

*ACTION PROFESSIONALS' ASSOCIATION*

*FOR THE PEOPLE*

*(APAP)*

**BASELINE SURVEY  
REPORT ON APAP'S  
INTERVENTION IN AREAS  
OF HUMAN RIGHTS**

**APAP**

**Addis Ababa,**

**Ethiopia,**

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# Chapter I

## Introduction

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### **1.1 APAP's Organizational Experience**

Action Professionals' Association for the People (APAP) was established in January 1993 as a non-partisan, indigenous, and non-governmental organization.

The major objectives of APAP include providing legal and professional services to the poor, women and children, accessing human rights and legal information to these groups so as to enable them use the law and human rights to bring about attitudinal change and as a resource in a self- realized development approach.

The development of APAP as an organization could be seen in three phases. During the first phase (1993-97), the organization's focus had been identifying areas of intervention, developing mechanisms and assessing the life situation and problems of targeted social sections as a basis for subsequent plans and conducting pilot programs.

The second phase (1998-99), marked the designing, implementation and development of the two year operational plan which aimed at making the law, human rights and their institutions relevant resources to the poor, women and other marginalized social groups to change their present situation of indignity and impoverishment as well as to empower them. The major programs have been the Regional Civic Education, Legal Service and Training Program, and the Institutional Capacity Building Program. This phase has been completed with the formulation of APAP'S five-year strategic and a three- year operational plans.

As of the year 2000, three distinct activities are being carried out in the third phase. These activities are the Human Rights Education and Training Program, the Support to Community Level Voluntary Institutions Program, and the Research, Publication and Advocacy (RAP) Program.

APAP is currently operating in six regional states namely the Amhara, Oromia, SNNPR, Harar, Addis Ababa Administration and Dire Dawa Council. It works hand in hand with law enforcement bodies, various associations and with civil society institutions.

## **1.2. Objectives of the Survey**

### **General Objective**

The main objective of the baseline survey is to critically assess the current level of knowledge and awareness of law enforcement bodies (prosecutors and the police), the judiciary, community leaders and administrators working in APAP's operational regions, on human rights and corruption issues. It is aimed to generate data so as to establish baseline values for the important indicators against which achievements obtained as a result of APAP's programs interventions shall be measured.

### **Specific Objectives**

The specific objectives are to collect, critically analyze and establish baseline data largely focusing on:

- ◆ Awareness level on human rights in general as well as women and child rights
- ◆ Awareness level on corruption
- ◆ Attitude regarding human rights and corruption

- ◆ Extent of involvement of community level institutions in human rights protection and promotion activities.
- ◆ Existence of legal professionals association and their involvement in human rights promotion and protection activities.
- ◆ Availability of research materials and other publications on human rights, corruption and the legal system.

### **1.3 Significance of the Study**

Results of this baseline survey will enable human rights promoters in general and APAP in particular in the survey regions to guide their interventions based on current level of knowledge, awareness and practices on issues regarding human rights violations and the impact of corruption on human rights. Moreover, the benchmark values developed through the baseline survey will serve as an important tool in evaluating impacts of APAP's activities objectively. The experiences gained in the baseline survey and its findings would also serve for replication in other regions. Therefore, the study will have a significant contribution to future human rights promotion initiatives in current APAP's operational regions and elsewhere in Ethiopia.

### **1.4. Limitation of the Study**

One of the limitations of the study is that it did not maintain gender balance. Nearly all informants drawn from law enforcement agencies and the judiciary are male. This happened neither due to the negligence of the team entrusted to conduct the survey nor by mere accident. The problem occurred only because male dominates the named state agencies. Even if there are few females, those who are in charge are contemptuous towards them and are reluctant in letting them fill the questionnaire.

The other limitation of the survey is that it was planned to conduct the survey in six regions including Addis Ababa. APAP has made clear in its operational plan to address the problem of the judiciary and law enforcement agencies operating

at the Woreda level. According to the Federal arrangement, unlike other regions, Addis Ababa and Dire Dawa Administration Council are not independent units, for they are under the federal government. In effect the courts and prosecutor offices are under the federal government and naturally the judges and prosecutors working at the federal level are highly qualified. So, they are excluded from the survey, since APAP's objective is to address the training needs of less qualified judges and prosecutors working at the lower level of state structure in regions.

The third limitation observed in the survey is that some questions were left unanswered particularly in the section III of the questionnaire. The informants left the questions unanswered not because the questions lack clarity or are ambiguous. They were designed with utmost care to test whether the informants have crystallized knowledge on human rights or not. They left the question unanswered for one thing; the questions are dealing with sensitive issues. Those respondents who lacked crystallized knowledge, especially those from woreda courts, prosecutors' offices and the administration avoided to respond to questions which put their awareness to test, apparently since they wished to conceal their shortcomings.

## **1.5. Report Content**

This report presents the outcome of this survey. The report is composed of five major parts. Besides the introductory chapter, it contains four other chapters. Chapter two briefly describes the methodology adopted in executing the survey. Chapter three outlines, in a nutshell, an overview of corruption and human rights as well as their inter-relationship. Chapter four deals with the major findings of the survey in a quantified manner. Finally chapter five is presented with appropriate recommendations based on the findings of chapter four.

## Chapter2

### SURVEY METHODOLOGY

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A special team was formed and deployed to undertake the baseline survey in the six regions where APAP is operating. Members of the team are lawyers and sociologists.

The team has made every attempt to engage all the stakeholders in a productive manner in order to assess the level of knowledge and awareness of the communities as well as practices on issues of human rights and corruption. The team has used combined methods of data collection so that all possible information would be available to make a comprehensive analysis and to examine recommendations for future interventions. The methods of data collection adopted for this study were:

- ◆ Formal questionnaire sample survey
- ◆ Participatory Rural Appraisal (PRA); and
- ◆ Review of court files/case study

#### **2.1. Formal questionnaire Sample Survey**

For the establishment of the baseline information, there was a need to collect quantitative data at individual level. Therefore, the survey included interviews with individuals among the target group using structured questionnaire.

##### **2.1.1. Sampling Frame**

Suitable sampling frames are required for selection of different sampling units. In this survey, the 3032 individuals targeted by APAP for human

rights education program served as the sampling frames. Occupations of the individuals have been taken as a frame for the selection of sample respondents.

### **2.1.2. Determination of Sample Size**

The determination of the sample size could be a function of various factors. These may include the level of aggregation for reporting the survey result, total cost of the survey, the level of precision, logistical feasibility and time.

Technically, different statistical designs can be employed to determine the sample size. Cost and level of precision are, however, the major factors in sample size determination, as there is always a trade off between the two.

A 5% to 10% confidence level on the significance of most important variables could suffice for the precision requirement. In view of this, and with due consideration of the study costs, the study team has determined the sample size from the six regions to be 438 individuals.

### **2.1.3. Survey Instruments**

Structured questionnaire and checklists were used for the data collection at individual level and for discussions with various focus groups.

The survey questionnaire consisted of the following major parts:

- ◆ Personal information;
- ◆ Knowledge and awareness on human rights and their violation;
- ◆ Forms of corruption and their relationship with human rights violation;
- and
- ◆ General knowledge and attitude on corruption and human rights.

The structured questionnaire was translated into the English language for ease of communication.

#### **2.1.4. Sample Implementation**

This survey has achieved a response rate of 100 per cent. Information on various variables was collected from the sample respondents. To collect the necessary data and meet the specification of the survey appropriate survey instruments (questionnaires, formats, etc.) were developed.

The data collection was conducted by distributing the structured questionnaire to the selected individuals so as to elicit their views on each question according to an explicitly narrated instruction.

#### **2.1.5. Data Processing**

The structured questionnaire was properly coded for ease of electronic data processing prior to the commencement of the fieldwork. Data clerks who are well experienced for this type of work entered data using the SPSS (Statistical Package for Social Science) program. The same program was used for data editing and tabulation. An experienced data processing expert was hired for supervising the data entry process and conducting the data analysis.

