRCO is an advocate of a single nation in Ethiopia so that all its investigations and reports favor a single ethnic group¹⁴⁶.

There is no doubt that an investigation of human rights violation and the report thereof is limited by place where and time when the violation occurs. Hence, as a matter of fact there might be possibilities where people from a certain ethnic group may be continuously targeted for their right be violated. However, since the role of EHRCO is to investigate such violations and report its finding, its report on such occasion doesn't mean that it is an advocate of the ethnic group that is constantly reported as subject of human rights violations. In other words, EHRCO equally raises its voice for people from any ethnic group whose rights are alleged to be violated. Though such false accusations and labeling can't prevent EHRCO from playing its role of ensuring the realization of human rights protection, it will however create unwarranted suspicions among the people and also affect its staffs as they work tirelessly for the betterment of human rights protection in Ethiopia.

IV. Harassments and Intimidation

Mistreating staffs of EHRCO in the course of carrying out their investigation and monitoring of human rights violation is the major challenges that affect the effectiveness of the Council. There are different attempts of looting different documents from EHRCO's investigators, and a tendency of intimidating them to relinquish their investigation activity and leave the area.¹⁴⁷

¹⁴⁶ Article 6 of EHRCO establishment document and memorandum of association.

¹⁴⁷ Ibid

Surprisingly, these harassments and intimidations are often forwarded by government officials directly and other individuals sponsored by the former. This problem has been creating a hostile environment where it sometimes resulted on the fear of staffs to conduct field investigations.

V. Arrest and Accusations

EHRCO's two senior human rights investigation experts, one human rights officer and one driver, along with the organization's vehicle, were arrested on January 5 2023 in a newly established sheger city administration in alem gena gelan gudan sub city police station while a human rights investigation activities. Their exact whereabouts were unknown until someone informed EHRCO.

The reason given by the police for the arrest was that they did not have a support letter from EHRCO, taking pictures and didn't get permission from Oromia regional police to do the investigation activities whereas EHRCO responded that it has the mandate to investigate human rights violations in Ethiopia, as per EHRCO's legal registration by the FDRE Authority for Civil Society Organizations and taking pictures is part of the investigation process. The court, after hearing both sides, the court released the detainees on bail after eight days of detention.¹⁴⁸

Occasionally the harassment and intimidations may increase in scope and result in the accusation of staffs and thereby their arrests. Though EHRCO's staffs working in different corners of the country are sometimes being threatened, those who works at the Nekemte branch were accused for having contact with a terrorist organization and arrested illegally.¹⁴⁹

However, the reality on the ground is the strong supervision carried out by these individuals against the violation of human rights committed by security personnel and government officials of the region. In addition, documentary evidences revealed that when members of EHRCO contact the concerned organ that detained their staff and asking for their release, they were threatened inhumanly by different officials of the regional governments and security persons.¹⁵⁰

¹⁴⁸ EHRCO Urgent Press release, 'unlawful act committed against EHRO' report on February 14/2023

¹⁴⁹ For instance; as per a letter written with a Ref No ER/NKT/018/2022 to EHRCO's head office from its branch in Nekemte, Desta Endalu who is a member of committee in Nekemte branch office was arrested by the Oromia Regional Police on February 13/2022 at Diga Woreda Gudetu Arjo Police station.

¹⁵⁰ For instance; as per a letter written on 11/9/2020 from the Nekemte branch to the head office, workers of the council have explained the harassments and maltreatment they severed by Oromia regional police and other officials in their attempt to ask the whereabouts of teacher Fikadu Negeri who was taken by the Oromia regional police from his home.

4.2.3 Institutional Challenges

Civil Societies working on human rights in Ethiopia are not that much working in collaboration. Though most of them are working for common goals; promoting and protecting human rights of the people, they most of the time they tend to work separately and tries to voicing their specific organizational areas and challenges rather than defending the civic space. There is also a tendency of racing for announcing new project and searching for donors rather than articulating the practical problems in the protection and promotion of human rights in Ethiopia and challenge the government to take prompt and necessary measures to realize the peaceful enjoyment of human rights by citizens. Nevertheless, there are good beginnings such as the establishment of Consortium of Ethiopian Human Rights organizations (CEHRO) and Ethiopian Civil Societies Organizations Council (ECSOC) to be taken by the CSOs to cooperate and boost their collaboration in relation to joint human rights activities, taking into account the large area that human rights encompass, there are lots of homework to be done by CSOs.

The last, but not the least challenges faced by EHRCO in the promotion of human rights is the lack of sufficient awareness about the working procedure and the lack of expertise on the sector. The challenge arises when there is a human rights violation that necessitates the stepping in of EHRCO as a human rights organization, the fact that there are only a very few if not none CSO that do altogether the monitoring and reporting of human rights violations in Ethiopia that give work overload to EHRCO.

People hardly understand the fact that investigation of human rights violation is a matter of fact in the sense that it is fact that will be gathered, verified, analyzed and presented in the form of report. The lack of proper understanding about the investigation process and its result is twofold. On the one hand, people expect the council to come up with a prompt result of the investigation neglecting the fact that it is a time consuming activity. In addition, there is a tendency that most people use a predetermined assumption about the violators and the type and degree of violation occurred. This in turn makes their expectations conflict with the reality and thereby failed to accept the finding of the investigation. There is limited awareness towards distinguishing the Ethiopian Human Rights Council (EHRCO) with that of the Ethiopian Human Rights Commission (EHRC), unable to differentiate these two different organizations is not only by the public but also by some governmental institutions, this can be also taken as a challenge during operations.

