

**Addis Ababa University
School of Graduate Studies
Institute of Human Rights**

**Freedom of Religion and Belief in Correctional
Institutions: the Case of Ethiopian Federal
Correctional Institutions**

**By
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**February 21, 2011
Addis Ababa, Ethiopia**

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**A Thesis Submitted to the School of Graduate Studies
of Addis Ababa University in Partial Fulfillment of the
Requirements for the Degree of Master of Arts in
Human Rights**

**February 21, 2011
Addis Ababa, Ethiopia**

DECLARATION

I Mezmur Yared, hereby declare that this dissertation entitled “Freedom of Religion and Belief in Correctional Institutions: the Case of Ethiopian Federal Correctional Institutions” is original and has never been presented in any other institution. To the best of my knowledge and belief, I also declare that any information used has been duly acknowledged.

Addis Ababa

February 2011

Ato Mezmur Yared

This dissertation has been submitted for examination with my approval as university advisor.

Ato Getahun Kassa

Confirmed by

Readers

Dr. Girmachew Alemu

Dr. Yared Legesse

Acknowledgement

Thanks be unto God, my Advisor, Readers, Family, Friends and Thee.

I would also like to thank the Federal Prisons Commission; Addis Ababa, Ziway and Shoa Robit Prison Administrations, for allowing me to conduct the research and for cooperating with me in undertaking this research. Similar thanks goes to the respondents who willfully responded to the questionnaire.

Abbreviations

- AU – African Union
- ACHPR – African Charter on Human and Peoples’ Rights
- CERD – Convention on the Elimination of Racial Discrimination
- CRC – Convention on the Rights of the Child
- ECOSOC – Economic Social and Cultural Council
- FDRE – Federal Democratic Republic of Ethiopia
- ICCPR – International Convention on Civil and Political Rights
- ICESCR – International Convention on the Economic Social and Cultural Rights
- ILO – International Labor Organization
- TVET – Technical and Vocational Educational Training
- UDHR – Universal Declaration of Human Rights
- UK – United Kingdom
- UN – United Nations
- USA – United States of America
- WWII - World War Two

Abstract

Freedom of religion relates to the dignity of humanity. It could also be considered as relating to the watershed distinguishing human from other animals based on the free will and conscience. It is one of the foundations of a pluralistic and democratic society.

In its content the freedom encompasses the right to belief, disbelief or changing one's belief. It also incorporates an aspect of manifestation and free worship. In the context of correctional institutions inmates have the right to freedom of religion. However, their right would be limited on grounds of security, order and enforcing the punishment which is deprivation of movement.

This research paper analyzes the international and national legal and institutional protection mechanism in the context of correctional institutions. It further aspires to find out the adequacy of the national legal and institutional protection mechanism and test the enforcement in light of these standards. Consequently, it found out that the enforcement and protection mechanism are largely compatible with the minimum standards but that there are certain areas where improvements are needed.

The major ones include issuance of detailed directive, the recognition of religions or beliefs followed by inmates, allowing the common manifestation of religious followers, following up cases of discrimination from any source and applying effective remedial mechanisms, creating awareness among the inmates about their rights, duties and the correctional institution rules in this regard.

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Chapter One

Research Question and Methodology

1.1 Introduction

Human rights derive from the inherent dignity of the human person. While the struggle to assure a life of dignity is probably as old as human society itself, reliance on human rights as a mechanism to realize that dignity is a relatively recent development. Human rights are by definition the rights one has simply because one is a human being. It identifies human rights as rights in the strict and strong sense of the term, and it establishes that they are held simply by virtue of being human.¹

At the dawn of the establishment of the UN, United States President Roosevelt set a milestone in the internationalization of freedom of religion or belief in his message to the seventy seventh Congress on January 6, 1941. In that State of the Union address, Roosevelt called for “a world founded up on four essential human freedoms.” He identified the four freedom to be: freedom of speech, freedom of worship, freedom from want and freedom from fear.²

Freedom of religion is one of the foundations of a pluralistic and democratic society.³ In this sense religion can be defined as a system of beliefs, practices, institutions and relationships within a community that distinguishes itself from other communities.⁴ When looked from one perspective, religious beliefs and human rights are complementary expressions of similar ideas even though religious texts invoke the

¹ Jack Donnelly and Rhoda E. Howard (eds.), *International Handbook of Human Rights*, p. 1.

² Bahiyyih G Tahzib, *Freedom of Religion or Belief: Ensuring Effective International Legal Protection*, pp. 64-65.

³ Mashood A. Baderin, *International Human Rights and Islamic Law*, p. 118.

⁴ Abdullahi Ahmed An-Na'im, *Interdependence of Religion Secularism and Human Rights*, p.3.

language of duties rather than rights.⁵ Religions are not easy allies to engage, but the struggle for human rights cannot be won without them.⁶

The drafting history of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief commonly referred to as Religion Declaration indicates broad agreement that religion or belief encompasses theistic, non-theistic and atheistic beliefs.⁷ This just indicates that one has the right to hold a religion or belief or not to do so or to hold a belief against any belief.

There still remains a challenge for tolerance as religious freedom does not seem to have won over the minds of people everywhere.⁸ This statement vividly shows that religion is a very sensitive issue and that freedom of religion is essential for peaceful coexistence and tolerance of different religions. Hence, this research tries to show the scope content and limitation of the right and its enforcement in the context of correctional institutions with a case study of the Ethiopian federal correctional institutions.

1.2 Literature Review

When we see the legal basis for claiming freedom of religion the first instrument to look into is the UN Charter. However, the UN Charter does not incorporate an explicit reference to freedom of religion or belief.⁹ The preamble and articles 1, 13, 55, 56, 62, 68 and 76 contain references to human rights and fundamental freedoms in general. These Charter

⁵ Henry J. Steiner and et al eds., *International Human Rights in Context: Law Politics Morals* 3rd ed, p. 569.

⁶ John Witt and Johan D. van der Vyver (eds.), *Religious Human Rights in Global Perspectives*, p. xviii.

⁷ Human Rights and Equal Opportunity Commission, article 18 Freedom of Religion and Belief, p. 23.

⁸ Kevin Boyle and Juliet Sheen (eds.), *Freedom of Religion and Belief: a World Report*, p. xv.

⁹ *Supra* note 2, p. 66.

provisions provide a foundation for and an impetus to further improvement in the protection of human rights including freedom of religion or belief.¹⁰

When further looking at the UDHR, it states that everyone has the right to freedom of religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.¹¹ A similar right is provided under ICCPR and ICESCR.

The right to freedom of thought, conscience and religion (which includes the freedom to hold beliefs) in ICCPR article 18.1 is far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others. Freedom of thought and the freedom of conscience are protected equally with the freedom of religion and belief. The fundamental character of these freedoms is also reflected in the fact that this provision cannot be derogated from, even in time of public emergency, as stated in article 4/2/ of the ICCPR.¹²

Article 18 of the ICCPR protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms "belief" and "religion" are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee on Human Rights therefore views with concern any tendency to discriminate against any religion or belief

¹⁰ Ibid., p. 67.

¹¹ UDHR, article 18.

¹² General Comment No. 22: The right to freedom of thought, conscience and religion (article 18): 30/07/93.

for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community.¹³

Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.¹⁴

When further looking at the freedom as provided under the African Charter we find the content coined in the following way,

Article 8

*Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.*¹⁵

After looking at the scope and content of the right internationally, when we come to the legal framework of Ethiopia, first we find the FDRE Constitution. According to article 9/4/ and 13/2/ international agreements ratified by Ethiopia are part of the law of the land. Hence, the Charter, UDHR, ICCPR, ICSECR and the African Charter are part of the Ethiopian legal framework.

Article 21/2 of the FDRE Constitution provides for rights of persons held in custody and convicted inmates, guaranteeing that they have the right to be visited by their religious councilors. Furthermore, article 25

¹³ Id.

¹⁴ Supra note 5, p. 593.

¹⁵ African [Banjul] Charter on Human and Peoples' Rights, article 8.

provides that discrimination based on religion is prohibited. Finally article 27 provides the compact of freedom of religion, belief and opinion.

Council of Ministers Regulation on the treatment of prisoners under article 26 provides the following rights in general terms that:

- 1/ Every prisoner shall exercise his religious freedom during his stay in prison,*
- 2/ The religion of a prisoner shall be the religion registered at the time of his admission to the prison; provided however that if during his stay in prison he is converted to another religion he may request such fact to be registered,*
- 3/ Every prisoner shall have the right to have access to and read spiritual books, magazines and articles as well as to observe religious holidays.¹⁶*

This provision is so general that it is difficult to tell the respect or violation of the right without looking in to the practice.

The research will test and apply the following principles or indices which were also used by a book which was prepared to asses the world implementation. Hence, non discrimination based on choosing and changing religion; manifesting religion or belief; legitimate restrictions and limitations and education.¹⁷

After looking at the international dimension of the right, when we continue to see the level of other **related literature** we find it to be scarce and very much limited. There is no master's thesis done on the subject. But there is one which was done on the role of human rights to

¹⁶ Council of Ministers Regulation on the Treatment of Federal Prisoners no 138/2007, article 26.

¹⁷ Supra note 8, p. 15.

tackle religious conflicts in Oromia region focusing on religious conflict that occurred in Jimma.

Besides this, in 2008, there is also a study conducted by the Ethiopian Human Rights Commission on the condition of human rights in correctional institutions generally. However, the report does not comprehensively address freedom of religion issues. It only has a half page section on freedom of religion which indicates that there is some sort of problem in exercising group worship in some correctional institutions.¹⁸

Another report conducted by the FDRE and submitted to the African Commission on Human and Peoples' Rights does not have much coverage on the condition of freedom of religion in Ethiopia. It does not have coverage on the condition of freedom of religion in correctional institutions.¹⁹

Furthermore, there is a report submitted to the Ethiopian government by the Special Rapporteur on prison and conditions of detention in Africa in March 2004 based on the African Charter on Human and Peoples Rights. The study is generally made on prison conditions and it does not cover the issues related to freedom of religion apart from saying in one paragraph that in Addis Ababa correctional institution there is Orthodox and Protestant churches.²⁰

¹⁸ Ethiopian Human Rights Commission, Report on the Condition of Human Rights in Prisons, p. 10.

¹⁹ Federal Democratic Republic of Ethiopia, Combined Report (Initial and Four Periodic Reports) to the African Commission on Human and Peoples' Rights Implementation of the African Charter on Human and Peoples' Rights, p. 32.

²⁰ Report of the Mission of the Special Rapporteur on Prisons and Conditions of Detention in Africa to the Federal Democratic Republic of Ethiopia 15 – 29 March, 2004, p. 28.

Besides these relevant studies and reports the writer did not find any other research on the topic. However, there was one attempt in 1971 where an undergraduate research paper titled “A Comparative Study of the Life of Prisoners in the Addis Ababa Central Prison” was conducted.²¹ This paper generally and briefly touches upon almost all the human rights dimensions but fails to touch upon freedom of religion.

As illustrated above this research paper would contribute to narrow down the knowledge and research gap in the area of freedom of religion generally and fill the research gap in the normative and practical coverage and implementation of freedom of religion in the context of federal correctional institutions in Ethiopia.

1.3 Research Questions

The research question of the study is “Is freedom of religion and belief in federal correctional institutions of Ethiopia adequate, and is there protection and respect of the right?” Hence, the research would attempt to show the situation of freedom of religion in Federal Correctional Institutions. The study would inquire to see what the national legal and institutional framework looks like when compared with the international standards.

1.4 Limitation of the Study

The study is limited to assess the current situation of freedom of religion in the federal correctional institutions of the Addis Ababa (Kaliti) Prison Administration, Shewa Robit and Zeway federal prison administrations. Moreover, the study does not cover the freedom of religion of corrections officers as the objective is to assess the case of the inmates.

²¹ Bekele Nedy, A Comparative Study of the Life of Prisoners in the Addis Ababa Central Prison, (LLB Thesis, AAU, 1971, Unpublished).

However the study covers all aspects of freedom of religion in the study area, by looking at the international and national legal standards and attempt to find out the extent of their application or their situation of enjoyment and violation.

The other area of limitation of this research is that in the framing of the questionnaire, the question “Can you hold a religion of your choice?” has been suggested that the response could not be in the negative as right to hold is exercised internally and that it is difficult to limit the right to belief of one’s choice. Even if it is difficult to limit one’s belief or religion, this question was framed in order to solicit any response where the right to hold any belief is expressly or tacitly limited or discouraged. Another such questionnaire item “Can you change your religion while in the correctional institution?” is suggested that it could generate wrong response as it is forwarded to all respondents while it should have been forwarded only to those who attempted to change their religion and faced limitation. Again the researcher wanted to know the response of all the respondents whether they believe whether they can change their religion if they wanted to. The question also has subjective query to solicit the reason and circumstance of the response in the negative.

