



# AWARENESS

A Quarterly E-Newsletter of  
ACTION PROFESSIONALS' ASSOCIATION FOR THE PEOPLE  
(APAP)

**Quarterly Message:** "We will not enjoy security without development, we will not enjoy development without security, and we will not enjoy either without respect for human rights."—Kofi Annan

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## APAP NEWS UPDATE

### APAP Gives Paralegal Training to CBO Leaders

APAP gave paralegal training to 30 CBO leaders at Dire Dawa from May 28 to June 05, 2009. Of these trainees, 17 were females, and 13 males.

The training was aimed at enhancing their knowledge about human rights, the substantive and criminal laws of the land, the rights of particularly children and women, harm-

ful traditional practices and out-of-court dispute-settlement techniques.

Just before the training session was wrapped up, the CBO leaders who took the training formed a committee, with a view to concerting their efforts toward translating into practice the knowledge that was

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### APAP Holds Consultative Meeting with Law Faculties

APAP held a consultative meeting with seven deans of law faculties of the various universities in Ethiopia and two pertinent officials of privately-owned universities at the Queen of Sheba Hotel, here in Addis Ababa, on May 20, 2009.

APAP saw it fit to hold the consultative meeting in order to review the four moot court competitions it organized and held so far and find ways and means of improving the manner in which these competitions should be organized and held.

The deans and university officials were drawn from the law faculties of the Mekelle, Jimma, Gondar, Bahir Dar, Addis Ababa, Hawassa, Haramaya, Alpha and Unity Universities.

The seven deans and the two pertinent university officials were officially welcomed by the Executive Director of APAP, W/ro Kidist Alemu, who, in her welcoming remark, underlined the importance of their active participation in the consultative meeting so that "we will be able

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### APAP Gives Training on Child Protection

APAP gave training in child protection to 23 of the judges



**Participants on group discussion**

and prosecutors at Adama—the capital of the Oromia

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## APAP Presents Report to the Mechanism of Universal Periodic Review

On behalf of its stakeholders, APAP had the honor of preparing a report to the Mechanism of the Universal Periodic Review /UPR/ on human-rights situations in the country, together with three other NGOs: the Ethiopian Women Lawyers Association (EWLA), Organization for Social Justice in Ethiopia (OSJE), and the Ethiopian Human Rights Council (EHRCO).

The report was subsequently submitted to the pertinent UN body on April 13, 2009. APAP

and its partner organizations were able to submit the report through the support of the Ethiopian Human Rights Commission (EHRC) and the Office of the High Commissioner for Human Rights (OHCHR).

The report focused on five categories of rights: the right to life and security of persons; the right to adequate standard of living emphasizing the rights to food, housing, health and education; the right to political participation; the rights of vulnerable groups and freedom of association and expression.

In connection with this reporting, a validation meeting was held at Yolly Hotel on April 19, 2009. The meeting was jointly organized with the Office of the High Commissioner for Human Rights and the Ethiopian Human Rights Commission.

At this meeting, participants drawn from various civil society organizations and relevant government offices discussed at length the contents of the report and made comments thereon.

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### APAP Opens Three Resource Centers in the SNNPRS

APAP recently opened legal and human rights resource centers at three of the towns of the South Nations, Nationalities and Peoples Regional State (SNNPRS) as part of the implementation of its Legal Empowerment Program in the project with the French Embassy—that is, at Arba Minch, Hossaena and Mizan Aman.

The centers were opened in accordance with the agreements that APAP had signed with the representatives of the community-based organizations (CBOs) of Arba Minch, Hossaena and Mizan Aman—on February 03, 2009, on Jan 31, 2009 and on February 2009, respectively.

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### APAP Gives Training to Kebele Council Members

As a continuation of its Basic Legal Education Program, APAP, in collaboration with the law faculties of the universities in the country, has once again started giving a two-month course to a total of 70 participants drawn from the kebele councils and youth leagues of the Arada sub-City—in particular, from Kebele 11/12. Implementation of the Basic Legal Education Program kicked off on the premises of the Belay Zeleke Elementary School on May 22, 2009.