### **2.2. Participatory Rural Appraisal Methods**

In order to provide additional data related to the existing level of knowledge, awareness and practices on human rights and corruption among the target group as well as in the survey regions a Participatory Rural Appraisal (PRA) method was used as a supplement to the formal questionnaires sample survey. To collect relevant data and information, the study team used the following components of PRA:

- ◆ Focus Group Discussion
- ◆ Key Informants Interview, and
- ◆ Direct Observations

Different focus group discussions were held with members of the voluntary organizations APAP is currently working with in Dire Dawa, Awassa, Bahir Dar, and Assela.

A series of interviews with key informants were held with heads of zonal justice and security departments as well as several prisoners. They were selected on the basis of their specialized areas and experiences they have on human rights and its violation. The team has made extensive visits during the survey period and observed all activities such as court procedures, living conditions of the detainees and facilities in the prisons to have an understanding of the general practices on human rights in the regions. Guide questions semi-structured questionnaires and important checklists were carefully prepared for ease of data collection in PRA and subsequent processing.

### **2.3. Review of Court Files/Case Study**

In order to ensure consistency of the data collected by the questionnaire and PRA, and to complement the information requirement of the study, forty three cases representing different aspects of human rights were reviewed as case studies from records and reports of the Arsi zone High Court. These data were carefully reviewed and included in the report.

## Chapter 3

### Overview of Human Rights and Corruption

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This brief section is aimed at highlighting readers of the relationship between Corruption and infringements of human rights.

#### 3.1. Human Rights

As McQuoid-Mason (1991) and others stated human dignity and the basic standards emanating from them constitute the basis of human rights. Freedom, justice, peace and equality flow from these rights. Society cannot achieve its developmental goals without respecting them.

They said that movements for freedom and equality all over the world have made a substantial contribution towards the birth of the concepts underlying human rights. Such concepts are contained in famous documents such as **Universal Declaration of Human Rights and African Charter on Human and People's Rights**. Governments are advised the steps they should take to ensure respects for the human rights of citizens in the international covenant on human rights.

##### 3.1.1. Characteristics of Human Rights

As per their categorizations,

- ◆ Human rights do not have to be given, bought, earned or inherited, they belong to people simply because they are human – human rights are '*inherent*' to each individual. Human rights are inherent because we are born with them.

- ◆ Human rights are the same for all human beings regardless of race, sex, religion, ethnicity, political or other opinion, national or social origin. We are all born free and equal in dignity and rights – human rights are ‘**universal**’. Human rights are universal because they apply to every one in the world.
- ◆ Human rights cannot be taken away – no one has the right to deprive another person of them for any reason. People still have human rights even when the laws of their countries do not recognize them, or when they violate them – for example, when slavery is practiced, slaves still have rights even though these rights are being violated – human rights are ‘**inalienable**’.
- ◆ To live in dignity, all human beings are entitled to freedom, security and decent standards of living concurrently – human rights are ‘**indivisible**’.

### **3.1.2. Categories of Rights**

Although the classifications below are not always clear-cut as some rights may fall into more than one category, the authors asserted that rights can be put into three categories.

- **Civil and Political Rights.** These are ‘liberty-orientated’ and include the rights to: life, liberty and security of the individual; freedom from torture and slavery; political participation; freedom of opinion, expression, thought, conscience and religion; freedom of association and assembly.
- **Economic and Social Rights.** These are ‘security-oriented’ rights, for example the rights to: work, education, a reasonable standard of living, food, shelter and health care.
- **Environmental, Cultural and Developmental Rights.** These include the right to live in an environment that is clean and protected from destruction, and rights to cultural, political and economic development.

When it is said that each person is endowed with human rights, it is meant that each person has responsibilities to respect the human rights of others. As a famous judge once said: "My right to swing my fist ends where your nose begins". (P.14)

## **3.2 Corruption**

### **3.2.1. Definition of Corruption**

W. Pattii Ofori -Amaah, Raj Soopramanien and Kishor Uprety (1999) in their book broached that more than two centuries have passed since John Gray, in his famous "Fables" (1738) declared that "corruption is not of modern; It hath been tried in every state " (page 1).

Although corruption is as old as man himself neither is it possible to come up with a universally accepted definition of the term "corruption", nor reach consensus on the elements which constitutes it.

This uncertainty arises mainly due to the infancy in the intellectual realm and its association with other broad subjects such as development and governance. The concept is still in the process of development. Despite this attempts were made to define the concept. Some considered a very broad and simple approach while others followed a comprehensive one.

Encyclopedia Americana (1955) for instance broadly defined corruption as "the unsanctioned use of public/political resources and/or goods for non-public ends" (p.22). Similarly Transparency International (1996) expounded corruption as " the misuse of public power for private profit ".

Further more alluding to J.S. Nye's definition Getachew Redda (1998) explicated corruption as:

*Behaviour which deviates from formal duties of a public role because of private regarding (personal, close family, personal clique). Pecuniary or status gains; or violates rules against the exercise of certain types of*

*private regarding influence. This includes such (practices) as bribery (use of reward to prevent the judgment in position of trust) nepotism (bestowal of patronage by reason of a scripture relationship rather than merits) and misappropriation (illegal appropriation of public resources for private regarding uses) (p. 2).*

The World Bank also defined corruption in its on-line excerpt “Corruption and economic development” to mean,

*The abuse of public office for private gain. Public office is abused for private gain when an official accepts, solicits, or exhorts a bribe. It is also abused when private agents actively offers bribes to circumvent public policies and processes for competitive advantage and profit. Public office can also be abused for personal benefit even if no bribery occurs, through patronage and nepotism, the theft of state assets, or the diversion of state revenues (World Bank, 1997, p. 8).*

Though the various definitions assigned to the concept are phrased in different words essentially they are one and the same. The basic elements that constitutes of corruption are:

- ◆ It occurs within the public domain.
- ◆ It is perpetrated by public officials
- ◆ It pre-supposes misconduct and it is committed in consideration of personal gain or profit.

### **3.2.2. Causes of Corruption**

Getachew Reda (1998) claims that, economic deprivation, system-related causes and culture-related factors are the major causes of corruption. He defined economic deprivation as, “ the rise in prices, increase in wants, the escalation of economic competition, the struggle to maintain one’s family’s lives, and the terrific economic straits one may find himself in ...etc. When an official finds himself in such a situation, chances are that he will

compromise his honesty for some fringe benefits ” (p. 5). He examines economic deprivation in two contexts; when a public official lives on a shoestring income, with financial constraint to meet even basic needs and when the official is influenced by the affluent society, which can easily adopt itself to alien values and new standards from foreign countries (p. 5). He also traced the areas, the proliferating role of the government in private business, the growing significance of tax policies for effective business functioning as well as the widely growing international business operations in areas where government policies and regulations are more vital (P.6) are susceptible areas related to the system.

He also attributed the cause to culture the cultural sphere where corruption is connected with some societal norms (which highly appreciate material success), rapid social as well as economic modernization, which seeks mainly achievement-based norms, that is

*The inevitable conflict between the new and older norms tempts individuals to act in ways justified by neither. The reference here is not merely to an industrial society which... offers prizes for doing evil; money, position and power, but also to the attitudinal changes it induces in the system, namely -the emergence among individuals and groups of new loyalties and new identifications (p. 11).*

According to TI Source Book (1996) corruption is attributed to poverty, prosperity (wealth) and to cultural traits in some instances.

The World Bank's article entitled "Corruption and economic development" described corruption-leading factors as contextual, rooted in a country's policies, bureaucratic traditions, political development and social history.