1.5 Objective of the Study

The main objective of the study is generally to find out the situation of freedom of religion in the federal correctional institutions. The study aims to identify the scope and content of the right both under the international and national systems and make a comparative analysis. It also aims to find out the level of its enforcement respect, protection and fulfillment (enjoyment or violation of the right) in Federal Correctional Institutions. The study would identify the adequacy of the legal provisions and investigate whether there is any violation of the right in

order to have a better protection thereby contributing to the identification and alleviation of social problem in this regard.

1.6 Research Methodology

Research design

The research will use qualitative as well as quantitative data. The research topic and objective requires utilizing subjective assessment of the situation by the respondents and other relevant reference books. Similarly, quantifiable data of incidences should be gathered and incorporated into the study from respondents and legal instruments. Hence, the research utilizes primary and secondary sources of information/data.

Sampling method will be stratified sampling method where male and female inmates will be separately approached by simple random sampling where each will have equal and non zero chance of being selected. Based on the practical situation during data collection selection of respondents will be made randomly based on availability and literacy of the respondents.

Based on the preliminary study the number of inmates found in Federal Correctional Institutions i.e. Addis Ababa around 5425, Ziway 2648 and Shoa Robit 2157. The sample size to be taken will be based on the acceptable average confidence interval of 1.96 and a margin of error of 0.05 will be employed using the following formula. As a result of this the sample size would be 356, 335 and 326 respectively from each federal correctional institution.

n = number of samples

N = number of population

z = confidence interval = 1.96

e = margin of error = 0.05

$$n = \frac{z^2}{4e^2 + \frac{z^2}{N}}$$

Data collection method will be composed of observation, interview and questionnaire. The interview would be conducted with the correctional institution administration. It would be composed of different types of question i.e structured (yes\no), semi structured (why\how) and unstructured questions (explain). The questionnaire would be translated into Amharic and administered to the inmates and it will be both open ended and close ended to gather specific information and data and also to get the reasons behind the answers.

Observation will also be utilized to check the practice of the right inside the correctional institution. Document analysis of relevant instruments and complaint files if any will be made.

As a result of the selection of the above methodology the research is going to follow an interdisciplinary approach, where comparative analysis and analytic/empirical methods are going to be employed.

The research would mainly use formal sources of law as standards. Hence, treaties, convention, and customary international law would be taken as sources of standards to identify the content, scope and limitations of freedom of religion or belief under international law. Under national law proclamations, regulations and directives would be utilized to identify the national standards.

In addition to these, soft law standards under international law would be considered under this research. This would be done despite the fact that these standards are not formal sources of international law. However, these sources are useful in identifying the customary practices of states and they serve as acceptable elaborations of the formal sources. These soft laws have through time acquired political support and they are just

considered as interpretations of the general state obligations and individual freedoms.

Based on the nature of the soft law standards one can further consider that these are standards that have got acceptance by states. These are Resolutions and Recommendations passed by the Security Council and General Assembly of the United Nations. In light of this the UN Charter provides that:

All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.²²

This shows that members of the UN have agreed to respect and follow the decisions of the UN. Further more states have also given their consent when passing the specific Recommendations or standards. Hence, we can consider these soft law standards as guiding the elaboration and interpretation of the formal sources and also showing the intention of states. Therefore these standards would be utilized in analyzing the international standards with respect to freedom of religion or belief.

Moreover, these soft law standards could be considered as a further elaboration and interpretation of the formal treaties in relation to the content and scope of freedom of religion and belief. The contents of the standards of freedom of religion and belief as incorporated within the ICCPR, UDHR, Banjul Charter and CRC which are formal sources, could be further interpreted in accordance with the Vienna convention on the

²² UN Charter, articles 2/2/ and 25.

law of treaties based on the soft law standards. The Vienna convention indicates that such treaties could be further interpreted through their context and in light of its object and purpose.²³ The context and the purpose could be inferred from ‘any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions; and any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation’.²⁴ Hence, these soft law standards are utilized as they are very useful in getting a clear understanding of the purpose desired by member states in their subsequent decisions and practices.

1.7 Ethical Considerations

As the topic of the paper is very sensitive and raises personal issues of religion and belief it is expected to show maximum tolerance and respect to religions and beliefs. Moreover, care must be taken while instructing inmates about how to fill the questionnaire and while interviewing correctional institution officers and more so while analyzing and presenting the findings.

In addition to these the researcher and all assistants should keep neutrality and confidentiality which is expected of all researchers.

²³ Vienna convention on the law of treaties, article 31.

²⁴ Id.

Chapter Two

Freedom of Religion: International and National Content, Scope and Limitations

2.1 Introduction and Context

In this paper the writer would try to introduce the general nature and meaning of religion and human rights and then go on to show the content, scope and limitations of freedom of religion based on the international and national standards of human rights.

There is not a widely agreed definition of religion. As religion incorporates belief and non belief or atheism, some are skeptical as to whether atheism is religion deserving freedom. However, for the purpose of this paper it is important to begin by providing attempts made to define religion to be followed by the content of the freedom sought to be protected.

Emile Durkheim enunciated what is generally regarded as the classic sociological definition of religion as “a unified system of beliefs and practices relative to sacred things, that is to say, things set apart and forbidden - beliefs and practices which unite into one single moral community called a Church, all those who adhere to them.”²⁵

The definition of religion as provided in the Shorter Oxford English Dictionary is:

“Recognition on the part of man of some higher unseen power as having control of his destiny, and as being entitled to obedience, reverence and worship; the general mental and

²⁵ Supra note 7, One of the Commission’s recommendations in this report of the situation of freedom of religion and belief in Australia is that States of Queensland and Victoria to repeal laws criminalizing witchcraft, fortune-telling, sorcery and enchantment.

moral attitude resulting from this belief, with reference to its effect upon the individual or the community; personal or general acceptance of this feeling as a standard of spiritual and practical life.”

Religion, in this context, are not merely confidence in the truth of what one knows through the medium of one’s own faculties, or in what others testify, allege, guarantee, or promise. Rather it is the absence of sensorial or scientific verification that places religion and belief in the fold of *eiusdem generis*. The common denominator of religion and belief for purposes of the international law provisions under consideration is, therefore, acceptance of the existence of something without the backing of sensorial observation, scientific demonstration, or rational proof; that is, convictions founded on metaphysical assumptions.²⁶

Further looking at the definition of religion from the United States Supreme Court perspective one finds that the Supreme Court has interpreted religion to mean a sincere and meaningful belief that occupies in the life of its possessor a place parallel to the place held by God in the lives of other persons. The religion or religious concept need not include belief in the existence of God or a supreme being to be within the scope of the First Amendment. The sincerity of a person's belief helps decide if those beliefs constitute a religion that deserves constitutional protection. In addition, a belief does not need to be stated in traditional terms to fall within First Amendment protection. The Supreme Court has deliberately avoided establishing an exact or a narrow definition of religion because freedom of religion is a dynamic guarantee that was

²⁶ Johan D. van der Vyver, *Limitations of Freedom of Religion or Belief: International Law Perspectives*, *Emory International Law Review*, Vol. 19 P. 506.

written in a manner to ensure flexibility and responsiveness to the passage of time and the development of the United States.²⁷

The European Commission and Court of Human Rights have had to develop a definition of religion and belief for the purpose of Article 9 claims of the European Convention on Human Rights and Fundamental Freedoms. The basic approach of the Commission has been to define religion or belief liberally and inclusively. In a case concerning a man who did not want to be buried in a cemetery which contains many graves and Christian symbols and writings and who wished rather to be cremated and have his ashes spread over his land, the Commission acknowledged that the desired action had a 'strong personal motivation' but concluded that it was not protected under article 9 as his wish did not express some 'coherent view on fundamental problems'. This suggests that one basic level of intellectual or moral coherence is required before something can be considered a religion or belief – vague notions are not enough. This was reiterated by the Court in *Campbell and Cossans v. the UK*, where the court required a 'belief' under article 2 of protocol 1 to 'attain a certain level of cogency, seriousness, cohesion and importance'. In this regard the Commission has dismissed cases brought by inmates who claimed that the prison authorities were refusing to allow them to practice their religion and the Commission, while deciding the case on other grounds noted that 'in the present case the applicant has not mentioned any fact making it possible to establish the existence of the Wicca religion'. In a second case, a 'light worshiper' was held not to have given sufficient evidence to support his claim that the prison authorities had not permitted him to manifest his religion or belief.²⁸

²⁷ *United States v. Ballard*, 322 U.S. 78, 64 S. Ct. 882, 88 L. Ed. 1148 (1944).

²⁸ Mark W Janis & Carolyn Evans (eds.), *Religion and International Law*, p. 390.

Human rights on the other hand can be defined as entitlements that all human beings assert merely because they are human.²⁹ As such human rights are basic moral claims invoked for the purpose of enjoying a decent human life rooted in dignity. Often linked to the nature of human kind, they are also asserted as ‘natural’ rights.³⁰

According to Thomas Paine human rights are rights that men had by virtue of their status as human beings.³¹ They are unique to human because of his rationality as opposed to other animals. This is the generally accepted natural law school of jurisprudence. The nature of human rights is that they are universal, indivisible, interdependent and interrelated.³² They are also inviolable and inalienable.³³ They are said to be universal as humanity is indivisible.

When we see human rights in its historical perspective, it emerged as a result of different revolutions that were conducted in the European and American Countries. The early beginning of the movement and the coining of the concept came from the UK where by the Magna Carta (1215) was signed by King John as an agreement to the British people to respect certain aspects of the rights of the nobility. Latter the power struggle between the king and the parliament resulted in the passing of the Bill of rights in 1688. This recognized the rights and liberties of the British citizens.

In other countries like France, human rights followed the French revolution mottos of liberty, equality and fraternity, and got recognition

²⁹ Jack Donnelly, *International Human Rights*, p.21.

³⁰ Tsegaye Regassa, *Making Legal Sense of Human Rights: The Judicial Role in Protecting Human Rights in Ethiopia*, *Mizan Law Review*, Vol. 3 No.2, P. 290. See also *Supra* note 27.

³¹ Michael Freeman, *Human Rights: An Interdisciplinary Approach*, P.25.

³² Vienna Declaration and Program of Action adopted in 1993.

³³ FDRE Constitution, article 10/1/.

as declaration of rights of men. In the USA it followed the American civil war and the movement for the federation of the US and adoption of the US constitution in 1789.

Internationally a wide recognition of Bill of Rights followed WWII. After the incorporation of the UN through the Charter as an international forum, recognized human rights and led to the passing of the universally accepted three instruments namely: the UDHR, ICCPR and ICESCR.

Freedom of religion and belief is one of the fundamental human rights.³⁴ As President Barack Obama put it in his speech at Cairo University “Freedom of religion is central to the ability of peoples to live together.”³⁵ Mr. Krishnswami (Special Rapporteur commissioned to study the discrimination in the matter of religious rights and practices, 1956) traced the development of the concept of the right to freedom of thought, conscience and religion to the tenets of tolerance inherent in almost all religious disciplines of the world.³⁶

2.2 Content and Scope

2.2.1 International Dimensions

When we consider the case of US, most of the relevant cases in the field of freedom of religion in correctional institutions resulted from the persistent and finally successful efforts of the Black Muslims. Currently, it is believed that inmates are entitled to gather for religious services, to consult members of their faith, to possess religious books like the ‘Koran’ and ‘Message to the Blackman in America’, to subscribe to religious literature, including ‘Mohamed Speaks’, to wear unobtrusive religious

³⁴ Forum 18, Freedom of Religion, www.vartland.no, P. 5.

³⁵ Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2009.

³⁶ Supra note 2, p. 125.

medals and other symbols and to have a special diet prepared as required by their religion.³⁷

Moving to the United Nations system of protection, generally human rights have attained institutional guarantee and recognition whereby under the Charter of the UN member states set as their purpose the achievement of international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.³⁸ An important organ of the UN, the Economic and Social Council, makes recommendations and it has set up a commission for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.³⁹

The Universal Declaration of Human Rights marked an important milestone in the norm creation process of human rights. Under article 18 of the UDHR freedom of religion is provided in the following way:

*Everyone has the right to freedom of religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.*⁴⁰

Similarly the International Covenant on Civil and Political Rights provides that the freedom includes right to have or to adopt a religion or

³⁷ Michele G. Hermann & Marilyn G. Haft (eds.), *Prisoners' Rights Sourcebook: Theory, Litigation, Practice*, p. 15.