By the time they have completed the course, the participants will have been able to familiarize themselves with basic legal and human rights information and skills relevant to their daily lives.

They are also expected to have a good understanding of both their rights and obligations in undertaking their day-to-day activities.

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## APAP Signs MOU with Resource Centers

APAP signed a Memorandum of Understanding (MOU) with the resource centers under the project titled “Revitalizing the Role of Legal Professionals and Community Institutions in Child Protection.” The resource centers are those located at Adama, Assela, Debre-Berhan and Akaki.

According to the MOU, the resource centers will be obligated to undertake activities related to child protection,

render free legal aid to children as well as provide children with counseling services.

Since the paralegals in these resource centers and a few leaders of the *idirs* were earlier given the necessary training, they are expected to fulfill their duties as competently as they should and thereby contribute to the respect of **children’s rights in their** respective communities.

## APAP Does a Research on Prisoners’ Rehabilitation and Reintegration

With financial support from the Norwegian Church Aid (NCA), APAP recently did a research on the correctional centers at Harar, Adama and Hawassa. The research was done particularly on the manner in which the prison authorities were treating the inmates in the correctional centers and on the various issues **related to the prisoners’** rehabilitation and reintegration with their respective communities.

The major objectives of the research were firstly conceptualizing the existing system of legal protection, rehabilitation and reintegration of prisoners

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As per the agreements, the *idirs* (traditional community associations) and the community associations provided the office space, whereas APAP provided the materials needed to carry out the activities of the centers, including desks, chairs and shelves as well as reference books and legal documents.

The centers were established in order to provide the general public with free legal aid and thereby ensure its access to justice as a matter of right. The paralegals who will be serving in the centers are those same members of the CBOs that APAP had given training to earlier under a similar project, which was financed by the French Embassy here in Addis Ababa.

## APAP Prepares Bench Book on Child Protection for Judges and Prosecutors

As part of the implementation of the project titled “Revitalizing the Role of Legal Professionals and Community Institutions in Child Protection,” APAP just got through preparing a bench book.

The bench book is the first of its kind in Ethiopia and focuses on how to render proper protection for child victims and witnesses of crimes. It also serves as a guide and provides the step-by-step measures that judges and prosecutors should take, starting from the investigation of a crime to a ruling thereon.

The bench book has already been published and is currently being distributed.

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**APAP Gives ...**

imparted to them during the nine-day training. They also gave their pledge to draw up a plan as soon as possible and, based thereon, to give free legal aid to the low-income members of their respective communities, in close collaboration with APAP.

The training was organized and given as a component of APAP’s Legal Empowerment Program.

## THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS—A HISTORIC ADVANCE FOR HUMAN RIGHTS

*“The Protocol will provide an important platform to expose abuses that are often linked to poverty, discrimination and neglect, and that victims frequently endure in silence and helplessness. It will provide a way for individuals, who may otherwise be isolated and powerless, to make the international community aware of their situation.”—Louise Arbour, UN High Commissioner for Human Rights.*

### What is Optional Protocol?

Most human-rights treaties are followed by an optional protocol, which allows individuals to lodge complaints about the violation of their rights internationally. Optional protocols provide for procedures with regard to the treaty (the main/parent treaty which provides for the rights) or address substantive areas related to the treaty. Optional protocols are separate treaties by themselves. They, therefore, need signature, ratification and accession for enforcement on the States that are party to the main treaty. Optional protocols provide stronger accountability mechanisms that enable the different UN committees to investigate all al-

leged violations of rights.