*Corruption tends to flourish when institutions are weak and government motivation of public sector employees to work productively may be undermined by many factors including low and declining civil service salaries and promotion unconnected to*

*performance...dysfunctional government budgets, inadequate supplies and equipment, delays in the release of budget funds (including pay), and a loss of organizational purpose...The dynamics of corruption in the public sector can be depicted in a simple model. The opportunity for corruption is a function of the size of the rents under a public official's control, the discretion that official has in allocating those rents, and the accountability that official faces for his or her decision (p.12).*

### **3.2.3. Recurrent forms of corruption**

Although corruption manifests itself in many ways, some seem to recur in every system. Sedigh and his colleagues quoting the IGG's (Inspector of General Government's) presentation at a World Bank seminar held in November 1999 identified the following seven common forms of corruption.

**Case 1:** Misdeclaration of goods contrary to customs excise act...

**Case 2:** Payment authorized for work never done...

**Case 3:** Fraudulent claim by a construction company...

**Case 4:** Mismanagement of a cooperative transport union...

**Case 5:** "Ghost Workers" in the public service...

**Case 6:** Manipulation of bids for reshipment inspection service...

**Case 7:** Misappropriation of aid funds...(pp. 186-7)

Another study conducted by David J. Gould on the Zambian Bureaucracy makes finer distinctions. It identified eleven corrupt practices perpetrated in the normal operation of government and ten in the execution of government projects. These include: file tampering, Misuse of seal and stationery, influence peddling, selling of recommendations and jobs, fraudulent travel documents, misuse of civil service benefits, payroll fraud, embezzlement, false bills, tax fraud, import/export fraud, and judicial fraud.

To conclude:

*Corruption, and its forms and mannerisms, is, therefore, not unique to any one country. Corruption, in China, where many*

*bureaucrats have 'commercialized their administrative power', is really no different than in Europe, where political parties have taken huge kickbacks for public works projects (in Italy, the cost of road construction has reportedly dropped by upwards of twenty percent since the "Clean Hands" assault on corruption). Slush funds have been established in Swiss bank accounts for illicit political party financing, and suspicions are that these funds have been "leaked" into private pockets. Kickbacks, too, have been paid to political parties for defense procurement, and companies have wined, dined, entertained and bribed officials (especially across international borders) to obtain business both illegally and unfairly, and not infrequently with disastrous consequences. In Britain, conflict of interest scandals implicated Members of Parliament ...British politicians have fallen from misjudgment rather than criminal deeds; however, in continental Europe—including Belgium, Italy, Austria, France and Spain—any number of political figures are being actively investigated (TI Source Book, 1996)*

#### **3.2.4. Impact of Corruption on Human Rights**

Literature is scant or could be said not to exist directly establishing the relationship between the impact of corruption on human rights. However, a number of authors underscored the serious economic, social and political adversity it causes to a nation and its population, which in turn ensue the violation of fundamental human rights.

Corruption hampers the development endeavors of a country by reducing domestic and foreign investment, which ultimately reduces the economic growth (Wei, 1999, pp. 8-10)

As discussed by Wei quoting Tanzi- Davoodi findings,

- ❖ *Corruption tends to increase the size of public investment (at the expense of private investment among other things) because money items in public expenditures lend themselves to manipulations by High level officials to get bribes.*
- ❖ *Corruption shows the composition of public expenditure away from needed operation and maintenance towards expenditure on new equipment.*
- ❖ *Corruption skews the composition of public expenditure away from needed health and education funds, because these expenditures, relative to other public projects, are less easy for officials to extract rents from.*
- ❖ *Corruption reduces the productivity of public investment and of country's infrastructure.*
- ❖ *Corruption may reduce tax revenue because it compromises the government's ability to collect taxes and tariffs though the net effect depends on how the nominal tax rate and other regulating burdens were chosen by corruption - prone officials (p.11).*

Referring to others findings, Wei emphasized that corruption also has an impact on urban bias and poverty. Poverty implies that some basic necessities of life are not fulfilled. Obviously poor people have limited access to health facilities, education and other basic necessities. Corruption makes this situation shoddier because poor people will have less means to bribe officials and less political power. The effect of it can be witnessed in a number of incidences. For instance, as a result of corrupt practices poor people do not get indispensable social services, projects that aid the poor are intentionally neglected, the poor may also face higher tax or fewer services and the poor are disadvantaged in selling their agricultural products and the capability of individuals to escape poverty using indigenous small scale enterprise are diminished.

The impact of corruption can be discussed vis-à-vis the experience of other countries. In Uganda,

*The diversion of public resources, services and assets to private use generally results in deteriorating roads, poor medical facilities, dilapidated and ill-equipped schools and falling educational standards. Furthermore, it can be argued that the direct economic costs of*

*corruption are diverted by the indirect costs. Widespread, systematic corruption can undermine the legitimacy of the public sector and foment political instability. As corruption erodes confidence in political leaders and institutions, the government becomes less able to rely on the cooperation and support of the public, and it increasingly resorts to force and coercion. The resulting social unrest often leads to civil strife and violent change of government that can subvert, or even reverse, decades of hard won development progress (Sedigh and Rusindana, 1999, p. 183). The writers said that in Tanzania*

*It has contributed to economic stagnation and helped to concentrate power and wealth in the hands of a few. Huge amounts of tax revenue have gone uncontrolled because of widespread tax evasion and irregularities in assessment and collection. The kickbacks and commissions demanded by the public officials - elected and unelected - who negotiate and award government contracts have drained money from more productive uses and distorted public priorities and decision making. Too often, the end result of dubious contract awarding in such areas as transportation and communication has been shoddy work that is soon in need of repair and further government investment (p. 158).*

Though the economic costs of corruption are difficult to measure, some of the identified harm cited by Stapenhurst and Sedigh(1999) taking Uganda's experience are:

- 3 to 10 percent increase in the price of a given transaction to speed up the delivery of a government service;
- inflated prices of goods as much as 15 to 20 percent higher as a result of government imposed monopolies;
- a loss as much as 50 percent of government tax revenues because of graft and corruption; and

- excessive charges to governments for goods and services because of over billing on procurement contracts or the purchase of expensive and unnecessary items with governments paying 20 to 100 percent more than necessary (p. 4).

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## Chapter 4

# Interpretation and Analysis of Data Collected through Structured Questionnaire.

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As has been briefly pointed out in the introduction part of this document, the baseline survey is aimed at setting benchmark values on important components so as to be able to measure the impact brought about as a result of APAP's intervention.

APAP's intervention comprises of three major programs each composed of various activities. The first program is the Human Rights Education and Training Program. The targets of this program are judges, prosecutors, police officers, administrators and community leaders. By organizing training workshops, it is intended to raise their awareness level about human rights in general and women and child rights in particular. Among others, this program is also expected to enhance awareness regarding corruption and human right violation redressing laws among the target groups and the general public through human rights popularization activities.

The second program is the community level voluntary institutions support program. This program is intended to provide technical and financial support to voluntary community level institutions. Using the support they secure, these institutions shall execute projects, which promote and protect human rights with particular emphasis

to those of women and children. On top of this, the projects are expected to promote transparency and accountability in the context of corruption.

The third is the Research, Advocacy and Publications Program (RAP). RAP covers conducting four researches on the areas of human rights, corruption and the legal system. It also aims at initiating the formation of professional associations, which will be encouraged to involve in human rights promotion and protection activities. Popular education materials such as magazines, leaflets and posters focusing on the legal system, corruption and human rights will also be produced.

This baseline survey is thus conducted to find out the zero situations in the areas of intervention before the implementation of these programs. As the programs come to their end, this information will be utilized in measuring the results achieved.

