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## **An assessment of Challenges That Impede the Effectiveness of Ethiopia Human Rights Commission Protection and Promotion of Human Rights**

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### **Abstract**

*The National Human Right Commission is seen as a backbone for the promotion, protection and realization of human rights provision in a given country. The proper protection and promotion of human rights are not something emanate from vacuum rather the realization of human rights is highly rely on the presence of National Human Right Institution. Because, National Human Right Institution is the ear and eyes of the people that play significant role via protecting, promoting and full fling human rights. That is why the Ethiopia government also established the human right commission so as to promote and protect human rights. However, the Ethiopia human right commission is a toothless dog that failed to protect violation of human rights though there exists sever human rights violation in the country. The ineffective protection and promotion of the human right commission is basically emanated because of different intertwined factors. Hence, the main aim of this paper is intended to examine the major elements for the effectiveness of the commission and challenges that hamper the effectiveness of Ethiopia human right commission protection of human rights violation and warp up with possible recommendation.*

**Keywords:** Human Rights, Human Right Commission.

### **Introduction**

The global curiosity in establishing national institutions is relatively a recent event, the original interest of the United Nations for such institutions goes back to 1946 when the issue was first addressed by the Economic and Social Council<sup>1</sup>. The Council, asked member states to consider creating local human rights committees which could collaborate with the Commission on Human Rights. In 1960, the council, in resolution which recognized the unique role of national institutions could play in the protection and promotion of human rights, invited governments to encourage the formation of such bodies. Today, human rights considerations are relevant to almost every sphere of governmental activity and indeed, too many other areas of public and private life.

That is why the EPRDF government established the Ethiopian Human Rights Commission as an autonomous organ of the government in July 2000

with the mandate to promote, protect and enforce the human and democratic rights of citizens and peoples of Ethiopia as enshrined in the Constitution and other laws of the land, as well as the international human rights conventions and instruments adopted by Ethiopia, and ensure that citizens and peoples can claim these rights. The objectives of the Commission are educating the public about human rights; ensuring that human rights are protected, respected and fully enforced; and taking necessary measure where human rights are found to have been violated.

However, due to political influence which negatively affects its independence, little experience or limited staff capacity, this relatively young institution faces numerous challenges. The operations of the commission currently range from monitoring to handling complaints of victims of human rights violations, to creating awareness on people's rights and the

Commission's activity. With the decision to undertake into new areas including: creating Legal Aid Centers, and establishing partnerships with Civil Society Organizations and Universities, the Commission will face new challenges. Additionally, the Commission intends to open six offices in six regions of the country, which will require office space rental and hiring of professionals<sup>2</sup>.

In spite of the aforementioned challenges, the plethora of international funding and support availability is seen as prospect for consolidating the effective protection and promotion of human rights by the human right commission, however, unfortunately this golden opportunity is jeopardize by the recent reform law made by the Ethiopian government. On January 6, 2009 the Ethiopian Parliament passed the Civil Society Organization law. With this law, local human rights charities and societies with more than 10% funding coming from non-government sources are no longer legitimate to operate on human rights issues<sup>3</sup>. Though it is persuasive to say human rights institution not totally rely on funding of charities organization, the percent of receipt by the commission must show slight increasement. Consequently, the CSO law imposed severe restrictions on international organizations and local nongovernmental organizations, NGO's making human rights monitoring more difficult by challenging the ability of human rights organizations and human rights defenders in Ethiopia to operate.

Because of the above intertwined factors, the human right commission does not scored fruitful results as its mandate provide under proclamation no. 210/2000. Thus, the main aim of this paper is to assess the challenges hamper the effectiveness of human rights protection and promotion by human rights commission and warp up with applicable recommendation.

## **2. Components Backing to the Success of Human Rights Commission**

It is white and black, three are different elements that support or helps national human rights institution to be effectiveness and stand by two legs. In nut shell, national institutions tend to be more effective when they:

### **2.1. Obtaining Public Acceptance**

It is undoubted, the human rights commission get popular acceptance when the commission become the advocator of the powerless and the needy group and treat everyone in fair and impartial manner. However, the Ethiopia human right commission cannot get well public acceptance since the commission failed to extend its branch in different parts of the country. Most Ethiopian people especially those people that live around the periphery and the uneducated section of the societies don't know what human rights commission is and what is the major mandate of the commission. But, in fact a very serious violation of human rights is really happened within the periphery and uneducated section of the societies. It is well known, rural settlers or farmers take the lion share of Ethiopian population. Such section of societies has no awareness what human rights mean due to this reason not only knowingly but they violate human rights unknowingly. Hence, the commission should create awareness by giving human rights training in collaboration with academic institution so as to get public acceptance.

### **2.2. Accessible**

This is also one of the basic components that baking up the effectiveness of Human Rights Commission. Majority of Ethiopian people is languished by destitute living standards. National institutions must be accessible, especially to people who are exposed to human rights violations or non-fulfillment of their rights. Depending on the national context, these are likely to include: women, ethnic, linguistic, religious or other minorities, indigenious peoples, non-nationals and people with disabilities, as well as the very poor. This encourages the

disadvantaged group easily contact and refers their case for the commission<sup>4</sup>. Yet, in Ethiopia the Human Rights Commission is not easily accessible because it has no branch even at zonal level. This becomes challenges for the effectiveness of the commission.