³⁸ *Supra* note 22, article 1/3/; see also the preamble and articles 1, 13, 55, 56, 62, 68 and 76 which contain references to human rights and fundamental freedoms in general.

³⁹ *Ibid.* article 62, 68.

⁴⁰ *Supra* note 11.

belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. It adds that there shall be no coercion in religion and that freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

2.2.2 National Dimension

In the national context freedom of religion is provided under the FDRE Constitution article 27 in a very similar wording as the ICCPR shown above.

Similarly, freedom of religion is applicable to persons held in custody and convicted persons as provided under the FDRE constitution.

Article 21, The Rights of Persons Held in Custody and Convicted Prisoners, Sub article (2) provides: All persons shall have the opportunity to communicate with, and to be visited by, their spouses or partners, close relatives, friends, religious councilors, medical doctors and their legal counsel.⁴¹

Furthermore under the national standards one finds different standards enshrined under Federal Prisons Commission Establishment Proclamation number 365/2003, Federal Prison Wardens Administration Council of Ministers Regulation number 137/2007, Council of Ministers Regulation on the Treatment of Federal Prisoners number 138/2007, and Federal Prisoners Administration Directive.

⁴¹ Supra note 31, article 21, See also Supra note 16.

According to the FDRE Constitution article 13/2/ the fundamental rights and freedoms specified under chapter three of the constitution are to interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and international instruments adopted by Ethiopia. As a result of this the above discussed standards found under the international instruments form part of the national standard.

2.2.3 Subject-Object-Addressee

From the above international human rights law standards we can gather the content and scope of the freedom. Determining the content and scope of rights requires the making of a subject-object-addressee analysis.⁴²

When we look into the subjects or right holders of freedom of religion, to whom the right was referred or addressed to, it is a right/freedom deserving to everyone including the child. In some of the aspects the freedom as provided in article 18/4/ of the ICCPR the right also applies to parents and legal guardians in order to ensure the religious and moral education of their children in conformity with their own convictions. On the other hand we can say that freedom of religion as a fundamental human right deserves to all without distinction as to race, sex, language, religion or other grounds.

The object of the right/freedom just like any other right is expected to be respected by the government. The government has the duty and responsibility to protect, promote and fulfill this freedom. It is a vertical expectation from the government. The addressee in terms of the object is the government. The government is the federal and state executive,

⁴² Supra note 28, P. 312.

legislature and judiciary organs.⁴³ On the other hand on the horizontal plane we find any other person as having the obligation to respect these freedoms.⁴⁴ When the government enforces its duty to protect, it protects the right from the encroachment of any other people bringing in these persons found in the horizontal field just like the right holders.

The object of the freedom or the substantive content of the right has been elucidated in the previous discussion about the international and national dimension. Here in this section, a systematic and heuristic illustration will be made.

- Freedom of religion encompasses a number of elements. Generally speaking the right refers to the right to belief, disbelief and unbelief. This is to refer the fact that one has the right to belief, change a belief or not uphold any belief at all.

The ICCPR Committee interpreted the scope of Article 18 broadly to encompass freedom of theistic, non theistic, and atheistic beliefs as well as freedom not to profess any of these beliefs.⁴⁵

- The freedom includes not to be coerced into adopting a religion or belief, other than through the free exercise of the right.⁴⁶
- The other element of the right incorporates the manifestation of the adopted religion or belief. This manifestation could be individually or collectively with others in public or private.⁴⁷ This entails

⁴³ Supra note 31, article 13/1/, All Federal and State legislative, executive and judicial organs at all levels shall have the responsibility and duty to respect and enforce the provisions of this Chapter.

⁴⁴ Ibid, article 9/2/, All citizens, organs of state, political organizations, other associations as well as their officials have the duty to ensure observance of the Constitution and to obey it.

⁴⁵ Supra note 2, p. 315. See also Supra note 12, Para. 2.

⁴⁶ Supra note 31, article 27/3/.

⁴⁷ Supra note 12, Para 4.

- assembly and association as derivative rights. Manifestation includes worship, observance, practice and teaching.⁴⁸
- Freedom of religion also encompasses a right not to be discriminated based on religion.⁴⁹ The discrimination could be while seeking government service or other opportunities. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family.⁵⁰
 - The other aspect of the right includes the right of the parents or legal guardians to bring up their children according to their religious and moral education in conformity with their own convictions.⁵¹ The scope of the right includes the duty not to discriminate against any religion or belief, parents have the right to decide how to bring their children up in the home according to their conscience and moral principles, the freedom to manifest one's belief either alone or in community with others and the protection of the right is secured through law.⁵²
 - The right in relation to persons deprived of their liberty and convicted is that they can exercise their freedom of religion, where they can change their religion during their stay in correctional institution, that an inmate has right to access to spiritual books and that an inmate could observe religious holidays.⁵³

⁴⁸ Supra note 31, article 27/1/; See also Supra note 47, article 6.

⁴⁹ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, article 3.

⁵⁰ Supra note 11, article 16. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

⁵¹ ICCPR, article 18/4/, ICESCR article 13/3/, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, article 5.

⁵² Supra note 8, p. 6.

⁵³ Supra note 16.

- One last new addition which is not covered in the international instruments is that the right to adjudication of personal and family law cases by religious or customary laws.⁵⁴

2.3 Limitations of the Right

Human rights seek to allow human beings, individually and in groups that give meaning and value to their lives, to pursue their own visions of the good life. Such choices – so long as they are consistent with comparable rights for others and reflect a plausible vision of human flourishing to which we can imagine a free people freely assenting – deserve our respect. In fact, understanding human rights as a political conception of justice supported by an overlapping consensus requires us to allow human beings, individually and collectively, considerable space to shape (relatively) universal rights to their particular purposes – so long as they operate largely within the constraints at the level of concepts established by functional, international legal and overlapping consensus universality.⁵⁵

Freedom to adopt a belief, to disbelief and unbelief is an absolute right. It can neither be limited nor derogated. The ICCPR Human Rights Committee noted that the fundamental character of these freedoms is also reflected in the fact that this provision cannot be derogated from, even in time of public emergency, as stated in article 4/2/ of the

⁵⁴ Supra note 31, article 34/5/, This Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute. Particulars shall be determined by law. See also article 78/5/, Pursuant to sub-Article 5 of Article 34 the House of Peoples' Representatives and State Councils can establish or give official recognition to religious and customary courts. Religious and customary courts that had state recognition and functioned prior to the adoption of the Constitution shall be organized on the basis of recognition accorded to them by this Constitution.

⁵⁵ Jack Donnelly, The Relative Universality of Human Rights, Human Rights Quarterly, No 9, p.35.

Covenant.⁵⁶ The ICCPR article 18 only provides limitation on the manifestation aspect of the right only.⁵⁷ The nature of such limitations should be based on the grounds for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.⁵⁸ In this respect Madison concurred the state had just interest in religion, only when faith impelled a believer to “disturb the peace, the happiness, or safety of society”. George Washington emphasized on the need to keep religion a matter of personal conscience free of government intervention. To do otherwise, was to put human beings in God’s role as judge of other people’s conscience.⁵⁹

Similarly under the FDRE Constitution provides that freedom of religion is to be limited only in cases of its manifestation aspect.⁶⁰ In respect to derogation constitution does not make it immune from cases of emergency derogation by including it in the list of non-derogable rights. However, as Ethiopia is a party to the ICCPR and given the fact that article 13/2/ of the constitution which requires interpretation of the constitution to conform to international standards ratified by Ethiopia, and based on the permissive interpretation principle, we can say freedom

⁵⁶ Supra note 12, Para. 1.

⁵⁷ Supra note 49, article 18/3/. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

⁵⁸ Supra note 11, article 29/2/; In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

⁵⁹ Kenneth D. Wald, Religion and Politics in the US, P.129.

⁶⁰ Supra note 31, article 17/5/, Freedom to express or manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, peace, health, education, public morality or the fundamental rights and freedoms of others, and to ensure the independence of the state from religion.

of adopting a religion or belief is non-derogable even in cases of emergency.

However, the freedom to manifest one's religion or belief is not absolute. The limitations imposed by law on a legally protected right fall into three categories: (a) limitations inherent in the concept of the right being protected; (b) limitations determined by the rights and freedoms of others; and (c) limitations dictated by the general interest.⁶¹

We can look at the limitation of rights discussion from other perspectives too. In 1984, at a conference in Siracusa, Italy, a Committee of Experts sponsored by the Institute of Higher Studies in Criminal Sciences, the International Commission of Jurists and the United Nations Center for Human Rights, drafted The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights. Provides interpretive principles relating to specific limitation clauses (when: prescribed by law, necessary in a democratic society, public order, public health, public morals, national security, public safety, rights and freedoms of others, restrictions on public trial) where: "Public safety" is defined as "protection against danger to the safety of persons, to their life and physical integrity, or serious damage to their property."

"Order" denotes "a sum of rules which ensure the functioning of society or the set of fundamental principles on which society is founded,"

"Public health" must be confined to measures dealing with a serious threat to health of the population or individual members thereof, and must be geared toward preventing disease or injury, or providing care for the sick and injured. Limitation founded on moral considerations is

⁶¹ Supra note 24, P. 503.

essential to the maintenance of respect for the fundamental values of the community.

“National security” measures taken to protect the existence of the nation or its territorial integrity or political independence against force or threat of force.⁶²

Generally speaking a limitation of the right is to be lawful or acceptable only when it is necessary, proportional and legitimate in the circumstances of each case.

It can be concluded from the above discussions that freedom of religion is a fundamental human right attributable to every/all human beings. It is shown that the right applies to children and inmates. It is a claim that is expected to be respected, protected and fulfilled by the government. We have also been able to clearly see the content and scope of the right based on subject – object – addressee analysis. The substantive content of the right has been explicated to show that freedom of religion is not only about upholding a religion or a belief, but also changing and rejecting belief. It has also been shown that the right includes protection from discrimination based on one’s belief or religion, and the right to up bring children in accordance with one’s moral principles. Furthermore, freedom of religion has an element of manifestation (worship, observance, practice and teaching) which has various formulations. Finally, it has been shown that the right cannot be limited or derogated, except the manifestation aspect of the right.

⁶² UN ECOSOC, Siracusa Principles on the limitation and derogation provisions in the ICCPR, UN DOC.E/CN.4/1985/4,Annex (1985). See also Supra note 24.

Chapter Three
Freedom of Religion in the Context of Correctional
Institutions: International and National Legal and
Institutional Review

3.1 International Legal Protection

When one looks into freedom of religion in the context of correctional institutions, one finds that the overarching right to equality and its corollary non discrimination is provided for. Hence, it is a requirement under international law that there shall be no discrimination on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁶³ It is expected that all the contents of freedom of religion as provided under the international bill of rights are applicable to inmates too. Again we find this principle recognized under the standard minimum rules where no discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status is allowed.⁶⁴

Winston Churchill once said that the 'mood and temper of the public in regard to the treatment of crime and criminals is one of the most unflinching tests of the civilization of any country'.⁶⁵ States are expected to respect the religious beliefs and cultural precepts of the group to which inmates belong, whenever local conditions so require. However, the limitation of the right in correctional institution setting could be based

⁶³ Basic Principles for the Treatment of Prisoners, General Assembly resolution 45/111 of 14 December 1990, article 2

⁶⁴ Standard Minimum Rules for the Treatment of Prisoners, Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, article 6/1/

⁶⁵ Paul O'Mahony, On Human Rights in Prison, *The Furrow*, Vol. 46, No. 3, p. 144.

on grounds that are demonstrably necessitated by the fact of incarceration and keeping order and discipline.

The acts of prison officials, vested with a rather wide discretion in safekeeping and securing inmates committed to their custody and charged with the right and duty to maintain discipline among the inmates, should be upheld if reasonably necessary to effectuate the purposes of imprisonment.⁶⁶

Another source of state obligation could be inferred from soft international law standards. Even though these sources do not have equal validity and status as treaties and conventions they are extensions of these formal sources. They have through time acquired political support and they are just elaborations and interpretations of the general state obligations and individual freedoms.

Accordingly, a General Assembly Resolution provides that every detention facility shall ensure that every juvenile receives food that is suitably prepared and presented at normal meal times and of a quality and quantity to satisfy the standards of dietetics, hygiene and health and, as far as possible, religious and cultural requirements.⁶⁷ This could be considered as a standard and state obligation with regard to provision of food to inmates.