## 4.1 Profile of Survey Respondents

### 4.1.1 Age and Sex Pattern of Respondents

AGE GROUP	Community Leaders						Prosecutors						Judges						Administrators						Police						Total					
	Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total							
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%						
15-19	1	1.1			1	0.9																								1	0.3			1	0.3	
20-29	17	19.3	12	54.5	29	26	10	16.4	2	40	12	18.2	2	3.8	1	16.7	3	5.1	12	22.6	4	50	16	26.2	26	37.7	8	88.9	34	43.6	67	20.7	27	54	94	25.1
30-39	33	37.5	8	36.4	41	37	40	65.6	3	60	43	65.2	35	66	5	83.3	40	67.8	32	60.4	3	37.5	35	57.4	39	56.5		39	50	179	55.2	19	38	198	52.9	
40-49	25	28.4	2	9.1	27	25	11	18		11	16.7	15	28		15	25.4	8	15.1	1	12.5	9	14.8	4	5.8	1	11.1	5	6.4	63	19.4	4	8	67	17.9		
50-59	7	8			7	6.4							1	1.		1	1.7	1	1.9			1	1.6							9	2.8			9	2.4	
60-65	2	2.3			2	1.8																								2	0.6			2	0.5	
Above 65	3	3.4			3	2.7																								3	0.9			3	0.8	
Total	88	100	22	100	110	100	61	100	5	100	66	100	53	100	6	100	59	100	53	100	8	100	61	100	69	100	9	100	78	100	324	100	50	100	374	100

**Table 1 Age and Sex Pattern of Respondents**

Only 1 respondent (0.3%) falls in the age group of 15-24 years of age and was a community leader. Age group 20-29 years accounts for 25.1% of the total number of respondents while the biggest share goes to the age group of 30-39 years, which accounts for 52.9% of the total respondents. Respondents that belong to the age group of 40-49 years make up for 17.9% of the survey population. Those who were 50 years old and above account for less than 4% of the total respondents of the survey.

The minimum age registered for community leaders, prosecutors, judges, administrators and police is 16, 24, 28, 21 and 23 respectively while the maximum in the same order is 70, 49, 53, 50 and 49. The minimum age for all of the respondents is 16 years and the maximum 70. The mean age on the other hand is 36.49, 34.22, 36.29, 33.49 and 30.79 years for community leaders, prosecutors, judges, administrators

and the police respectively. The mean age for all of the respondents is 34.39 years.

The age related sex pattern consists of 1 (0.3%) male for the age group 15-19. Age group 20-29 is composed of 67 (20.7%) male and 27(54%) female respondents. In the age group 30-39, there are 179 (55.2%) male and 19 (38%) female respondents. Age group 40-49 consists of 63 (19.4%) male and 4(8%) female respondents. The age group above 50 is composed of only 14 male respondents who account for more than 3% of the total respondents.

Out of the 438 respondents, only 374 showed their willingness to reveal their age. Hence, the above statistics holds true only for the 374 of the respondents. (Refer to Annex 2 Table 1 for further information on sex-age pattern.)

### 4.1.2 Educational Status of Respondents

	Community Leaders						Prosecutors						Judges						Administrators						Police						Total					
	Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total		Male		Female		Total							
Educational Level	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%						
Illiterate	1	100			1	100																					1	0.3			1	0.2				
Elementary Education (Grade 1-8)	5	62.5	3	37.5	8	100											3	75	1	25	4	100	3	75	1	25	4	100	11	3	5	8.9	16	3.8		
Secondary Education (Grade 9-12)	36	70.6	15	29.4	51	100	9	100			9	100	11	100			11	100	22	78.6	6	21.4	28	100	44	88	6	12	50	100	122	33.2	27	48.2	149	35.1
Certificate	18	90	2	10	20	100	29	96.7	1	3.3	30	100	17	100			17	100	14	93.3	1	6.7	15	100	18	94.7	1	5.3	19	100	96	26.1	5	8.9	101	23.8
Diploma	28	90.3	3	9.7	31	100	27	79.4	7	20.6	34	100	34	87.2	5	12.8	39	100	17	89.5	2	10.5	19	100	9	90	1	10	10	100	115	31.3	18	32.1	133	31.4
First Degree	11	100			11	100	4	100			4	100	2	100			2	100	3	100			3	100					20	5.4			20	4.7		
First Degree and Above	1	50	1	50	2	100											2	100			2	100							3	0.8	1	1.8	4	0.9		
Total	100	80.6	24	100	124	100	69	89.6	8	10.4	77	100	64	92.8	5	7.2	69	100	61	85.9	10	14.1	71	100	74	89.2	9	10.8	83	100	368	100	56	100	424	100

**Table 2 Educational Status of Respondents**

It was only 14 of the respondents that mentioned nothing about their educational status. So the response of 424 respondents is summarized as follows.

Only one respondent (0.2% of the total) is illiterate. Those who have completed elementary education (Grade 1-8) constitute for 3.8% of the respondents. About 35.1% of them have completed secondary education (Grade 9-12). Those who hold certificates account for 23.8% of the respondents and diploma holders for 31.4%. About 4.7% have first degrees and 0.9% above. (Refer Annex 2 Table 2)

### 4.1.3 Work Experience of Respondents

Years of Work Experience	Years of Work Experience at Current Position												Years of Total Experience							
	Community Leaders		Prosecutors		Judges		Administrators		Police		Total		Community Leaders		Prosecutors		Judges		Administrators	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1-5 Years	54	42.2	24	29.6	16	23	43	58.9	48	57	18	42.2	20	16	16	19.8	10	14.1	13	17.8
6-10 Years	16	12.5	32	39.5	29	41	16	21.9	22	26	115	26.3	34	27	30	37	30	42.3	34	46.6
11-15 Years	8	6.3	3	3.7	5	7	1	1.4	3	3.5	20	4.6	21	16	14	17.3	14	19.7	14	19.2
16-20 Years	8	6.3			2	2.8	1	1.4	2	2.4	13	3	21	16	11	13.6	9	12.7	5	6.8
21-25 Years	1	0.8	1	1.2	3	4.2					5	1.1								
Above 25 Years	3	2.3	1	1.2					1	1.2	5	1.1	23	18	9	11.1	3	4.2	4	5.5
Total	90	70.3	61	75.3	55	78	61	83.6	76	89	343	78.3	119	93	80	98.8	66	93	70	95.9

**Table 3 Work Experience of Respondents**

Respondents were asked to fill out their work experience at current position and the total number of years at work.

Out of the 438 respondents, 343 showed interest to reveal their work experience at current position and 417 about their total years of experience at work.

Among the 343 respondents, 42.2% have been working for 1-5 years at current position. Those who have been working for 6-10 years constitute for 26.3% of the respondents. About 4.6% of them have been working 11-15 years. Respondents who have been at current position for 16-20 years were 3% of respondents. An experience of 21-25 years was exhibited for 1.1% of the respondents. Statistics revealed that the same figure holds for those who have been working for more than 25 years.

The average number of working years at current position was calculated to be 7.2 for community leaders, 7 for prosecutors, 8 for judges, 5 for

administrators and the police. However, the average figure was 6 years for all respondents.

Concerning the total number of years at work, the statistics showed that 16% of the respondents have been at work for 1-5 years. Those who worked for 6-10 years make up 40.9% of the 417 respondents. About 16% of them worked for 11-15 years and 12.3% for 16-20 years. Only, 4.8% of the respondents have been at work for 21-25 years and 5.3% above 25 years. (Please refer to Annex 2 Table 3 for further information.)

The average total number of working years was calculated to be 14 for community leaders, 11 for prosecutors and for judges, 10 for administrators and the police. However, the average was calculated 11 years for all the respondents.

#### **4.1.4 Marital Status of Respondents**

Four hundred eight respondents revealed their marital status. Among them 326 (74.4%) are married and 82 (18.7%) are single. (For more information on marital status see Annex 2 Table 4)

<b>Marital Status</b>	Community Leaders		Prosecutors		Judges		Administrators		Police		Total	
	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>
Married	84	65.6	64	79	56	79	59	80.8	63	74	326	74.4
Single	33	25.8	11	13.6	7	9.9	12	16.4	19	22	82	18.7
Total	117	91.4	75	92.6	63	89	71	97.3	82	97	408	93.2

**Table 4: Marital Status of Respondents**

#### **4.2 Findings on Human Rights Awareness**

In order to measure the general human rights awareness level of judges, prosecutors, community level institution leaders, police officers and administrators, ten cases were given to 71 judges, 67 prosecutors working at the Woreda level, 85 police officers, 73 administrator 128 community level institutions leaders across six regions including Addis Ababa. It is worth noting that judges and prosecutors from Addis Ababa and Dire Dawa are not included in the survey as they operate at the federal level. The responses of the informants to the ten questions contained in part II are summarized in statistical tables and are presented in Annex II of this document. The questionnaire used in the survey is also attached as Annex I.