### General Background on the OP for ICESCR

The Vienna World Conference on Human Rights (1993), which was held to find a common ground, declared that all human rights are universal, indivisible, interdependent and interrelated. It also called upon the international community to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and underlined the duty of states to promote and protect all human rights, regardless of their political, economic and cultural systems. There has, however, been a longstanding unequal treatment of the rights provided for in the two international bills of rights: the International Covenant on Civil and Political Rights/ICCPR/ and the International Covenant on Economic, Social and Cultural Rights/ICESCR/. Both Covenants were adopted by the UN General Assembly in 1966. While the ICCPR enjoyed the benefit of having an optional protocol in 1976, the ICESCR had, nonetheless, to

wait until December of 2008.

On top of declaring that human rights are universal, indivisible and interdependent, the 1993 Vienna Declaration and Program of Action contains an important paragraph that encourages the UN Commission on Human Rights to continue examining the possibility of developing the Optional Protocol to the ICESCR, in cooperation with the UN Committee on Economic, Social and Cultural Rights. Accordingly, a number of individuals, NGOs, social movements, academics and committees have worked on the Optional Protocol for years. It was, nevertheless, in June of 2008 that the Human Rights Council unanimously approved the Optional Protocol to the ICESCR. This document was then adopted by the United Nations General Assembly on December 10, 2008.

### The Added Values of the OP to the ICESCR

#### 1. Its contribution to ensuring indivisibility

The imbalance between the two sets of rights has pre-

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### THE OPTIONAL PROTOCOL ...

vailed not only because of the existence of two different Covenants but also because civil and political rights have benefited from better enforcement mechanisms. The adoption of the Optional Protocol to the ICESCR is, therefore, a significant step toward reaffirming the non-existence of any form of hierarchy between rights—in particular, in terms of accountability for the violations of these rights. Now those who suffer from the violation of their economic, social and cultural rights are given equal opportunity to bring their case to the UN Human Rights System, just as civil and political rights as the Optional Protocol is believed to ensure parity between the two sets of rights.

### 2. Its contribution to the justiciability of the ESCR

In the past, the wordings of Article 2 of the ICESCR, which provides that

*“Each State Party to the Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized*

*in the Covenant by all appropriate means, including particularly the adoption of legislative measures.”*

were interpreted in such a way that ESC rights were seen as evolving programs to be implemented based on the goodwill and resources of the State Parties, rather than being binding legal obligations. Although there are encouraging innovative precedents of the courts of law of different countries and the General Comments that clarify the rights, the discourse on the justiciability of ESC rights is far from being resolved. Currently, approximately one-fifth of the world population is living in poverty, hunger, ill health, illiteracy, homelessness and several other kinds of deprivation of their economic and social rights. The adoption of the Optional Protocol to the ICESCR is, thus, crucially important to the justiciability of these rights. As such, it will definitely help those deprived of their rights to voice their situation at the international arena.

### 3. Its contribution to the development of jurisprudence

Although the General Comments on the ESCR, the concluding observations, the regional mechanisms and some domestic court experiences have, to some extent, clarified **the nature of State Parties’ obligation** and the scope and con-

tent of the rights, it is quite obvious that compared with the body of jurisprudence that is quite developed with regard to Civil and Political Rights, the ESCRs are not yet well versed. The adoption of the Optional Protocol to the ICESCR, which provides for petition mechanisms, the inquiry procedure and the interim measures will, without any doubt, therefore, provide an opportunity to consolidate international, regional and national jurisprudence and further articulate the normative content of the rights contained in the ICESCR.

### The Contents of the Optional Protocol

The Optional Protocol adopted by the UN General Assembly contains a number of provisions, the major among them being the following:

The Optional Protocol establishes a communication procedure that refers to the **process of an individual’s lodging of a complaint**. Accordingly, the Optional Protocol provides that States Parties to the Covenant joining the Protocol recognize the competence of the UN Committee on Economic, Social and Cultural Rights to receive and consider communications alleging violations

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of the economic, social and cultural rights set forth in the Covenant. The Communication may be submitted by or on behalf of individuals or groups of individuals claiming to be victims of any economic, social or cultural rights. In addition to that, the Optional Protocol requires State Parties to take all appropriate measures to ensure that individuals under their jurisdiction are not subjected to any form of ill-treatment or intimidation as a result of communicating to the Committee.