With regard to common worship one could infer from the provision relating to juveniles where it is provided that every juvenile should be allowed to satisfy the needs of his or her religious and spiritual life, in particular by attending the services or meetings provided in the detention facility or by conducting his or her own services and having possession of

⁶⁶ Daniel P. King, Religious Freedom in the Correctional Institutions, *The Journal of Criminal Law, Criminology and Police Science*, Vol. 60. No3, P.300.

⁶⁷ United Nations Rules for the Protection of Juveniles Deprived of their Liberty General Assembly Resolution 45/113 of 14 December 1990, article 37.

the necessary books or items of religious observance and instruction of his or her denomination.⁶⁸

In this regard when we look into the case of a Catholic inmate in New York State who was segregated for different violation refused the private service of a representative and demanded to have access to the common worship in court. The case reached the Supreme Court and the court found “The social interest involved in depriving plaintiff of the opportunity to attend Mass with the rest of the prison population can only be the preservation of order and discipline in the prison. If plaintiff has lost any right it has come about by his own hand. The interest of an orderly society that required his imprisonment insists only that he be privileged to worship God to the extent that his conduct in prison permits.”⁶⁹

If a detention facility contains a sufficient number of juveniles of a given religion, one or more qualified representatives of that religion should be appointed or approved and allowed to hold regular services and to pay pastoral visits in private to juveniles at their request. Every juvenile should have the right to receive visits from a qualified representative of any religion of his or her choice, as well as the right not to participate in religious services and freely to decline religious education, counseling or indoctrination.⁷⁰

Similarly if the institution contains a sufficient number of inmates of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of inmates justifies it and conditions permit, the arrangement should be on a full-time basis who shall be allowed to hold regular services and to pay pastoral visits in

⁶⁸ Ibid., article 47.

⁶⁹ Supra note 64.

⁷⁰ Supra note 65, article 47.

private to inmates of his religion at proper times.⁷¹ All inmates have the right to observe the tenets of their religion and to have access to a minister of that religion.⁷²

With regard to visitation right access to a qualified representative of any religion shall not be refused to any inmate. On the other hand, if any inmate should object to a visit of any religious representative, his attitude shall be fully respected and no coercion should be tolerated.⁷³

So far as practicable, every inmate shall be allowed to satisfy the needs of his religious life by having in his possession the books of religious observance and instruction of his denomination.⁷⁴

Under the same instrument juveniles are provided with the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defense counsel.⁷⁵

A detained or imprisoned person has the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.⁷⁶

⁷¹ Supra note 62, article 41.

⁷² UNOHCHR, Human Rights and Prisons, Manual on Human Rights Training for Prison Officials, 2005, p. 107.

⁷³ Supra note 62, article 41.

⁷⁴ Ibid., article 42.

⁷⁵ Supra note 65, article 60.

⁷⁶ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment Adopted by General Assembly Resolution 43/173 of 9 December 1988, Principle 19

3.2 National Legal Protection Assessment

An imprisoned person is any person who is deprived of personal liberty as a result of conviction for an offence.⁷⁷ This happens as a result of punishment for the commission of a criminal offence. The punishment is meant to deprive the offender from enjoying his right to liberty. The right to liberty relates to being free from any restriction.

Accordingly, the FDRE Constitution provides that no one shall be deprived of his liberty without a charge or conviction against him.⁷⁸ When the deprivation of liberty is enforced as a result of judicial conviction for a crime it is considered as a punishment for a crime. This kind of punishment is aimed at restricting only some of the human rights for instance like freedom of movement, right to elect and be elected. Hence, inmates have or retain the other human rights as all the rights could not be limited or restricted. They specifically have the right to treatment favorable to their human dignity, the right to be visited by relatives and family, right to food shelter and medical care are some of the rights that needs to be protected and fulfilled.⁷⁹

Article 21 The Rights of Persons Held in Custody and Convicted Prisoners.

- 1. All persons held in custody and persons imprisoned upon conviction and sentencing have the right to treatments respecting their human dignity.*
- 2. All persons shall have the opportunity to communicate with, and to be visited by, their spouses or partners, close relatives, friends, religious councilors, medical doctors and their legal counsel.*

⁷⁷ Federal Prison Establishment Proclamation no 365/2003, article 2.

⁷⁸ Supra note 31, article 17.

⁷⁹ Ibid., article 21.

Now it is important to note the legal protection of freedom of religion in Ethiopia and to see whether this right is applicable to inmates and how. The starting point to identify freedom of religion in Ethiopia is the Federal Constitution which provides under article 27 that:

Freedom of Religion, Belief and Opinion

1. *Everyone has the right to freedom of thought, conscience and religion. This right shall include the freedom to hold or to adopt a religion or belief of his choice, and the freedom, either individually or in community with others, and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.*
2. *Without prejudice to the provisions of sub-Article 2 of Article 90, believers may establish institutions of religious education and administration in order to propagate and organize their religion.*
3. *No one shall be subject to coercion or other means which would restrict or prevent his freedom to hold a belief of his choice.*
4. *Parents and legal guardians have the right to bring up their children ensuring their religious and moral education in conformity with their own convictions.*
5. *Freedom to express or manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, peace, health, education, public morality or the fundamental rights and freedoms of others, and to ensure the independence of the state from religion.*

Moreover, as indicated in the second chapter the protection given under the international bill of rights also forms part of the content of freedom of religion in Ethiopia. This is because of the fact that all international instruments ratified by Ethiopia are part of the law of the land and the conformity requirement of interpretation of the Constitution's human rights provisions with the international standards.⁸⁰

Freedom of religion applies also to inmates. The only restriction or limitation of this right is only based on requirements of law based on security and correctional institution administration rules. This fact could be gathered from article 21 of the Federal Constitution providing for the rights of persons held in custody and convicted prisoners. Moreover, the international instruments indicate that the right should be available to inmates in terms of visitation right to meet religious leaders. However, it is important to see the scope, application and legitimate limitation of this right in the following sub sections which also legislate about the institutional protection.

⁸⁰ Ibid., articles 9/4/ and 13/2/.

3.3 The Institutional Protection of Freedom of Religion in Federal Correctional Institutions

In a brief overview one could find proclamation about prisons no. 45/1944, which provides that a prisoner is any person under custody of any prison whether convicted or not.⁸¹ It further provides that the Ministry of Interior has jurisdiction to enforce the law and manage prisons and prisoners.

When coming to the FDRE, the Federal Constitution has provided that the regional states could establish police force to maintain public order and peace within the state.⁸² Moreover, the Criminal Code scope of application in the regions is based on local and material jurisdiction. As a result of this when a local offence is committed and local/state courts pass sentence then the regional/state correctional institutions enter in to play and enforce the sentence of the court.⁸³

Therefore, it could be argued that in law and practice that there are two levels of correctional institution administration: at the federal and regional level. The scope of this paper as it is mentioned in the first chapter is to identify the legal and institutional protection and enforcement of freedom of religion in federal correctional institutions.

The federal government as it is organized in accordance with the Federal Constitution and proclamation 691/2010⁸⁴ has within it Ministry of Federal Affairs which in turn has an institution called Federal Prisons Commission.

⁸¹ Proclamation About Prisons no. 45/1944, translation mine.

⁸² Supra note 31, article 52/2/g/.

⁸³ Supra note 16, article 3, see also the Criminal Code of Ethiopia.

⁸⁴ Definition of Powers and Duties of the Executive Organs of the FDRE Proclamation no 691/2010, article 14.

The Federal Prisons Commission is established with proclamation number 365/2003. The objective and purpose of the Commission as mentioned in the preamble is to set up federal prison that adheres to the Constitution of the Federal Democratic Republic of Ethiopia and that is committed to the laws enacted on the basis of the Constitution; and to undertake the functions of the custody, reformation and rehabilitation of inmates in order to duly contribute their part in crime prevention in due course of implementing judicial decisions.

The proclamation defines "Prison" as a federal correctional institution where inmates sentenced by court serve their sentences, are reformed and rehabilitated; and where remand inmates are held in custody until verdict.

The Commission powers and duties among other things include the following:

- ward and reform the prisoners it admits upon judicial sentences or warrants;
- maintain prisoners' health care; and provide prisoners with free medical treatment, food and shelter in accordance with the Regulations to be issued on the basis of the Proclamation; undertake and encourage tasks, services and activities necessary for the physical and mental wellbeing of prisoners;
- provide prisoners with academic education, vocational training, and social work services and counseling services to facilitate their post-release rehabilitation and respect for the law; particulars shall be determined by regulations and directives; and

- o determine and implement' disciplinary measures, against prisoners who infringe prison rules while in custody.⁸⁵

The principles that the commission follows are:

- 1) *Prisoners shall have the right to be treated conditions of respect for human dignity.*
- 2) *The treatment of sentenced prisoners shall facilitate their post-release respect for law and their rehabilitation towards self-supporting reintegration into society.*
- 3) *Remand and civil prisoners shall not be presumed as offenders, and shall be entitled to treatment different from convicted prisoners.*⁸⁶

The federal correctional institutions admit inmates through a federal court or a court entrusted with federal court authority order or warrant.⁸⁷ Once an inmate is under the custody of the correctional institution, discrimination among inmates based on grounds of gender, religion, political opinion, nation, nationality, social origin is prohibited.⁸⁸ Here we find the right to equality and its enforcement through prohibition of discrimination which is a legal recognition in the context of federal correctional institutions.

Another right provided in the legal framework is access to visitors, whereby it is provided that inmates shall have the right to communicate with their spouses, close relatives, friends, medical doctors, legal counselors and religious leaders.⁸⁹

⁸⁵ Supra note 75, article 6.

⁸⁶ Ibid., article 22.

⁸⁷ Supra note 16, article 3.

⁸⁸ Supra note 75, article 24.

⁸⁹ Ibid., article 29.

The limitation of the rights deserving to inmates is based on a provision establishing the obligation of inmates where they are expected to observe the disciplinary requirements stipulated by regulations or directives pertaining to custody, discipline, sanitation, health care, social life, and other issues.⁹⁰ Following this provision and for the enforcement of this provision the executive has issued a regulation which elaborates this point by providing for the right.

Article 26 Freedom of Religion

1/ every prisoner shall exercise his religious freedom during his stay in prison.

2/ the religion of a prisoner shall be the religion registered at the time of his admission to the prison; provided however that if during his stay in prison, he is converted to another religion, he may request such fact to be registered.

3/ every prisoner shall have the right to have access to and read spiritual books, magazines and articles as well as to observe religious holidays.⁹¹

This provision ensures and allows the right to hold and change religion by inmates while in correctional institution. It also allows access to religious books which is an aspect of individual worship.

In terms of visitation right to meet religious leaders it is provided that; Prisoners shall have the right to communicate with their spouses, close relatives and friends, medical officers, legal councilors and religious fathers. Details shall be determined by a directive to be issued by the

⁹⁰ Ibid., article 32.

⁹¹ Supra note 16.

administration.⁹² This article provides that in principle inmates could be visited by their religious leaders in the same manner as they communicate with family members and their lawyers. A Directive is issued by the Correctional Institution Administration in this regard to implement this principle. Accordingly the Directive provides as follows.

2/ prisoners shall be allowed to communicate with visitors on Saturdays and Sundays 9:00 to 12:30 in the morning and 1:30 till 4:00 in the afternoon, and during public and religious holidays from 9:00 till 12:00 in the morning.

3/ visitors who reside outside the city where the correctional institution is situated may communicate with prisoners without a need to wait for Saturdays and Sundays.⁹³

This provision attempts to manage the communication or visitation of inmates. Moreover, to ensure that a human right violation by correctional institution warden or officer is not left unpunished, the personnel regulation makes violation of rights an offence punishable in a rigorous manner. Hence, violating the human rights of an inmate by correctional institution officer is provided as an offence entailing rigorous administrative punishment.⁹⁴

We can identify from the discussion provided under the first subsection of this chapter about international legal protection or state duty which is not covered under the national legal or institutional protection are two items. These are common worship and provision of food which confirms to the inmates religion.

⁹² Ibid., article 13, Communication with Visitors.

⁹³ Federal Prisoners Administration Directive, article 11 Communication of Prisoners with Outside Persons, translation mine.