In part II of the structured questionnaire the respondents were provided with ten short cases each containing a violation of one form of human right. Primarily,

they were to say whether or not a violation existed and if they said it did, they were to state that particular human right violated.

The rights in the cases, which the respondents were supposed to identify, are:

- ◆ The right to marriage with free consent;
- ◆ The right to life;
- ◆ The right of equality with regards to women;
- ◆ The right to be free from corporal punishment or cruel and inhuman treatment;
- ◆ A child's right to be informed of his/ her parents identity;
- ◆ The right of prisoners to be visited by his family, friend... etc.
- ◆ The right to be protected from forced labor.
- ◆ The right of the detained to be informed of reason of arrest; and
- ◆ The right of child offenders to be kept separately from adult prisoners.

The real test of awareness lies in the part where the respondents are required to state the violated rights. Accordingly, those respondents who merely pointed out the existence of a violation to a right, but failed to correctly state the violated right in particular, are taken to have a similar awareness level with those who altogether failed to identify the existence of a violation. The latter consist of those respondents who specifically said that a violation does not exist, those who marked in the "I do not know" column and those who left the question unanswered.

Looking into the particulars of the findings, one would observe that the right, which in relative terms the largest portion of the respondents failed to identify, is the right to marriage with free consent. In providing their responses, 42.9% of the total number of respondents failed to identify the violation of this right in the story provided. The second most widely missed right is the right to be protected from

cruel, inhumane or degrading treatment. The responses to question 7 that deals with this issue reveal that 32.2% of the total number of respondents failed to take note of the violation

in that story. Awareness about the right of detainees to be visited and the right of women to equality seems to be higher. Only 10% of the total number of respondents missed the violation of the rights of women to equality. For the rest of the questions, the results ranged between 12.3% and 22.8%.

When it comes to the part where the respondents were asked to state the rights violated in the story, it has been found out that for nine out of the ten cases, which is more than 90% of the total number of respondents, were unable to state the rights correctly. The only exception, which is not impressive at all, appeared in connection with case number 6 dealing with the right of the detained to be visited. The figure slightly drops to 89.7% of the total number of respondents.

The respondents were asked to indicate whether the act in the story violated a human right and if it did to state that particular right which is violated. For the purposes of this analysis, those who marked the inappropriate response, those who said they did not know and those who left the question unanswered are deemed to have failed in providing the correct answer. Their reaction is taken to imply the fact that they lack the expected level of awareness.

The following two cases, their findings, and responses summarized in tables are presented hereunder to indicate the general trend.

## Story number 1

*"In our locality, abduction is common practice and many youth do it. My friend Abebe has decided to elope and marry the girl he loves. She also agreed. Abebe's act is....."*

Respondents	Responses on Column one - Does the act infringe Human Rights								Total		Responses on Column two violated: The right to marriage		
	Yes		No		Don't Know		Not Stated				Correct		Wrong
	No	%	No	%	No	%	No	%	No	%	No.	%	No.
Community Leaders	59	46.1	60	46.9	7	5.5	2	1.6	128	100	5	3.9	123
Prosecutors	50	61.07	29	35.8			2	2.5	81	100			81
Judges	40	56.3	29	40.8			2	2.8	71	100	5	7	66
Administrators	48	65.8	23	31.5	1	1.4	1	1.4	73	100	15	20.5	58
Police	53	62.4	31	36.5	1	1.2			85	100	6	7.1	79
Total	250	57.1	172	39.3	9	2.1	7	1.6	438	100	31	7.1	407

**Table 5 The right to marriage with free consent**

53.9% of community leaders, 38.3% of prosecutors, 43.7% judges, 34.2% of administrators and 37.6% of police officers failed to say that the act violates human rights.

With regard to stating the particular right violated, 96.1% of community leaders, all prosecutors, 93% of judges, 79.5% of administrators and 92.9% of police officers were unable to state the particular right infringed.

## Story number 10

The story given goes as follows:

*"Shimelis, a nine years old boy has been arrested while pick pocketing in a taxi. He was detained with adults by the decision of the chief of the*

*police station. Shimelis was happy for being detained with adults, as they took care of him. The decision of the Police chief is....."*

Respondents	Responses on Column one - Does the act infringe Human Rights								Total		Responses on Column two - Specifying the particular right violated: The right of child offenders to be kept separately from adults in corrective institutions					
	Yes		No		Don't Know		Not Stated				Correct		Wrong		Total	
	No	%	No	%	No	%	No	%	No	%	No.	%	No.	%	No.	%
Community Leaders	99	77.3	16	12.5	8	6.3	5	3.9	128	100	13	10.2	115	89.8	128	100
Prosecutors	66	81.5	9	11.1	1	1.2	5	6.2	81	100	2	2.5	79	97.5	81	100
Judges	56	78.9	8	11.3	1	1.4	6	8.5	71	100	2	3	69	97.2	71	100
Administrators	63	86.3	3	4.1	3	4.1	4	5.5	73	100	13	17.8	60	82.2	73	100
Police	76	89.4	6	7.1			3	3.5	85	100	11	12.9	74	87.1	85	100
Total	360	82.2	42	9.6	13	3	23	5.3	438	100	41	9.4	397	90.6	438	100

**Table 6 The right of child offenders to be kept separately from adults in corrective institutions**

The responses show the following results i.e. 22.7% of community leaders, 18.5% of prosecutors, 21.1 of judges, 13.7% of administrators and 10.6% of police officers failed to say the act violates the right of the child.

Those who could not state the particular right violated constituted 89.8% of community leaders, 97.5% of prosecutors, 97.2% of judges, 82.2% of administrators and 87.1% of police officers.



### **4.3 Findings on the Relationship between Corruption and Human Rights**

Part III of the questionnaire consists of 27 cases that dealt with civil and political rights, social, economic and cultural rights, child and women rights, the right to development and healthy environment.

This section was designed to test the respondents' ability to identify whether there are acts of corruption, and whether or not the acts violate fundamental rights and freedoms of individuals. Respondents were also requested to specify the particular rights violated whenever they believe that there is transgression of rights.

The first 16 cases were cases of corrupt practices. Except case number 16, 10 and 1 which were perceived as non-corrupt by 55.5%, 45.5% and 21.3% of the total respondents respectively, the response rates of the rest 13 cases vary from 6.4% to 17%. The "Not stated" column refers to those respondents who were unable to identify the acts as corrupt or non-corrupt. So for the purpose of analysis not stated responses are considered as wrong.

The second 13 cases were stories of corruption which above 73.8% of the respondents failed to identify so. This made us conclude that corruption is an obscure concept for most of the informants.

Above 72% of the respondents were unable to point out the intrinsic relationship between corruption and infringement of human rights in cases number 2,5,7,11,13,14 and 15. Here too, not stated responses are considered wrong. However, it was in case number 19 that informants (9.1%) were able relatively to see the relation clearly.

Identifying the particular right violated was the most difficult question respondents were given. Statistics implies that above 92.7% of them specified the rights wrongly.

The statistical tables of responses on part III are presented in Annex II. In support of the above general finding, below are three sample stories along with the statistical tables on responses.