The Optional Protocol also contains the admissibility requirements of communications to the Committee. According to the Optional Protocol, the state against which the communication is lodged should be a party to the Optional Protocol, and all domestic remedies must be exhausted before the Committee entertains any communication made to it.

The Optional Protocol also lays down the measures that would be taken by the Committee after receiving a communication. These include the following:

Interim measures. This refers to the transmission of communications to the State Party concerned, requesting for an urgent consideration to avoid

any possible irreparable damages to the victims of the alleged violations. The Committee does this before considering the merits of the case.

#### Confidential communication.

The Committee may submit communications confidentially to the attention of the State Party concerned and receive a written explanation thereon.

#### Friendly settlement.

The Committee may also facilitate a friendly settlement between the communicating party and the state concerned. The Committee may also go to the extent of making available its good office for discussion.

#### Inquiry Procedure.

The Committee is authorized to invite the State Party to cooperate in the examination of the information and come up with a report on its findings if it receives reliable information that indicates any grave or systematic violations of the Covenant. The inquiry may include a visit to the territory of the State Party concerned.

Apart from individuals, the Protocol also allows State Parties to the Protocol to submit communications to the Committee, claiming that another State Party is not fulfilling its obligations under the Covenant.

The Committee shall transmit to the UN specialized agencies, funds, programs and other

competent bodies its views and recommendations concerning communications and inquires that indicate the need for assistance. It also provides that a trust fund shall be established with a view to providing assistance to those State Parties that are unable to fulfill their obligations due to financial constraint.

#### Conclusion

The Optional Protocol will be open for signature at a signing ceremony to be held in New York in September of 2009. It will not, nonetheless, come into force until at least 10 States have ratified it. Victims of ESC rights violations can utilize the procedure set forth in the Protocol only after their States have ratified it. The adoption and the coming into force of the Optional Protocol will, however, undoubtedly bring economic, social and cultural rights one step closer to their full realization for millions of excluded people worldwide. APAP thus looks forward to the Optional Protocol being opened for signature. It would also want to respectfully remind the government of Ethiopia of the need for signing the instrument. After all, as a signatory to the parent Covenant, signing and ratifying the Optional Protocol will convey to the world Ethiopia's commitment to promote, protect and fulfill economic, social and cultural rights.

## ACTIVITIES IN THE PIPELINE

### Under Accountability and Capacity Strengthened Program

⇒ APAP is in the process of preparing a table calendar for distribution to all its partners on the eve of the next Ethiopian New Year—that is, on September 11, 2002.

The calendar contains important messages that have to do with human rights. It has also incorporated into it all the UN-recognized international human-rights days that are observed throughout the world during the year. APAP saw it fit to prepare the calendar in the hope that it will contribute to raising the awareness of those who use it about human rights.

APAP has completed all the preliminary work that should go into the preparation of the calendar. It will, therefore, be sent to the publishing enterprise in a matter of weeks.

⇒ APAP is poised to organize and hold a one-day workshop sometime this coming quarter on the situation that the inmates of various correctional centers are in. The objective of the workshop is to share the finding of the research APAP did on a few correctional centers, so that relevant actors would be able to take appropriate measures. Since a summary of the findings of the research has already been prepared in both Amharic and English, APAP believes it will serve the participants of the

workshop as a point of departure for discussing at length the pertinent issues.

⇒ Sometime during this coming quarter, APAP will establish a legal-aid center on the premises of the Harari Prison. It will also give training to the paralegals who will be deployed to the center, entrusted with the responsibility of rendering legal aid.

### Under Focused Advocacy Program

⇒ It is to be recalled that APAP, was in the process of preparing a handbook on Forced Evictions—as they relate to the local and international procedures to be followed in ensuring the respect of the right of citizens to adequate housing. The preparation of the handbook is now nearing completion. So it will not be very long before it can be distributed to the various stakeholders.