CHAPTER FIVE

Conclusion and Recommendations

5.1 Conclusion

Ethiopian Human Rights Council (EHRCO) is a non-governmental organization working on investigation, monitoring, reporting and documentation of human rights violations in Ethiopia. Since its establishment back in 1991 the council is still working towards achieving its founding objectives; the promotion of the democratic process, the rule of law and the respect of human rights. It had a long human rights journey as an organization from facing various problems; extra judicial killings to challenges for registration, arrests, intimidations and office breakings

EHRCO has been playing its role in protecting and promoting human rights in Ethiopia through human rights monitoring and reporting activities, advancement of civic education and raising peoples' awareness, helping people to claim their rights, monitoring democratic process, rule of law and promoting fair and democratic election. EHRCO has also been playing its part for the Ethiopian human rights handlings through Monitoring democratic process, rule of law and violations of rights and by promoting fair and democratic election. For its human rights efforts EHRCO was awarded the 2022 International human rights organizations award by Amnesty International¹⁵¹.

EHRCO is one of the first non-governmental organization in the country that monitors, investigate and reports on human rights violations such as extra-judicial killings, arbitrary detention, torture, forced disappearances, unlawful and arbitrary confiscation of property, violation of privacy, unlawful dismissal of employees, and denial of the freedom of conscience, religion, expression and association. EHRCO is also involved in election monitoring, conducting civic education programs and organizing debate forums among contending political parties to ensure access to information reached to the public on the programs and plans of action of different parties. Its role in this case, is not only contributing to fair and democratic elections but also contributing towards

¹⁵¹ The award was given on May 30th 2022 by Amnesty International in Berlin Germany.

the development of a democratic culture based on dialogue and tolerance at all level of administration and the public at large.

When it comes to the challenges hindering EHRCO's activities, the council has encountered various issues since its establishment. These challenges take on different forms and scopes, ranging from threats to the council's existence to accusations and labeling. Despite the council's invaluable contributions to protecting and promoting human rights in Ethiopia, institutional, political, and practical challenges have still challenging its role in human rights violations monitoring and reporting.

Unsupportive treatment by government officials against EHRCO's human rights violation investigators and the resulting intimidation and arrest are the major challenge that encumbers the effectiveness of the council. Unfortunately, the government and its institutions have not been supporting the monitoring and reporting activities of EHRCO as expected, even to the opposite the government has been directly and indirectly discouraging the human rights activities of the EHRCO, such as by arresting its staffs and members as well as by blocking its bank accounts. Nonetheless, EHRCO has been resilient human rights defending organizations and never been relented from disclosing and opposing the human rights violations in Ethiopia.

5.2 Recommendation

On the basis of the above research findings and with an in-depth analysis under the main body of the thesis, the following areas are identified for possible recommendations for future improvements;

1. The government must stop any forms of attacks against EHRCO and must ensure to investigate the past ill-treatments against EHRCO and make accountable those who involve in wrong doings against the Council and must ensure that EHRCO freely operates and accomplish its human rights activities without any reprisals,
2. The government should appreciate the role of EHRCO and recognize the important role it plays instead of viewing it as a threat of exposing the wrong doing as far as human rights are concerned. EHRCO and the government should identify pragmatic linkage with the view of improving governance towards the respect, protection and promotion of human rights in Ethiopia for instance by identifying the sectors that they should partner with,
3. EHRCO needs to work on membership development to strengthen its financial and institutional capacity. There is a need for disseminating information concerning EHRCO and human rights to the public. The media should be used by EHRCO to create awareness about it and its role in promoting human rights. This will help bring back the membership base which was forced to leave EHRCO as a result of the previous administration's crackdown on CSOs,
4. CSOs play key role in promoting democratic and political culture in the country, However, National Human Rights institutions such as Ethiopian Human Rights Commission (EHRC) and the Institution of the Ombudsman there are gaps in terms of working in strong collaboration, except recent good starts from EHRC. Thus, CSOs like EHRCO need to work to forge create stronger advocacy campaigns and build strategic partnership with National Human Right Institutions since they work for the same cause, there must be a strong relation between them and a system must be established where they can work together and support each other,
5. Government institutions specially the security sector must recognize CSOs human rights efforts in general and EHRCO's in particular as watch dog institutions playing an important role in the promotion and protection of human rights must be properly implemented on the ground. For that matter, government must provide training to its officials in different parts of

the country in the manner of treating institutions working on human rights and issue directives that improve the civic space,

6. Regional government officials must understand that EHRCO is working for the respect, protection and promotion of human rights in Ethiopia. Hence, they should cooperate or, at least abstain from intimidating and interfering on the human rights activity of EHRCO,
7. Government medias should play a constructive in terms of portraying the image of CSOs and their role to the public,
8. The Authority for Civil Societies Organizations (ACSO) should increase its efforts to create a more CSO's enabling legal and pragmatic environment,
9. To overcome or mitigate the current CSOs challenges Human Rights consortiums and specially the Ethiopian Civil Societies Organizations Council (ECSOC) should think and strategize on ways to overcome challenges, to create a conducive civic space and advocacy for better CSO's future,
10. Civil Societies in Ethiopia especially those who engaged in human rights activities would be more effect full if they could engage and work with the regional and international human rights organizations and mechanisms.

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- Mr. Endalkachew Worku, Ministry of Justice, Awareness directorate, February 2/2022, Addis Ababa Ethiopia,
- And many individuals, EHRCO founders, members and staffs were interview.