### **2.3. Membership should be based on the Integrity and Quality**

Though integrity and quality of the members of human rights commission is the corner stone for effective promotion and protection of human rights, the members of Ethiopia Human Right Commission is political affiliated and partial. The former commissioner of the human rights commission, Tiruneh Zena is the member of the ruling party, hence, it is doubtful to think that commissioner is well committed to expose the wrong doing of their party members. In addition to these, the member of the commission is not inclusive of all regions. But the member should be consist of different ethnic group since they have more exposure about the magnitude of the problem or they know the violation of human rights because of their proximity. So, unless the appointment procedure is based on meritocracy and neutrality of any political parties, inclusiveness of gender and ethnic group, the effectiveness of the commission failed under question mark.

### **2.4. Comprehensive Jurisdiction**

The credibility of National Human Right Institution is seriously undermined when certain authorities with potentially great impact on human rights such as military or special security forces are excluded from their jurisdiction.

### **2.5. Have adequate budgetary resources**

National Human Right Institution is often ineffective because they lack resources. Control over their funding should be independent of the government of the day. Governments and legislatures should ensure that National Human Right Institution receive adequate funds to perform all the functions set out in their mandates. However, the human right commission in Ethiopia is suffered by lack of fund for renting house for

office, and accomplishment other related issues. Though, there is plethora of international fund in the name of human rights, the government prohibit fund come for donors exceed than 10% without reshuffling the alternative source of income for the commission.

### **3. Challenges that hamper the Effectiveness of Human Right Commission**

The foundation of human rights doesn't not automatically guarantee for its effectiveness. There are some factors that affect the smooth functioning of Human Rights Commission. Some of these are:

#### **1. Independence**

The need to maximize the independence of this institution is not debatable. Human Right commission should be carried out their duties autonomously without any the interference and obstruction of other body. But it doesn't mean they are absolutely out of government control. Independence can be seen from the angle of legal autonomy, financial autonomy and neutral appointment procedure.

#### **A. Independence through Legal autonomy**

From the inception, its operation must be independence. The commission should not simply establish as instruments to the ruling party and subordinate with it. Rather it should be established based on the law of the country and get constitutional guarantee. However the, there is no clear legal procedure that clarify in a detailed manner how they can handle individual complaints.

#### **B. Financial autonomy**

The Paris Principles require NHRIs to have sufficient funding to have their own premises and staff "in order to be independent of the Government<sup>5</sup>. To secure true independency of human rights commission the budget, should not subjected with any branch of government interference. True independence of the human rights commission will be in question when they are dependent on government to secure adequate funding. If the budget of the commission heavily

rely on government or NGO, it may ridden for the interest of them. High reliance on the government fund impedes the institution from criticizing the wrongful act of the government.

### C. Independence through appointment

The fair appointment plays a significant role for the true existence of human institution. In Ethiopia, there are solid and relevant criteria like loyalty to the constitution, nationality, health condition, educational qualification, previous criminal record, age, attitude towards human rights and various values which become even role model for others. However, close scrutiny of the committee implies that many of the members have strong affiliation with the ruling party. The independence of the Ethiopia human right commission through its composition is always under the threats of government influence. High affiliation of the nominating committee to the government challenges to the appointment of political neutral official. Beyond the political affiliation of the officials, close examination of Ethiopia law divulge that no concern is given about the composition of diversity.

### D. Accessibility

Proximity to the population is also bedrock for effectiveness of human rights institution. When we say accessibility it is not all about the physical accessibility but also familrazing with people. If the human rights commission is accessible, the member of the commission have an ample exposure regarding the violation of human rights and strong linkage with the community .But, due to lack of resource, the human right commission office is confined at the federal level. Because of its inaccessibility, all people don't know who human right commission is and what its mandate is. Due to this reason majority of the people don't know their rights. Hence they prefer to remain salient if the violations are easier and go to court if it is sever.

### Conclusion

To conclude, the foundation of human rights institution doesn't not automatically guarantee for its effective promotion and protection of human rights. For effectiveness of human rights commission obtaining public legitimacy, accessibility, comprehensive jurisdiction and adequate funding play paramount role. However, Ethiopian human right commission don't properly discharge its mandate since it lack to full fill the above elements for its effectiveness. The commission failed to fulfill the effective element because of intertwined factors like political affiliation of the nominator of the human right commission official, budget subordination, non-inclusiveness of diverse ethnic group and inaccessibility of the human rights commission to the grassroots people.

### Recommendation

The writers of this the paper tries to forward the following possible solution to overcome the ineffectiveness of the Human Rights Commission in the protection and promotion of human rights.

- The commission should scale up their public legitimacy by publicizing their works to the mass by using appropriate media.
- The government should refrain from interference of the commission to stand by its two legs.
- The commission should employ officials based on meritocracy, ethnic diversity, and non-political affiliation and enlarge its jurisdiction.
- The commission should also exhaust its unreserved efforts to search alternative way of acquiring fund than total reliance on government.
- The institution should extend its branch at least up to zonal level so as to become accessible for the grassroots people.

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