The handbook is expected to sensitize stakeholders on the nature of this fundamental right as provided for in the International Convention on Economic, Social and Cultural Rights (ICESCRs).

⇒ APAP will soon give CBO leaders training aimed at upgrading their skills in advocacy. To that end, it has conducted an assessment of their capacities in this regard, under its

Focused Advocacy Program. The assessment was done to accurately identify their capacity limitations, with regard to advocacy, and, based on the findings thereof, to prepare for them the most appropriate type of skill-upgrading training.

⇒ It is to be recalled that Public Interest Litigation (PIL) is one of the strategies APAP employs for the protection of the fundamental human rights of its target groups. In doing so, it has filed a case against the Environmental Protection Agency (EPA) in relation to the alleged pollution of the Akaki River.

This particular case has been dismissed on procedural grounds—that is, the EPA should not be made a defendant by courts having first-instance and appellate jurisdictions on the matter. Still, APAP is in the process of organizing a forum aimed at making the decision of the courts a topic of discussion for the pertinent stakeholders.

The objective of organizing such a forum is to create an opportunity whereby prominent scholars and other stakeholders can come together and reflect upon the decisions and thereby raise awareness on the legal framework in relation to PIL and its role in the protection of the right of citizens to a clean and healthy environment.

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**Training on child ....**

Regional State—from January 29 to February 09, 2009. Of these trainees, eight were females.

The training was given as part of an implementation of the project titled **“Revitalizing the Role of Legal Professionals and Community Institutions in Child Protection” supported by the Oak Foundation.**

As such, it had the objective of enhancing the capacities of the judges and prosecutors as well as revitalizing their roles in child protection.

By all counts and standards, the training was successful, in that it helped to raise the awareness of the participants about the meaning and scope of child protection. Besides, it acquainted them with the international and national legal framework on child protection and impressed upon them the need for spearheading the efforts that are being made at the local level toward protecting children—given the fact that they are judges and prosecutors.

APAP gave a similar training to 37 paralegals and community leaders, seven of whom were females, drawn from Adama, Assela, Debre-Berhan and Akaki, as well as Addis Ababa. The training was given from protection March 13-16, 2009.

This training, too, was aimed at strengthening the roles that paralegals and community leaders are playing in the local level to protect children from abuse, neglect and exploitation. Ac-

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**APAP Holds Consultative ...**

to better organize the moot court competitions that will be held in the future to the full satisfaction of all the stakeholders.”

Following that, the participants discussed the rules of the competition and the manner in which the participants are chosen, the judges are selected and the written and oral pleadings presented at the competition are graded. The recommendations forwarded during the dis-

cordingly, the participants were exhorted to be actively involved in all the efforts that are being made within their respective communities, in accordance with their institutional mandates. APAP believes that the four-day training has helped to raise their awareness about the various aspects of child protection.

APAP also gave a similar type of training to 64 law students of the Royal University College at the National Hotel here in Addis Ababa from May 20 to May 23, 2009. Of these trainees, 19 were females. APAP gave this training in child protection, with a view to raising the awareness of these future legal professionals about child protection while they are still malleable.

Most of the students who took the training were graduating students of both the Lancia and Piazza campuses of the Royal University College.

cussion were very useful and constructive.

At the end of the one-day consultative meeting, the main points that the participants raised and the recommendations that they forwarded were carefully summarized and read out. What is more, the participants gave APAP their pledge that they would consult with it more often and do everything they could to promptly and efficaciously respond to any problems that may arise with regard to these competitions.

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**APAP Does a Research ...**

in the selected prisons in order to develop good practices relating to those dynamics and giving insight to possible future interventions. Secondly, it was to study whether the practices and the treatment of prisoners were in compliance with the national, regional and international legal instruments that the country has endorsed. Thirdly, it was intended to document good practices that could be used as a springboard for the introduction of effective legal services, rehabilitation and reintegration programs to all Ethiopian prisons.

A summary of the research has since been prepared in both Amharic and English for distribution to the stakeholders.