*Story number 9*

*"The head of the Associations registration office in region 'B' Justice Bureau decided not to renew the licenses of a certain Association operating in the region unless it employed his wife".*

Respondents	Response on column 1: Is the act committed corruption?						TOTAL	Response on Column two: Does the act infringe human rights?								TOTAL	Responses on Column three -Specifying the particular right violated: The right Association					
	Yes		No		Not Stated			Yes		No.		Don't Know		Not Stated			CORRECT		WRONG			
	No	%	No	%	No	%	No	%	No	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Community Leaders	103	80.5	2	1.6	23	18	128	100	65	50.8	12	9	2	1.6	49	38.3	128	100	1	0.8	127	99.2
Prosecutors	70	86.4	5	6.2	6	7.4	81	100	36	44.4	12	14.8	3	3.7	30	37	81	100	1	1.2	80	98.8
Judges	61	85.9	2	2.8	8	11.3	71	100	17	23.9	6	8.5	1	1.4	47	66.2	71	100	2	2.8	69	97.2
Administrators	59	80.8			14	19.2	73	100	28	38.4	3	4.1	2	2.7	40	54.8	73	100	4	5.5	69	94.5
Police	70	82.4	1	1.2	14	16.5	85	100	33	38.8	1	1.2			51	60	85	100	2	2.4	83	97.6
Total	363	82.9	10	2.3	65	14.8	438	100	179	40.9	34	7.8	8	1.8	217	49.5	438	100	10	2.3	428	97.7

**Table 7 The Right to Association**

The respondents who replied 'yes' to the question whether the act committed in the story involves corruption constitute 80.5% of community leaders, 86.4% of prosecutors, 85.9% of judges 80.8% of administrators and 82.4% of police officers.

With regard to the question whether the act committed violates human rights, 50.8% of community leaders, 44.4% of prosecutors 23.9% of judges 38.4% of administrators, 38.8% of police officers replied 'yes'.

Concerning the question referring to the particular right which is violated as a result of the corrupt practice, only 0.8% of community leaders, 1.2% of prosecutors, 2.8% of judges, 5.5% of administrators and 2.4% of police officers correctly stated the right violated is the right to freedom of Association.

Story number 10

*"Before she died, W/o Habtamua transferred her house by a will, to Ato Mekonen who is not related to her by affinity or consanguinity. The chairperson of the Woreda Administration, however, evicted Ato Mekonnen alleging that he owned the house by fraud. The latter brought the case to the Woreda Court. At last, the judge ruled that the 'will' is unlawful for fear that he would be removed from the bench if he decides otherwise."*

Respondents	Response on column 1: Is the act committed corruption?						TOTAL		Response on Column two: Does the act infringe human rights?								TOTAL		Responses on Column three -Specifying the particular right violated: The right to fair and impartial hearing				TOTAL	
	Yes		No		Not Stated				Yes		No.		Don't Know		Not Stated				CORRECT		WRONG			
	No	%	No	%	No	%	No	%	No	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Community Leaders	71	55.5	15	11.7	42	32.8	128	100	79	61.7	5	4	7	5.5	37	28.9	128	100	6	4.7	122	95.3	128	100
Prosecutors	44	54.3	17	21	20	24.7	81	100	47	58	11	13.6	5	6.2	18	22.2	81	100	1	1.2	80	98.8	81	100
Judges	35	49.3	18	25.4	18	25.4	71	100	36	50.7	4	5.6	1	1.4	30	42.3	71	100	4	5.6	67	94.4	71	100
Administrators	43	58.9	2	2.7	28	38.4	73	100	38	52.1	2	2.7	3	4.1	30	41.1	73	100	7	9.6	66	90.4	73	100
Police	50	58.8	1	1.2	34	40	85	100	52	61.2	4	4.7	2	2.4	27	31.8	85	100	4	4.7	81	95.3	85	100
Total	243	55.5	53	12.1	142	32.4	438	100	252	57.5	26	5.9	18	4.1	142	32.4	438	100	22	5.1	416	94.9	438	100

**Table 8 The right to fair and impartial hearing**

Regarding the first question which posed whether the act committed is a corrupt practice or not, the findings of the analysis of the data show that 55.5% of community leaders, 54.3% of prosecutors, 49.3% of judges, 58.9% of administrators and 58.8% of police officers answered in the affirmative.

Concerning the question whether or not the act infringes human rights, 61.7% of community leaders, prosecutors, judges, administrators and police officers replied "yes".

Only 4.7% of the community leaders, 1.2% of prosecutors, 5.6% of judges, 9.6% of administrators and 4.7% of police officer stated the right which is violated is the right to a fair and public hearing in an independent and impartial court.

Story number 15

*"Due to the low profit gained during the year, the construction company 'B' head was unable to give the usual commission to the manager of a government institutions who is in charge of the renewal of license and permits. The disappointed manager, refused to renew the license of the construction alleging that the company does not meet minimum requirements such as availing the necessary machinery as well as skilled human resource".*

Respondents	Response on column 1: Is the act committed corruption?						TOTAL		Response on Column two: Does the act infringe human rights?								TOTAL		Responses Column 3: Specifying the particular right violated: The right to engage freely in economic activity			
	Yes		No		Not Stated				Yes		No.		Don't Know		Not Stated				CORRECT		Wrong	
	No	%	No	%	No	%	No	%	No	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Community Leaders	94	73.4	15	11.7	19	14.8	128	100	41	32	17	13.3	9	7	61	47.7	128	100	1	0.8	12	9.4
Prosecutors	56	69.1	20	24.7	5	6.2	81	100	20	24.7	27	33.3	4	4.9	30	37	81	100				
Judges	55	77.5	7	9.9	9	12.7	71	100	13	18.3	11	15.5	1	1.4	46	64.8	71	100				
Administrators	56	76.7	6	8.2	11	15.1	73	100	21	28.8	5	6.8	4	5.5	43	58.9	73	100	4	5.5	69	94.5
Police	63	74.1	11	12.9	11	12.9	85	100	19	22.4	5	5.9	3	3.5	58	68.2	85	100				
Total	324	74	59	13.5	55	12.6	438	100	114	26	65	14.8	21	4.8	238	54.3	438	100	5	1.1	43	9.8

**Table 9 The right to engage freely in economic activity.**

Respondents who answered 'yes' to the question whether the act in the story involves corruption constitute 73.4% of community leaders, 69.1% of prosecutors, 77.5% of judges, 76.7% of administrators, and 74.1% of police officers.

Informants who replied in the affirmative to the question whether or not the act committed in the story violates human rights constitute 32% of community leaders, 24.7% of prosecutors, 18.3% of judges, 28.8% of administrators, and 22.4% of police officers.

When it comes to specifying the particular right which is violated as the result of the corrupt practice described in the story, only 0.8% of community leaders, and 5.5% of administrators stated the right to engage in the economic activity of ones choice.



### **Implication of the Findings of part II and III**

Although the respondents have fair knowledge in identifying corrupt practices, a significant number of the targets still confused non-corrupt acts with corruption. This implies that there is a serious lack of knowledge in identifying the particular rights infringed.

In the second part of the questionnaire, questions were set to measure the knowledge of informants about forms or types of corruption. Furthermore, the informants were asked to determine whether the acts committed in the given stories prompt the infringement of the rights and freedoms of citizens and if they did to specify the particular rights transgressed.

The findings of the assessments brought into light the failure of informants to establish the intrinsic relationship between corruption and human rights violations. The questions administered to test the knowledge of informants with regard to the specific rights violated as a result of corrupt practices, proved that

there is serious limitation of knowledge in establishing the intrinsic relation between corruption and violation of human rights among informants.

By and large, the survey showed that most of the informants were unable to specify the civil and political rights, economic, social and cultural rights, the right of women and children, the right to have a clean and healthy environment as well as the right to development that are violated in the given stories as a result of corrupt practices.

#### **4.4 Findings on Attitude and Awareness about Corruption and Human Rights**

Part IV of the structured questionnaire is aimed at assessing awareness and attitude of respondents regarding corruption and human rights. The respondents were asked to indicate whether they fully agree, partly agree or disagree with each of the issues contained in the statements. The statements deal with various aspects of corruption, the relationship between corruption and human rights, as well as the rights of women and children.