⁹⁴ Federal Prison Wardens Administration Council of Ministers Regulation 137/2007, article 57

With regards the common belief or worship the international standard requires states or correctional institutions to allow inmates to have a qualified representative of that religion to be appointed or approved by a sufficient number of inmates of the same religion. If the number of inmates justifies it and conditions permit, the arrangement should be on a full-time basis who shall be allowed to hold regular services and to pay pastoral visits in private to inmates of his religion at proper times.⁹⁵

In the European system Freedom of thought, conscience and religion is provided in such a manner that the prison regime shall be organized so far as is practicable to allow inmates to practice their religion and follow their beliefs, to attend services or meetings led by approved representatives of such religion or beliefs, to receive visits in private from such representatives of their religion or beliefs and to have in their possession books or literature relating to their religion or beliefs. Inmates may not be compelled to practice a religion or belief, to attend religious services or meetings, to take part in religious practices or to accept a visit from a representative of any religion or belief.⁹⁶

Such kind of a provision or legal permission is absent in the national legal and institutional protection mechanism.

In relation to food states are expected to ensure that inmates receive food that is suitably prepared and presented at normal meal times and of a quality and quantity to satisfy the standards of dietetics, hygiene and health and, as far as possible, religious and cultural requirements.⁹⁷

Similarly, under the European system one finds a standard that inmates shall be provided with a nutritious diet that takes into account their age,

⁹⁵ Supra note 62, article 41.

⁹⁶ Council of Europe Committee of Ministers, Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules, article 29.

⁹⁷ Supra note 65.

health, physical condition, religion, culture and the nature of their work.⁹⁸

However, in the national dimension the provision of food which is provided under the Directive article 9 only provides for the food to be healthy, dietetics, considerate of the local eating habit and available economy. It fails short to give recognition to the consideration of the preparation of food to be conforming to religion.

⁹⁸ Supra note 94, article 22/1.

Chapter Four
Research Findings: The State of Freedom of Religion in
Federal Correctional Institutions

4.1 General Background of the Respondents and the Federal Correctional Institutions

The federal correctional institutions covered under this study are composed of Addis Ababa, Ziway and Shoa Robit Prison Administrations. These correctional institutions during the research period⁹⁹ had the following amount of inmates under their custody as shown in **table 1**.

Table 1 Inmate population by correctional institutions¹⁰⁰

Correctional Institution	Population	Percent
Addis Ababa	5,500	53
Ziway	2,648	25.6
Shoa Robit	2,157	20.9
Total	10,305	100.0

Based on this target population the researcher has used the following samples shown in **table 2** below. This amount of sample was selected following the research sampling formulae using 0.5% error margin. After determining the sample size the respondents were selected based on availability and ability to read and respond to the questionnaire.

⁹⁹ The process for getting authorization started as early as November 24, 2010. The field study in Addis Ababa was conducted from January 10 up to 12, in Ziway from January 13 up to 15, in Shoa Robit on January 17 and 18.

¹⁰⁰ Interview with the respective correctional institution officials, January 2011.

Table 2 Sample population by correctional institution

Correctional Institution	Sample	Percent
Addis Ababa	356	35.0
Ziway	335	32.9
Shoa Robit	326	32.1
Total	1017	100.0

The respondents had the following age profile as shown by **table 3** hereunder. The table shows that majority of the respondents /40%/ were young in the age range of nineteen to twenty five. Moreover, around /80%/ of the respondents were between the ages of nineteen and forty.

Table 3 Age profile of the respondents

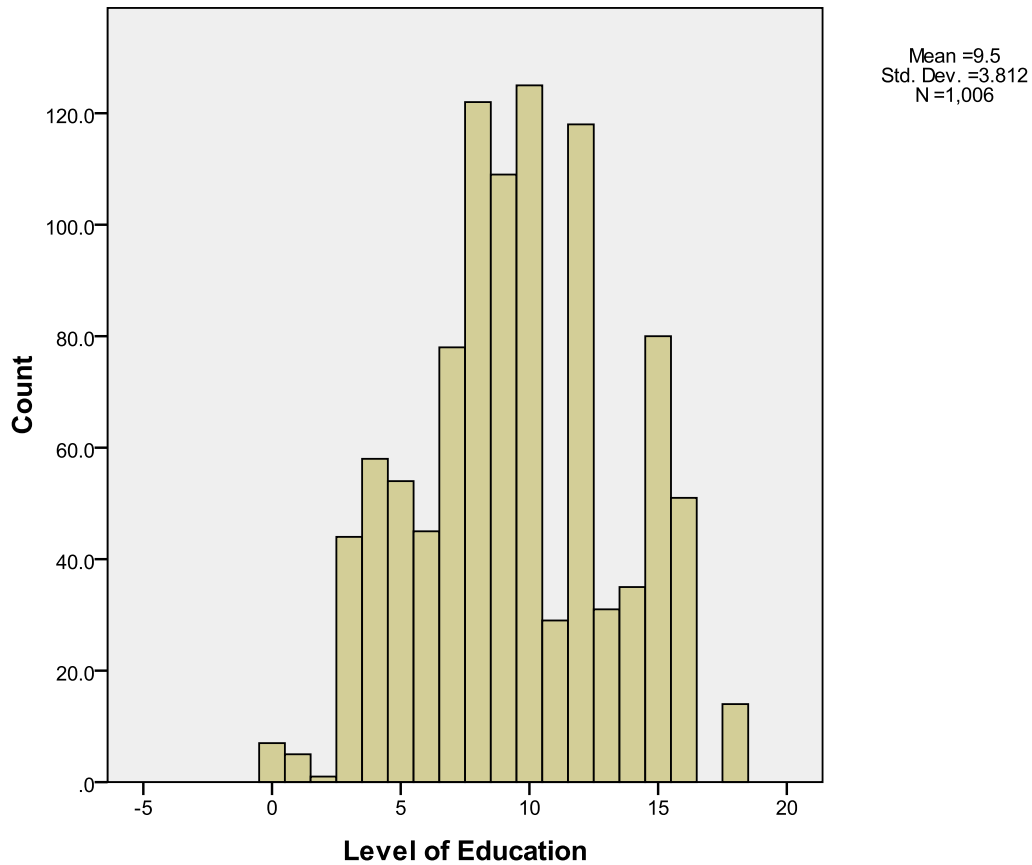
Respondents Age Profile	Frequency	Percent
15-18	55	5.4
19-25	410	40.3
26-30	236	23.2
31-40	182	17.8
41-60	97	9.5
61-80	26	2.5
Total	1006	98.9
Missing System	11	1
Total	1017	100

Based on the feedback given by the respondents and as illustrated under **table 4 and histogram 1** the level of education of the respondents is that 42% of them have reached grades seven up to ten. Only 21% of them are below grade six.

Table 4 Level of education profile of the respondents

Level of Education	Frequency	Percent
Illiterate	7	.6
Grade 1-6	207	20.3
Grade 7-10	434	42.6
Grade 10 – Diploma	293	28.8
Degree and Masters	65	6.3
Total	1006	98.9
Missing System	11	1
Total	1017	100

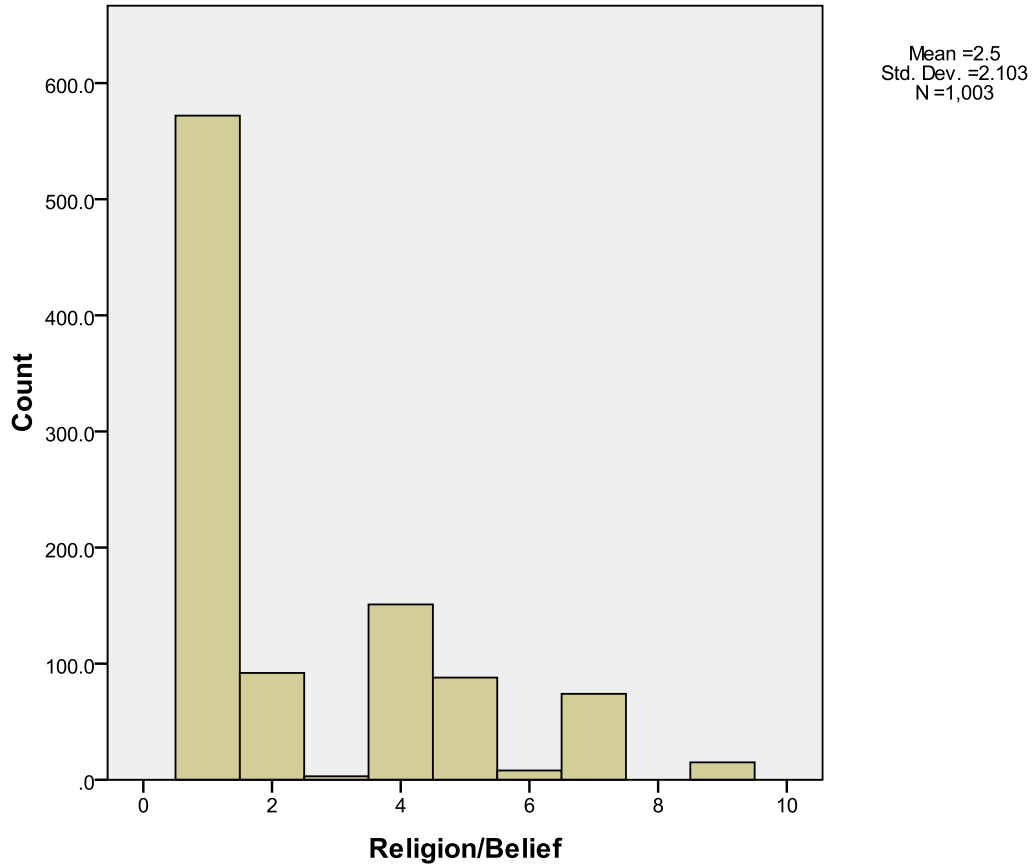
Histogram 1 Level of education profile of the respondents



The other indicator of the nature of the respondents is their religion or belief. Under **table 5 and histogram 2** this fact is depicted. From the three federal correctional institutions Orthodox religion followers take majority in the correctional institution constituting 56% followed by 15% Muslims. There are also other religion followers 9% Protestants and 8.7 Waqefata followers. 7.3% of the respondents replied that they are followers of Christianity making it ambiguous to identify as to which denomination they belong to. There are also .8% non believers and .3% Catholics. Other beliefs constituting 1.5% are from Jehovah Witnesses, Bahai, Adventist, Yoga, Adal Mote and ‘following the Good’ religions and beliefs. 99% of the Waqefata religion followers are found in Ziway correctional institution alone.

Table 5 Religious profile of the respondents

Religion	All Correctional Institutions Total		Addis Ababa		Ziway		Showa Robit	
	Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent
Orthodox /of the 572/	572	56.2	228	39.8	142	24.8	202	35.3
Protestant /of the 92/	92	9.0	49	53.2	32	34.7	11	11.9
Catholic /of the 3/	3	.3	2	66.6	1	33.3	-	
Muslim /of the 151/	151	14.8	47	31.1	49	32.4	55	36.4
Waqeefata /of the 88/	88	8.7	1	1.1	87	99.9	-	
Non believer /of the 8/	8	.8	-		2	25	6	75
Christian /of the 74/	74	7.3	16	21.6	17	22.9	41	55.4
Other Beliefs /of the 15/	15	1.5	6	40	2	13.3	7	46.6
Total	1003	98.6						
Missing System	14	1.4	7		3		4	
Total	1017	100.0	356		335		326	



Histogram 2 Religious profile of the respondents

Where:

- | | |
|----------------|-------------------|
| 1 = Orthodox | 5 = Waqefata |
| 2 = Protestant | 6 = Non believers |
| 3 = Catholics | 7 = Christian |
| 4 = Muslims | 9 = Other Beliefs |

Substantive Presentation of the Research Findings

4.2 Right to Hold and Change a Religion or Belief

In this section the substantive finding, interpretation and analysis of the data will be presented. Accordingly, as discussed under chapter two and three the major content of freedom of religion have been identified as consisting of right to hold, right to change, right to worship and non discrimination. Based on these points the questionnaire has attempted to find detailed points revolving around these issues.

The extent of conformity and adequacy of freedom of religion protection is investigated by using the research tools of questionnaire, observation, interview and group discussion. The target respondents were from the inmates and the prison officials. The validity of the findings would be attempted to be triangulated among the questionnaire, interview and observation.

The first part of the freedom is the right to hold a religion or belief freely. According to the questionnaire finding presented under **table 6 and 7** below, 77% of the respondents replied they were able to freely hold their religion or belief while they are in the correctional institution. 15% responded in the negative that they were not able to freely hold their religion while in the correctional institution. More importantly 81% of the Waqeefata followers in Ziway correctional institution replied they were not free to hold their religion in the correctional institution. The respondents gave reasons why they were not able to freely hold their religion. The major reasons cited by the respondents are that the correctional institution administrators do not consider their religion as a religion and that they tend to associate it with the Oromo Liberation Front which is considered as a domestic terrorist organization. They claim that they were prohibited from celebrating “*Erecha*” their religious holiday.