Except for questions 5 and 9, wherein the respondents are expected to agree with the statements provided, in the rest 9 cases the respondents were supposed to disagree with the contents of the statements given. Accordingly, for purposes of analysis, those respondents who agreed or partly agreed with the statements or left the question unanswered, (except cases under number 5 and 9,) have been considered to have limited awareness regarding the respective issues. Inversely, for questions number 5 and 9, this rule applied to those respondents who disagreed and/or partly agreed with the provided statements including those who failed to give any response.

The findings reveal that 92.7% of the total numbers of respondents said they are unwilling to excuse bribery on the basis of the gravity of a matter. This is the highest figure, relatively speaking, for questions to which the appropriate responses have been provided by the respondents.

The next such figure stands at 88.8% of the total number of respondents. The respondents accounting for this figure disagreed to the statement, which reads:

*It is better for a judge or a lawyer to accept bribes than a doctor who has a persons life in his /her hands.*

The least figure of 34.7% of the total number of respondents appeared in connection with question 8. The statement reads,

*"Since poverty is a cause of corruption, eradicating poverty will do away with corruption."*

As stated above only 34.7% of the total number of respondents disagreed with the statement leaving a large majority harboring an attitude, which APAP finds unfavorable.

The second lowest figure, seen in light of providing the expected proper response, appeared in connection with question 6. The statement reads,

*"Offering bribes is as bad as accepting them only when the idea comes from the person who offers it."*

Only 46.6% of the total number of respondents disagreed with this. The respondents were expected to denounce the offer and acceptance of bribes equally irrespective of any condition.

Two cases and findings hereunder have been selected from among 11 cases for purposes of indicating the general trend.

*" A person is committing corruption when he/she abuses power"*

RESPONDENTS	RESPONSES								Total	
	Agree		Partly Agree		Never		Not Stated			
	No.	%	No.	%	No.	%	No.	%	No.	%
Community Leaders	101	78.9	7	5.5	14	10.9	6	4.7	128	100
Prosecutors	56	69.1	10	12.3	11	13.6	4	4.9	81	100
Judges	47	66.2	7	9.9	10	14.1	7	9.9	71	100
Administrators	64	87.7			7	9.6	2	2.7	73	100
Police	58	68.2	11	12.9	11	12.9	5	5.9	85	100
Total	326	74.4	35	8	53	12.1	24	5.5	438	100

**Table 10 Definition of Corruption**

The findings of the assessment show 78.9% of the community leaders, 69.1% of Prosecutors, 66.2% of the judges, 87% of the administrators and 68.2% of the police officers said that they agree with the statement. 10.9% of the community leaders, 13.6% Of the prosecutors, 14.1% of the judges, 9.6% of the administrators, 12.9% of the police offices expressed that they never agree with the statement. Those who said that they partly agree constitute 5.5%, 12.3%, 9.9%, 12.9% of the community leaders, prosecutors, judges, and police officers respectively. No respondent among the administrators marked partly agree. 4.7%, of the community leaders, 4.9% of prosecutors, 9.9% of the judges 2.7%of the administrators, 5.9% of the police officers left the question unanswered.

With regards to the statement

*"Every Act of corruption violates human rights";*

RESPONDENTS	RESPONSES								Total	
	Agree		Partly Agree		Never		Not Stated			
	No.	%	No.	%	No.	%	No.	%	No.	%
Community Leaders	75	58.6	22	17.2	23	18	8	6.3	128	100
Prosecutors	41	50.6	23	28.4	11	13.6	6	7.4	81	100
Judges	34	47.9	16	22.5	12	16.9	9	12.7	71	100
Administrators	43	58.9	18	24.7	8	11	4	5.5	73	100
Police	52	61.2	10	11.8	17	20	6	7.1	85	100
Total	245	55.9	89	20.3	71	16.2	33	7.5	438	100

**Table 11 Relationship between Corruption and Human Rights**

While 58.6% of the Community Leaders, 50.6% Of the prosecutors, 47.9% Of the judges 58.9% of the administrators and 61.2% of the police officers expressed their agreement, 18%, 13.6%, 16.9%, 11%, 20% of the community leaders, prosecutors, judges, administrators and police officers respectively said that they never agree with the view. Those who replied that they agree constitute 31.3%, the community leaders, 30.9%of the prosecutors 31% of the judges, 17.8% of the administrators and 30.6% of the police officers. Those who chose none of the three alternatives constitute 5.5%, 3.7% 12.7%, 4.1%, 5.9%, of the community leaders, prosecutors, judges, administrators, and the police officers respectively.

## **Implication of the Analysis of Part IV**

The statistics in this particular section imply various important points.

It has been evident that the respondents harbor commendable attitude and have acceptable levels of awareness on some of the issues raised in the questions.

Cases in point are the issues contained in questions number 1 to 4. These statements particularly deal with corruption. In revealing their disagreement to the contents therein, most of the respondents have exhibited a negative attitude towards the act of corruption. We find this encouraging and as needing less intervention.

The statistics however tell a different story when it comes to the parts which deal with the relationship between corruption and human rights as well as the meaning of corruption itself.

Only 55.9% of the total number of respondents recognized the relationship between corruption and human rights (Question 9). The failure of the rest to do so, is expected to affect the execution of their official duties resulting in the handling of corruption cases lightly thereby neglecting the violation of the human rights caused by the act.

Findings drawn from the answers to question 5 also indicate the fact that about a quarter of the total number of respondents do not see abuse of power as corruption. This implies lack of a clear understanding of the concept. Again, it is expected that this failure will result in the handling of cases of abuse of power in a lenient manner. This in turn, in our belief, gives a loophole for the violation of human rights, which in the final analysis may not be handled seriously for lack of awareness.

The findings also show lack of awareness about the causes of corruption (Question 8) as well as serious attitudinal problems regarding the rights of women and children. (Question 10 and 11)

## CHAPTER 5

### Findings of the Non-Structured Survey

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#### **5.1. Interview with Key Informants**

##### **A. Interview with Zonal Justice and Security Office**

In order to gather baseline information on the activities of the administration, the following questions were directed to the head of the justice and security department of the Arsi Zone Administration.

- ◆ What is your role in the observance of human rights and in combating corruption?
- ◆ What is your relationship with courts, police and prosecutors office?

◆ What would be your reaction if you were informed that a certain crime is committed?

The official responded to the first question in the following manner. When a person lodges a complaint claiming his rights are violated, we inform the courts to entertain his case but not command them, as courts are independent. When there is a complaint or a person is alleged to involve in corrupt practices, the issue will be entertained on the forum organized to appraise both officials and rank and files alike. But if the person is a judge we do not do anything, as their case is handled by the assembly of judges.

With regard to their relationship to courts, he stated that, as courts are independent, they do not have a close relationship. When it comes to the police and prosecutors it is different. Both offices are part of the executive branch. Our relation with the police extends from planning to execution. As to the prosecutors office we jointly work on administrative issues.

If we are informed that a certain crime is committed we inform the police as any ordinary person does. Even if we are aware that the person arrested is innocent, it is the power of the courts not ours to decide on the matter. If we have evidence, we will forward it to the police but not interfere in its activities.

Although the official at the administration alleges that they recognize the independence of the judiciary and act accordingly, complaint of judges drawn from Arsi and East Shewa Zones shows the truth is otherwise.

On the human rights training workshop organization to Oromia judges, the participants frequently raised the problem of interference of the administration in their official duties. On the last day of the training, the president of the Oromia Supreme Court presented a paper on the role of judges in fighting corruption and opened the floor for discussion. The participants complained that officials from the administration interfere in the


activities of courts and give them orders. They said when these orders are not executed the officials may resort to harsh measures like dismissal, demotion and defamation.