Through the interview with the prison officials and the observation made in the correctional institutions the right to hold any religion of one's choice is a matter taken simply and fore granted. It is believed any inmate could follow any religion of his choice.

However, when it comes to Waqefata which is followed largely by the Oromo nationality, it has got Oromia Regional State and FDRE government recognition; whereby public officials annually attend the New Year celebration of 'Erecha' holiday. This can further be confirmed through the FDRE State report to the African Commission on Human and Peoples Rights that "[t]raditional religious practices are also respected. For instance, the Oromo practice of "Erecha", neglected in the past, is now recognized and practiced every year with wide publicity."¹⁰¹ Hence, the problem of recognition of Waqefata followers in instances of celebrating their holiday in Ziway correctional institution should be corrected. The inmates who follow this belief should be given equal recognition as the restriction to celebrate holidays affects their right to hold religion of their choice.

¹⁰¹ Supra note 19.

Table 6 Response by specific religion followers to the Question, Can you hold a religion/belief of your choice freely while you are in the correctional institution?

Correctional Institution	Yes		No		Donot know	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Orthodox /of the 572/	503	87.9	42	7.3	20	3.4
Protestant /of the 92/	68	73.9	18	19.5	5	5.4
Catholic /of the 3/	3	100				
Muslim /of the 151/	131	86.7	12	7.9	6	3.9
Waqeefata /of the 88/	13	14.7	72	81.8	2	2.2
Non believer /of the 8/	5	62.5	1	12.5	2	25
Christian /of the 74/	54	72.9	9	12.1	9	12.1
Other Beliefs /of the 15/	11	73.3	3	20	1	6.6
Total	788		157		45	

Table 7 General Response to the Question, Can you hold a religion/belief of your choice freely while you are in the correctional institution?

	Frequency	Percent
Yes	788	77.4
No	157	15.4
Do not know	45	4.4
Total	990	97.3
Missing System	27	2.6
Total	1017	100.0

With respect to the right to change one’s religion or belief the finding of the research is presented under **table 8 and 9** below. Accordingly, 63% responded that they can do so freely while 21% replied they are not free to change their religion. In this regard half of the Waqefata followers in Ziway correctional institution responded that they are not free in changing their religion. The reasons cited are; there is no right to hold let alone right to change, the correctional institution administration would not allow such practice and they also mentioned that it is a prohibited act. Others also mention that there is no chance of dialogue and discussion in relation to religion for the change to happen. They say it is a prohibited act to debate religious issues in the prison making it impossible to be able to change religion.

From the observation and interviews made with the prison officials inmates are not prohibited from discussing religion with other inmates in their room or zones. However, the precaution that the correction administrators should be watchful is for any disturbance to arise as a

result of any disagreement following religious discussions. Changing one's religion willingly is also a matter which is neither prohibited nor discouraged by the correctional administrations. During the interview and the observation it was not possible to verify the point raised by few of the respondents that religious discussion is prohibited in the correctional institutions. The researcher could not identify any justification that the inmates could not discuss religion as they are freely let alone in their respective zonal compound. Hence, in this regard one can conclude that the right to change one's religion is respected and enforced in the correctional institutions. However, the prison administration needs to create regular awareness to the inmates that it is their right to discuss about religion with their friends or fellow inmates in order to clarify the doubt that some inmates might have and to enable consistent understanding and enforcement by correctional wardens and inmate committee members. This would ensure that the duty of the correctional institution is fully undertaken and that its duty to fulfill has been ensured. The correctional administration should not only refrain from violating rights but also inform the inmates of their rights and duties while they are under custody.

Table 8 Response by specific religion followers to the Question, Can you change your religion/belief freely while you are in correctional institution?

	Yes		No		Donot know			
	Frequency	Percent	Frequency	Percent	Frequency	Percent		
Orthodox /of the 572/	401	70.1	97	16.9	65	11.3		
Protestant /of the 92/	56	60.8	23	25	13	14.1		
Catholic /of the 3/	3	100						
Muslim /of the 151/	99	65.5	32	21.1	19	12.5		
Waqefata /of the 88/	24	27.2	46	52.2	18	20.4		
Non believer /of the 8/	5	62.5	1	12.5	2	25		
Christian /of the 74/	43	58.1	17	22.9	14	18.9		
Other Beliefs /of the 15/	11	73.3	4	26.6				
Total	642	63.1	220	21.6	131	12.8	993	97.6
Missing System							24	2.3

Table 9 General Response to the Question, Can you change your religion/belief freely while you are in correctional institution?

	Frequency	Percent
Yes	642	63.1
No	220	21.6
Do not know	131	12.8
Total	993	97.6
Missing System	24	2.3
Total	1017	100.0

4.3 Protection from Discrimination and Unequal Treatment

The research has included a question item which seeks to find out if any discriminatory action by the correctional institution administration is prevalent in the correctional institutions. The findings are presented under **tables 10, 11, 12 and 13** below. Accordingly, 76% of the respondents have claimed that they did not face any discrimination. Similarly 87% of the Orthodox religion followers have claimed that they did not encounter discrimination based on their religion by the administration. Furthermore, more than 75% of the other religion followers except the Waqefata followers have claimed that they did not encounter discrimination based on their religion by the administration. On the contrary 20% of all the respondents have claimed that they have faced discrimination by the correctional institution administration. In this regard 80% of the Waqefata followers claimed they faced discrimination from the correctional institution administration. The Waqefata followers have cited similar reasons for the discrimination as cited for the finding presented under table 6 above. Others have stated discrimination based on provision of place for common worship,

accessing holy books, recommendation for probation and permission to prepare feast for holydays.

From the 20% of all the respondents that is 205 respondents who replied they faced discrimination based on their religion, 38% replied that the discrimination happens very often and 33% replied it happens often. Again, only 19% of them replied that a corrective measure was taken by the administration for the discrimination.

The internal directive provide for a complaint by an inmate to be lodged to the inmates administration department of the correctional institution. However, based on the researcher observation this system lacks trustworthiness in the eyes of the inmates. Moreover, based on the responses by the respondents half of those who stated that they faced discriminations mentioned that the discrimination did not get remedied, showing the ineffectiveness of the remedial mechanism in the correctional institutions.

The researcher has further made an investigation to check whether there was any complaint based on freedom of religion violation lodged to the Ethiopian Human Rights Commission and the Federal Public Prosecution. Accordingly, the relevant heads, experts and investigators have explained that no complaint was made and no case has been considered and decided by the Commission. Similarly, the ministry of justice has described that there was no complaint lodged by an inmate or a representative regarding violation of freedom of religion.¹⁰² The absence of compliant might be due to the lack of knowledge about the substantive

¹⁰² Discussion with W/ro Roman Tesfay and Ato Muluye Wolelaw Ethiopian Human Rights Commission 'monitoring, reporting and advisory director' and 'director of redressing violations' respectively, and also with investigators and experts in the directorates, December 16, 2010; discussion with Ato Berihu Tewelde Ministry of Justice 'prosecution and complaint hearing main process head' December 17, 2010.

rights and the available procedural mechanisms for redress. Moreover, it could be due to the inaccessibility of these reviewing organs.

Even though these inquiries showed absence of complaint, and that the majority of the respondents to the questionnaire have claimed they did not face discrimination, one fifth of the respondents have claimed that they have faced discrimination based on their religion by the prison administration. The prison administration is expected to accord equal treatment among the different religious followers; hence, the prison administration needs to follow up cases of discrimination and take corrective measures to ensure that full compliance of the human rights duties of the state are met.

Table 10 Response by specific religion followers to the Question, Have you encountered discrimination based on your religion by the correctional institution administration?

	Yes		No		Donot know	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Orthodox /of the 572/	57	9.9	501	87.5	8	1.3
Protestant /of the 92/	19	20.6	70	76	3	3.2
Catholic /of the 3/			3	100		
Muslim /of the 151/	36	23.8	113	74.8	1	.6
Waqefata /of the 88/	71	80.6	17	19.3		
Non believer /of the 8/	1	12.5	7	87.5		

Christian /of the 74/	15	20.2	58	78.3	1	1.3		
Other Beliefs /of the 15/	6	40	9	60				
Total	205	20.1	778	76.4	13	1.2	996	98%
Missing System							21	2%

Table 11 General Response to the Question, Have you encountered discrimination based on your religion by the correctional institution administration?

	Frequency	Percent
Yes	205	20.2
No	778	76.4
Do not know	13	1.2
Total	996	98
Missing System	21	2
Total	1017	100.0

Table 12 General Response to the Question, How often did you face the discrimination?

	Frequency	Percentage of the 205 who replied yes
Very often	79	38.5
Often	68	33.1
Sometimes	13	6.3
Rarely	19	9.2
Total	179	87.3
Missing	26	12.6

Table 13 General Response to the Question, Did the Correctional Institution Administration take any corrective measure?

	Frequency	Percentage of the 205 who replied yes
Yes	39	19
No	100	48.7
Do not know	38	18.5
Total	177	86.3
Missing	28	13.6

In relation to the questionnaire item that aims to find out any discrimination based on religion by fellow inmate, the findings are presented under **tables 14, 15 and 16**. Accordingly, 84% of the respondents have responded that they did not face discrimination based on religion from fellow inmates. However, 11% of all the respondents have claimed that they have faced discrimination based on their religion from their fellow inmates. In this regard half of the Waqefata followers have replied that fellow inmates have discriminated against them based on their religion. From the 116 respondents who replied they faced discrimination; 33% of them responded that the discrimination occurred very often, 22% claimed it occurred often, 14% answered it happened sometimes and 13% replied the discrimination happened rarely.

The major manifestations of discrimination by fellow inmates during the course of events and through their day to day lives were described as follow; that other inmates look down on them, consider their belief as a

non belief, threatening them, restricting their common worship by restricting them from using open space. This indicates that there is a religion based discriminatory practice by some inmates against others. Even though, such discriminatory practices are limited and not systemic, the correctional administrations need to put in place effective remedy mechanism.

Table 14 Have you encountered discrimination based on your religion by fellow inmates?

	Yes		No		Donot know			
	Frequency	Percent	Frequency	Percent	Frequency	Percent		
Orthodox /of the 572/	31	5.4	523	91.4	1	.1		
Protestant /of the 92/	12	13	78	84.7	2	2.1		
Catholic /of the 3/	1	33.3	2	66.6				
Muslim /of the 151/	11	7.2	134	88.7	1	.6		
Waqeefata /of the 88/	46	52.2	42	47.7				
Non believer /of the 8/	2	25	5	62.5	1	12.5		
Christian /of the 74/	9	12.1	63	85.1	1	1.3		
Other Beliefs /of the 15/	4	26.6	11	73.3				
Total	116	11.4	858	84.3	6	.5	980	96.3
Missing System							37	3.6
Total							1017	100

Table 15 Have you encountered discrimination based on your religion by fellow inmates?

	Frequency	Percent
Yes	116	11.4
No	858	84.3
Do not know	6	.5
Total	980	96.3
Missing System	37	3.6
Total	1017	100.0

Table 16 How often did you face the discrimination?

	Frequency	Percent
Very often	39	33.6
Often	26	22.4
Sometimes	17	14.6
Rarely	16	13.7
Total	98	84.4
Missing System	18	15.5
Total	116	100.0

The response gathered from the question seeking a response whether the respondent himself/herself discriminate based on religion against other fellow inmates is presented under **table 17**. Here insignificant number

(3.2%) of respondents admitted that they have discriminated against fellow inmates.

Table 17 Did you discriminate based on religion against other inmates?

	Frequency	Percent
Yes	33	3.2
No	922	90.7
Do not know	2	.2
Total	957	94.1
Missing System	60	5.9
Total	1017	100.0

4.4 Right to Manifest and Worship

The questionnaire item which asks whether the respondent is able to manifest or worship his religion while in the federal prison turned out to show that 72% were able to worship and manifest their religion. As presented under **tables 18 and 19** below 18% of the respondents claimed that they could not worship or manifest their religion freely inside the correctional institution that they are in. 85% of the Waqeefata followers responded in the negative indicating that they are not able to manifest or worship their religion in the correctional institution. Similarly, 21% of the Protestants responded that they are not able to manifest or worship their religion in the correctional institution. Two of the three Catholics responded that they are not able to manifest or worship their religion in the correctional institution that they are in.

The major indications of the violation or inability to worship or manifest one's religion in the correctional institutions is explained by the respondents that no recognition is given to the belief i.e Waqefata, that it is a prohibited act, and that worship space is not provided or allowed to be used by inmates. Others mentioned that in ShoaRobit the existing worship spaces have been locked and their worship restricted.

The interview with the corrections officials and the observation reveal that individual worship and manifestation are allowed. For instance Muslims are allowed to make their five times required daily prayers. Even during the night they pray besides their beds. Inmates were allowed to wear religious clothing and signs. For instance, in the Muslim religion the *Sunnah* requires followers to take example of Prophet Mohammed like growing the beard and wearing special cloth. Christians also are allowed to wear religious signs like the cross. Hence, it could be said that individual worship is respected in the correctional institutions.

Table 18 Can you manifest or worship your religion/belief freely while you are in the federal correctional institution?

	Yes		No		Donot know			
	Frequency	Percent	Frequency	Percent	Frequency	Percent		
Orthodox /of the 572/	473	82.6	57	9	21	3.6		
Protestant /of the 92/	63	68.4	20	21.7	8	8.6		
Catholic /of the 3/	1	33.3	2	66.6				
Muslim /of the 151/	126	83.4	15	9.9	3	1.9		
Waqefata /of the 88/	7	7.9	75	85.2	3	3.4		
Non believer /of the 8/	4	50	3	37.5	1	12.5		
Christian /of the 74/	53	71.6	14	18.9	6	8.1		
Other Beliefs /of the 15/	10	66.6	3	20	1	6.6		
Total	737	72.4	189	18.5	43	4.2	970	95.3
Missing System							47	4.6
Total							1017	100

Table 19 Can you manifest or worship your religion/belief freely while you are in the federal correctional institution?

	Frequency	Percent
Yes	737	72.4
No	189	18.5
Do not know	43	4.2
Total	970	95.3
Missing System	47	4.6
Total	1017	100.0

When the respondents replied to the question whether they could discuss religion in the correctional institutions their responses are presented under **tables 20 and 21**. Accordingly, 57% replied that they can freely worship their religion while in prison. 25 % replied that they cannot do so. They mention the reason that it is a prohibited act and that it is only individual worship that is possible.

Based on the questionnaire, interview and observation it could be gathered that inmates are free to discuss about religion. It is also not possible for the prison administration to enforce prohibitions of this as the inmates are free in their respective compounds. Moreover, it is difficult to imagine the impossibility of individual worship where more than half of the respondents say they exercise free worship and the 20% could not. This item is also seeking information on individual discussions and not common worship discussions. Hence, one can gather that individual inmates are free to discuss religion among them self.

Table 20 Can you discuss religion with other inmates to profess your religion in the correctional institution?

	Yes		No		Donot know			
	Frequency	Percent	Frequency	Percent	Frequency	Percent		
Orthodox /of the 572/	378	66	100	17.4	47	8.2		
Protestant /of the 92/	48	52.1	28	30.4	9	9.7		
Catholic /of the 3/	2	66.6	1	33.3				
Muslim /of the 151/	90	59.6	36	23.8	13	8.6		
Waqefata /of the 88/	11	12.5	66	75	8	9		
Non believer /of the 8/	4	50	3	37.5	1	12.5		
Christian /of the 74/	46	62.1	15	20.2	12	16.2		
Other Beliefs /of the 15/	6	40	5	33.3	2	13.3		
Total	585	57.5	254	24.9	92	9.1	931	91.5
Missing System							86	8.4
Total							1017	100

Table 21 Can you discuss religion with other inmates to profess your religion in the correctional institution?

	Frequency	Percent
Yes	585	57.5
No	254	24.9
Do not know	92	9.1
Total	931	91.5
Missing System	86	8.4
Total	1017	100.0

Under the discussion in chapter two and three above it has been shown that common worship is not provided as a right to an inmate. However, participants in this research as illustrated under **tables 22 and 23** bellow replied to the question whether they can have a common worship of their religion 61% replied that they can and 20% replied that they cannot have a common worship in the correctional institution. 15% of Orthodox followers, 17% of Protestants and 75% of Waqefata followers replied that they cannot have common worship in the correctional institution that they are in. The reasons that they mentioned are that they are prohibited and that they cannot have worship places and that the existing ones in Shoa Robit have been restricted.

Based on the observation and interview with the institution officials there are sheds and open spaces where religious followers are conducting religious common worship. Common worship is not a prohibited act. The only requirement for prohibition is for reasons of security and the peace of others. For example under the guise of religion inmates are not allowed to discuss illegal escape plans. Moreover, inmates are not allowed to disturb other in the name of common worship. For example

common worship inside the rooms is not present. However, the writer only noticed three religions common worship spaces i.e Muslim, Orthodox and Protestant. The others due to their number or capacity did not have common worship facility. The prison administration claims it is ready to provide open space if requested or that they can simply gather around and perform their common worship. However, in Shoa Robit correctional institution Waqefata followers did not get recognition to conduct common worship. If there are security risks about convicted Oromo Liberation Front members who allegedly could abuse this opportunity as they gather around for common worship; then what the administration should do is not prohibit but recognize and allow the common worship and take measures against those who abuse the right.

On the other hand the Shoa Roit correctional institution administration has closed down the previous common worship facilities of Muslim, Orthodox and Protestants. The reason being disagreement and disturbance based on ideology, leadership and embezzlement of property among the Protestant followers. What the administration did is close down all the existing worship facilities and make them use open facility and sheds for their common worship. It is proper that the administration did not go in to look into their internal affair and arbitrate or adjudicate their case as it might imply discrimination and interference in free exercise of religion. When the administration indulges itself in the internal management of a certain belief and ideological leadership matters; then it could be construed that it favors part of the believers and that it is imposing on the free exercise of beliefs.

Table 22 Can you have common worship in the correctional institution?

	Yes		No		Donot know			
	Frequency	Percent	Frequency	Percent	Frequency	Percent		
Orthodox /of the 572/	381	66.6	91	15.9	48	8.3		
Protestant /of the 92/	68	73.9	16	17.3	2	2.1		
Catholic /of the 3/	2	66.6	1	33.3				
Muslim /of the 151/	114	75.4	14	9.2	10	6.6		
Waqefata /of the 88/	9	10.2	66	75	9	10.2		
Non believer /of the 8/	4	50	2	25	2	25		
Christian /of the 74/	41	55.4	14	18.9	15	20.2		
Other Beliefs /of the 15/	7	46.6	5	33.3	1	6.6		
Total	626	61.5	209	20.5	87	8.5	922	90.6
Missing System							95	9.3
Total							1017	100

Table 23 Can you have common worship in the correctional institution?

	Frequency	Percent
Yes	626	61.5
No	209	20.5
Do not know	87	8.5
Total	922	90.6
Missing System	95	9.3
Total	1017	100.0

The research has endeavored to find out the status of individual worship in terms of accessing religious holy books. Accordingly the finding is presented under **tables 24 and 25** below. The result shows that 70% of the respondents replied in the positive that they can access the religious holy books when they are sent to them. On the contrary 17% of the respondents have replied in the negative that they cannot access the holy books of their religion.

Based on the interview with institution management and observation there were religious books inside the correctional institutions. There is not a rule that prohibits the bringing in of religious books. However, in Shoa Robit an inmate was caught attempting to bring in illegal item concealing inside a Bible. After that the administration claims it has enforced cautionary measure in checking items brought in. However, some inmates described that they cannot get religious holy books due to the restriction. The institution administration should check whether the rules are correctly implemented or not.

Table 24 Can you receive your religion's holy book from outside?

	Yes		No		Donot know			
	Frequency	Percent	Frequency	Percent	Frequency	Percent		
Orthodox /of the 572/	450	78.6	64	11.1	45	7.8		
Protestant /of the 92/	72	78.2	15	16.3	4	4.3		
Catholic /of the 3/	2	66.6	1	33.3				
Muslim /of the 151/	107	70.8	26	17.2	11	7.2		
Waqefata /of the 88/	16	18.1	51	57.9	19	21.5		
Non believer /of the 8/	3	37.5	3	37.5	2	25		
Christian /of the 74/	55	74.3	12	16.2	6	8.1		
Other Beliefs /of the 15/	9	60	3	20	2	13.3		
Total	714		175		89		978	96.1
Missing System							39	3.8
Total							1017	100

Table 25 Can you receive your religion’s holy book from outside?

	Frequency	Percent
Yes	714	70.2
No	175	17.2
Do not know	89	8.7
Total	978	96.1
Missing System	39	3.8
Total	1017	100.0

The research has endeavored to find out the conformity of the food served in the correctional institution with that of the specific religion or belief followed by an inmate as far as possible. Accordingly, the finding is presented under **tables 26 and 27** below. The result shows that 70% of the respondents replied in the positive that the food served is consistent with their belief or religion. On the contrary 13% of the respondents have replied in the negative that the food served is not consistent or does not conform to their belief or religion. Repeatedly cited reason in this regard is that they do not see the food preparation.

Based on the interview with correctional institution management and observation the food prepared and served in the institutions are what we usually call fasting food. This is always a vegetarian food which is considerate of the daily calorie requirement of an adult individual and based on the available and allocated budget. During national religious holidays the administration allows Christian and Muslims to slaughter meat. This is done by inmate representatives and cooked by the cooks’ separately for the Muslim and Christian faith followers. Similarly Muslims are allowed to conduct full day fasting during the month of Ramadan. Moreover, inmates could bring in or accept food prepared by their relatives. Hence it could be replied the food prepared and presented

in the correctional institutions conforms to different religion followers. However, this conformity did not happen intentionally to respect the different religious requirements but due to budget constraint and tradition.

Table 26 Is the food provided in the correctional institution consistent with your religious belief?

	Yes		No		Donot know			
	Frequency	Percent	Frequency	Percent	Frequency	Percent		
Orthodox /of the 572/	434	75.8	61	10.6	52	9		
Protestant /of the 92/	69	75	11	11.9	9	9.7		
Catholic /of the 3/	2	66.6	1	33.3				
Muslim /of the 151/	111	73.5	21	13.9	11	7.2		
Waqefata /of the 88/	34	38.6	29	32.9	19	21.5		
Non believer /of the 8/	5	62.5	1	12.5	1	12.5		
Christian /of the 74/	51	68.9	5	6.7	14	18.9		
Other Beliefs /of the 15/	8	53.3	4	26.6	2	13.3		
Total	714		133		108		955	93.9
Missing System							62	6
Total							1017	100

Table 27 Is the food provided in the correctional institution consistent with your religious belief?

	Frequency	Percent
Yes	714	70.2
No	133	13.1
Do not know	108	10.6
Total	955	93.9
Missing System	62	6
Total	1017	100.0

4.5 Visitation Right

The minimum standard as indicated under the previous chapters is that the correctional institution should allow inmates to have chaplains who could give religious services from among themselves. In this regard access to religious leaders or fathers is another item investigated under the research where the finding is presented under **tables 28, 29 and 30**. Accordingly, the responses show that 39% of all the respondents have replied that they can access their religious leaders or fathers. On the contrary 39% have replied that they cannot meet their religious fathers or leaders. The reasons cited were that the prison does not allow such visits. Many also mentioned as a reason that the religious leaders did not come while other mentioned that the religious leaders were not allowed to come inside the prison and meet the followers or give common worship service to them.

From the 399 inmates who replied that they can meet their religious leaders or father, when asked how often they can meet them, 58% replied

that they can meet them any time the religious leaders come. 7% and 6% respectively replied they can meet them weekly or in a monthly period.

Based on the interview with the correctional institution management and observation the inmates have organized themselves where they have ‘chaplains’ or leaders who lead prayers and other religious matters. These are selected by the inmates themselves from those who had previous religious service experience. The administrators have elaborated that religious leaders could come at any working hour like advocates and meet their followers individually; and that they are not allowed to go inside and give mass service. This is consistent with the international standard as there is no state obligation to allow religious leaders from outside to go inside the correctional institution and give mass service. What needs to be born in mind is that many of the inmates do not know this fact i.e the content and scope of their right in this regard. They expect that the religious leaders need to come and give them mass service.

Table 28 Do you have access to your religious leaders while you are in correctional institution?

	Yes		No		Donot know	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Orthodox /of the 572/	261	45.6	201	35.1	91	15.9
Protestant /of the 92/	37	40.2	38	41.3	16	17.3
Catholic /of the 3/	2	66.6	1	33.3		
Muslim /of the 151/	61	40.3	62	41	23	15.2

Waqeefata /of the 88/	5	5.6	65	73.8	14	15.9		
Non believer /of the 8/	1	12.5	3	37.5	3	37.5		
Christian /of the 74/	27	36.4	27	36.4	17	22.9		
Other Beliefs /of the 15/	5	33.3	5	33.3	4	26.6		
Total	399		402		168		969	95.2
Missing System							48	4.7
Total							1017	100

Table 29 Do you have access to your religious leaders while you are in correctional institution?

	Frequency	Percent
Yes	399	39.2
No	402	39.5
Do not know	168	16.5
Total	969	95.2
Missing System	48	4.7
Total	1017	100.0

Table 30 How often could you have the visit?

	Frequency	Percent
Any time they come	233	58.3
Once in a week	28	7
Once in a month	27	6.7
Total	288	72.1
Missing System	111	27.8
Total	399	100.0

4.6 Education in the institutions

The minimum standard in relation to public education is that it should be free from religion. In this regard the last item that was investigated is the topic whether the inmates attend educational instruction or classes and whether it has religious content in it. The correctional institutions provide academic and vocational education programs. Accordingly, this finding has been presented under **tables 31 and 32** below. 73% of all the respondents replied they attend educational programs given in the institutions. From these respondents 82% replied that the education does not have religious content in it. 10% replied that the education has religious content. In the formal education the respondents did not identify the mixing of religious content in the education. However, especially in Addis Ababa correctional institution the counseling and guidance workers impliedly refer to religion while they give counseling.

Based on interview with the correction institutions management and observation the writer has found out that the institutions provide education based on Ministry of Education Curriculum. Moreover, the institutions are currently in the process of handing over the academic and technical training to the regional education and TVET bureau so that the training would get recognition and enable the region to allocate budget and manage the training.

Table 31 Do you attend educational classes given by the correctional institution administration?

	Frequency	Percent
Yes	748	73.5
No	196	19.3
Total	944	92.8
Missing System	73	7.2
Total	1017	100.0

Table 32 Does the education given has religious content in it?

	Frequency	Percent
Yes	75	10.4
No	617	82.4
Do not know	10	1.3
Total	702	93.8
Missing System	46	6.1
Total	748	100.0

Conclusion

Freedom of religion is mainly composed of the right to hold, change, manifest or worship and the absence of discrimination. In this regard it has been shown that inmates have freedom of religion. The unique aspect of freedom of religion which relates to inmates are getting chaplaincy service by an inmate whom they chose among themselves, visitation right of religious leaders for individual worship, accessing religious holy books, getting food which confirms to their religion as far as possible.

The research has found that there is no systemic violation of freedom of religion in the federal correctional institutions. In this regard from the research it has been found that majority of the respondents have replied that their freedom of religion: right to hold, to change and individual belief and manifestation is respected. The visitation right to religious leaders and serving food which is considerate of inmates' religion is respected in the correctional institutions. However, few percentage of the inmates have described violation of their right in terms of recognizing their religion and its exercise, common worship, accessing religious books and facing discrimination from the administration and fellow inmates.

It has been found from the study that the federal correctional institutions internal directive regarding the treatment of inmates is old which needs to be formally adopted, widely circulated and become accessible to inmates. The directive is not sufficiently comprehensive in that it does not cover issues of recognizing the religion or belief of inmates, right to change religion, condition of getting common worshiping space, conditions of common worship, election or authorization of religious representatives, ensuring food preparation to the extent possible conform to the religious requirements of inmates, visitation by religious leaders

and so on. The research has also found that some of the inmates do not understand their freedom of religion and their corresponding duties with regard to the institution rules and directives.

The research has found that there is not effective remedial mechanism to redress discrimination based on religion from the wardens or fellow inmates. It has been found from the responses of the majority of the Waqefata religion followers that the Ziway correctional institution does not give recognition to Waqefata religion and the celebration of its holydays. Furthermore, from the responses of few inmates in Shoa Robit correctional institution it has been found that the security check on religious books could have been subjected to arbitrary prohibition of accessing holy books.

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2. Basic Principles for the Treatment of Prisoners, General Assembly resolution 45/111 of 14 December 1990
3. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment Adopted by General Assembly resolution 43/173 of 9 December 1988,
4. Charter of the United Nations, 1945,
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6. Convention on the Rights of the Child,
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15. Federal Prison Wardens Administration Council of Ministers Regulation 137/2007,
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Annexes

Compilation of Relevant Freedom of Religion or Belief Provisions

Charter of the UN,

Article 1/3/:

To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion;

Article 13/b/:

Promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

UDHR

Article 18

Everyone has the right to freedom of religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

The ICCPR

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

ICESCR

Article 13/3/

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

Convention on the Rights of the Child

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to

protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

African [Banjul] Charter on Human and Peoples' Rights,

Article 8.

Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

Article 2:

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

European Convention on Human Rights and Fundamental Freedoms

Article 9

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to

manifest his religion or belief, in worship, teaching, practice and observance.

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedoms of others.

UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

Article 1

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

Article 3

Discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.

Article 4/1/

All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition,

exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.

Article 6

In accordance with article 1 of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms:

- (a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- (b) To establish and maintain appropriate charitable or humanitarian institutions;
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- (d) To write, issue and disseminate relevant publications in these areas;
- (e) To teach a religion or belief in places suitable for these purposes;
- (f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- (i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

FDRE Constitution

Article 27 Freedom of Religion, Belief and Opinion

1. Everyone has the right to freedom of thought, conscience and religion. This right shall include the freedom to hold or to adopt a religion or belief of his choice, and the freedom, either individually or in community with others, and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. Without prejudice to the provisions of sub-Article 2 of Article 90, believers may establish institutions of religious education and administration in order to propagate and organize their religion.
3. No one shall be subject to coercion or other means which would restrict or prevent his freedom to hold a belief of his choice.
4. Parents and legal guardians have the right to bring up their children ensuring their religious and moral education in conformity with their own convictions.
5. Freedom to express or manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, peace, health, education, public morality or the fundamental rights and freedoms of others, and to ensure the independence of the state from religion.

Article 21,

The Rights of Persons Held in Custody and Convicted Prisoners, Sub article (2) provides: All persons shall have the opportunity to communicate with, and to be visited by, their spouses or partners, close relatives, friends, religious councilors, medical doctors and their legal counsel.

Article 17/5/,

Freedom to express or manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, peace, health, education, public morality or the fundamental rights and freedoms of others, and to ensure the independence of the state from religion.

Article 25 Right to Equality

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth or other status.

Article 34/5/

This Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute. Particulars shall be determined by law. See also article 78/5/, Pursuant to sub-Article 5 of Article 34 the House of Peoples' Representatives and State Councils can establish or give official recognition to religious and customary courts. Religious and customary courts that had state recognition and functioned prior to the adoption of the Constitution shall be organized on the basis of recognition accorded to them by this Constitution.

Federal Prison Establishment Proclamation no 365/2003,

Article 6.

- 1) ward and reform the prisoners it admits upon judicial sentences or warrants; and shall also enforce other judicial decisions;

- 2) take prisoners to court;
- 3) maintain prisoners' health care; and provide prisoners with free medical treatment, food and shelter in accordance with the Regulations to be issued on the basis of this Proclamation; undertake and encourage tasks, services and activities necessary for the physical and mental wellbeing of prisoners; particulars shall be determined by the Directives to be issued by the commission;
- 4) provide prisoners with academic education, vocational training, and social work services and counseling services to facilitate their post-release rehabilitation and respect for the law; particulars shall be determined by regulations and directives;
- 6) determine and implement' disciplinary measures, in accordance with the Regulations or Directives to be issued under this Proclamation, against prisoners who infringe prison rules while in custody;
- 11) undertake studies that can help improve the custody and treatment of prisoners, and that facilitate country-wide similarity and standardization in the professional competence and service of prison wardens.

Article 22

- 1) Prisoners shall have the right to be treated conditions of respect for human dignity.
- 2) The treatment of sentenced prisoners shall facilitate their post-release respect for law and their rehabilitation towards self-supporting reintegration into society.
- 3) Remand and civil prisoners shall not be presumed as offenders, and shall be entitled to treatment different from convicted prisoners.

**Council of Ministers Regulation on the Treatment of Prisoners
138/2007**

Article 26

- 1/ Every prisoner shall exercise his religious freedom during his stay in prison,
- 2/ The religion of a prisoner shall be the religion registered at the time of his admission to the prison; provided however that if during his stay in prison he is converted to another religion he may request such fact to be registered,
- 3/ Every prisoner shall have the right to have access to and read spiritual books, magazines and articles as well as to observe religious holidays.

Federal Prisoners Administration Directive,

**Article 11 Communication of Prisoners with Outside Persons,
translation mine.**

- 1/ Prisoners right to speak in their mother tongue is protected, however a correctional institution warden who can speak the language spoken by the prisoners shall be employed to prevent actions contrary to law, order, social living and custody practice.
- 2/ prisoners shall be allowed to communicate with visitors on Saturdays and Sundays 9:00 to 12:30 in the morning and 1:30 till 4:00 in the afternoon, and during public and religious holidays from 9:00 till 12:00 in the morning.
- 3/ visitors who reside out side the city where the correctional institution is situated may communicate with prisoners without a need to wait for Saturdays and Sundays.

Questionnaire

Questionnaire for Prisoners

Dear respondent, this is a questioner prepared to asses the situation of freedom of religion in Federal Correctional Institutions for the purpose of conducting a graduate thesis for the Addis Ababa University, Institute of Human Rights. So please respond to all the questions truthfully. This questioner will be kept confidential.

Part one

1. Sex _____
2. Age _____
3. Educational level _____
4. Religion/Belief _____

Part two

5. Can you hold a religion/belief of your choice freely while you are in the correctional institution?

Yes No Do not know

6. If no, describe?

7. Can you change your religion/belief freely while you are in correctional institution?

Yes No Do not know

8. If no, describe?

9. Have you encountered discrimination based on your religion by the correctional institution administration?

Yes No Do not know

10. If yes,

a/ Describe the discrimination you faced?

b/ How often did you face the discrimination?

Very often Often Sometimes Rarely
c/ Did the Correctional Institution Administration take any corrective measure?

Yes No Do not Know

11. Have you encountered discrimination based on your religion by fellow prisoners?

Yes No Do not know

12. If yes,

a/ Describe the discrimination you faced?

b/ How often did you face the discrimination?

Very often Often Sometimes Rarely

13. Did you discriminate based on religion against other the prisoners?

Yes No Do not know

14. Can you manifest or worship your religion/belief freely while you are in correctional institution?

Yes No Do not know

15. If no, describe?

16. Can you discuss religion with other prisoners to profess your religion in the correctional institution?

Yes No Do not know

17. If no, describe?

18. Can you have common worship in the correctional institution?

Yes No Do not know

19. Describe How?

20. Can you receive your religion's holy book from outside?

Yes No Do not know

21. Is the food provided in the correctional institution consistent with your religious belief?

Yes No Do not know

22. Do you have access to your religious leaders while you are in correctional institution?

Yes No Do not know

a/ If no, describe?

b/ If yes, how often could you have the visit?

Any time they come Once in a week Once in a month

Others Specify _____ .

Part three

23. Do you attend educational classes given by the correctional institution administration?

Yes No

24. If yes, does the education given has religious content in it?

Yes No Do not know

25. If yes, how?

Thank you

Interview guide

Interview guide questions for correctional institution officers/administrators

Dear respondent, this is an interview prepared to assess the situation of freedom of religion in Federal Correctional Institutions for the purpose of conducting a graduate thesis for the Addis Ababa University, Institute of Human Rights. So please respond to all the questions truthfully.

Part one

1. Is there discrimination based on religion in the correctional institution against prisoners by other correctional institution officers? How?
2. Is there discrimination based on religion in the correctional institution against prisoners by other prisoners? How?
3. Can prisoners hold a religion/belief of their choice freely?
4. Can prisoners change their religion/belief freely?
5. Can prisoners manifest or worship their religion/belief freely?
What does it look like?
6. Do prisoners have a space/facility to exercise their religion?
7. If no, what is the reason?
8. Does food preparation process accommodate the religious demands of prisoners? How?
9. Is there complaint by prisoners based on freedom of religion? On what grounds and in what frequency? Are there any corrective measures taken?
10. Do prisoners have access to their religious leaders? How often?
11. What other plans are there to enhance freedom of religion?

Part two

12. Does the education given by the correctional institution administration have religious content in it? How?

Thank you.