The president of the Oromia Supreme Court said that he too has information that, the administration exerts undue influence especially on woreda level courts. The FDRE constitution recognizes the basic principle of the independence of the judiciary and it is the will of the government to observe this constitutional principle. But some deviant officials violate this principle for lack of awareness, personal gain or the benefit of others. He agreed that the problem is rampant but he said that we have to face the challenges and advised never to give up easily. He informed the trainees about the recent ratification of the proclamation on the administration of justice. According to this proclamation, it is the assembly of judges that takes measures against judges, including suspension and removal i.e. the administration will have no more power what so ever on the judiciary. The president expressed his hope that the problem might be solved when this institution starts operating. The remark given by the president of the region's supreme court refutes the view of the official who alleged that the administration never interferes in the activities of courts and has no power to take measure against judges.

## **B. Interview with Prisoners**

In order to collect data on the practice of the police, four detainees were interviewed. The following are the questions and answers of the detainees.


### **Prisoner One**

 Tell me how they arrested you.

*They arrested me early in the morning at 5 o'clock*

 Did they inform you anything when they arrested you?

*They just said you are wanted and beat me all the way to the police station. They continuously asked me to show where I have put the stolen goods, but I told them I didn't see anything. (The detainee showed the interviewer the wounds he sustained as the result of beating)*

 What happened after you reached the police station?


*They went on beating me the whole day, insisting to show them where I have hidden the goods.*

 Were you interrogated at the police station?


*They just said, "are you claiming that you didn't see the stolen goods?" I said "yes", but they couldn't believe me.*

 Have you appeared before court?


*Yes, but I appeared before court ten days after I had been arrested.*

 On what condition are you detained now?

*I am on remand*

 Did you ask to be released on bail?

*Yes, the court has allowed me to be released on bail, but the police said that he hasn't completed his investigation. Therefore, the court allowed additional 14 days to finish his investigation but it is around 21 days since then but I have not appeared to court.*


 Are you allowed to be visited by your relatives?

*Yes, my wife and children are allowed to see me.*


## **Prisoner Two**

 Tell me how you were arrested?


*It was at 4 o'clock in the evening, my door was knocked strongly. I opened the door and I saw my boss and three police officials out there. They took me to the hospital where the guard of our organization was admitted. The guard was beaten by thieves. We then went to the police station and registered the case on the daily record. I then went back to my house at 8:30 pm. in the morning. But they came back later and arrested me.*

 *Did the police say anything when he arrested you?*

*No body told me why I was arrested; they just ordered me to go.*

 *What happened after you reached the police station?*

*Nothing. For three days nobody asked me. When I asked them why I was detained they just said the investigation is underway.*

 *Were you interrogated?*


*Yes, on the forth day, a Yes, on the forth day, a police officer called me and asked me why I was arrested; I responded that I don't know.*

 *What happened next?*


*He asked me my name, address occupation etc. and wrote it down, and nothing more.*

 *Have you appeared to court?*


*On the eighth day I appealed to court through my family and the court ordered the police to bring me to appear to court.*

 *What did the court say?*

*The court gave 14 days to the police to finish the investigation and I am waiting for the 14 days to end.*

 *Did you ask to be released on bail?*

*Yes, but the court said I have to wait until the period of remand elapses.*

 *Are you allowed to be visited by your relatives?*

*Yes, they bring me food and other necessary items.*

### **Prisoner three**

◆ Tell me how you were arrested.

*They arrested me around 10 o'clock in the evening; they didn't show me any court warrant.*

◆ Did the police say anything when they arrested you?

*Nothing, just they told me that I was wanted at the police station.*

◆ What happened after you reached the police station?

*They beat me. Six police officers took part in it and I confessed every crime I committed.*

◆ Were you interrogated?

*Yes, I confessed. First, the police asked me my name, address, occupation, etc. Then asked me to tell him everything I did. I told him how I bought the goods knowing that they were stolen. At last he asked me to sign on the paper. He didn't read me what was written. He was writing in Oromiffa but I don't know the language.*

◆ Have you appeared before court?

*Yes, on the third day I was brought before court, the police asked remand for further investigation and the court allowed him.*

◆ Did you ask to be released on bail?

*Yes, but the police said he has not completed its investigation and bail shouldn't be allowed. The court turned down my request.*

### **Prisoner Four**



Tell me how you were arrested?

*It was at noon, they told me that I was wanted in the police station*



Did the police inform you anything during your arrest?

*Nothing, he didn't even possess the arrest warrant. He didn't tell me why I was arrested, either*








What happened after you reached the police station?

*For six days nobody asked me or told me why I was there. No one beat or hurt me in the police station.*



Were you interrogated?

*Yes, on the seventh day, the police officer called me to his office and asked me the following:*

-  *My name, address and occupation, etc.*
-  *Why I was arrested*
-  *He showed me the name of persons who accused me and asked me anything I know about them*
-  *He told me that there are witnesses against me and it would be better if I confess.*
-  *At last I confessed and he asked me to sign on each page but he did not read it to me. He didn't tell me about my rights from the beginning to the end of the interrogation.*



Have you appeared before court?

*Yes, on the 10<sup>th</sup> day I was brought before court but I didn't hear what the police and the judges said, for I don't know the language.*



Did you ask to be released on bail?

*Yes, but the judge told me to apply again after the police complete their investigation.*



Are you allowed to be visited by relatives?

*Yes, they bring me food and other materials.*

From the interview of the prisoners, it can easily be observed that the police violated the following constitutional rights of the detainees.

- The right not to be subjected to arbitrary arrest;
- The right to be protected against cruel, inhuman or degrading treatment;
- The right to be informed promptly, in a language they understand, or the reasons for their arrest and of any charge against them;
- The right to remain silent;
- The right to be informed that any statement they make may be used as evidence against them in court;
- The right to be brought before a court within 48hours of their arrest;
- The right not to be compelled to make confessions or admissions;
- The right to be released on bail;
- The right not to be subjected to searches of his home person or property;
- The right to be read their statement of confession before putting their signature;

The above enumerated rights of the detainees are violated by the police. In other words the results of the interview clearly show that police grossly violates the procedural safeguards accorded to arrested and detained persons.

## **5.2 Case Study/ Review of Court Files**

***The following are summary findings of case studies conducted in Arsi Zone High Court***

### ***Case One: Rape***

*The appellant pleaded the court alleging that he has been wrongfully convicted guilty of rape and abduction and sentenced to one year's imprisonment by the Woreda court. The public prosecutor contested the claim of the appellant by saying the victim has appeared at the lower court and stated that the appellant has taken her to his home with his friends by force and raped her. In addition four witnesses testified against him. Therefore, the decision of the lower court was right. The appellant said he and the victim got married (in Civil Marriage) by signing the marriage contract in the Woreda municipality, therefore; he said I shouldn't be convicted of abduction and rape for she had truly consented to our marriage. The court ruled that the decision of the lower court is wrong and released the appellant because of two reasons:*

- ◆ The public prosecutor did not challenge the alleged marriage contract.***
- ◆ There is no ground to say the marriage contract is illegal and hence we cannot say that there is no consent on the part of the victim.***

It can be observed from the ruling of the court that the rights of the victim are not considered at all, for the decision is predominantly based on the marriage contract, but not the situation preceding the alleged marriage between the victim and the perpetrator.

### ***Case Two: Abuse of Power***

The defendants are police officers. They were charged with causing bodily injury to a person named Abera Tolla while he was walking to his home at 11:00 pm. The

defendants pleaded not guilty and the prosecutor's witnesses gave the following evidence. The first witness' testimony completely comply with the charge while the other two witnesses added that on that particular night a bomb blast took place in the house of the victim and three individuals were killed, but they stated that they do not know who caused the blast. The court ruled that the defendants are not guilty since the testimony given by the witnesses are not similar and the fact that the death of the three individuals was not included in the charge makes the whole charge doubtful.

*The decision of the court did not take into account the violation of the rights of the victim (the right to be protected from bodily harm) though the witnesses satisfactorily testified to this. The court considered an ancillary issue to give its ruling. The public prosecutor has the liberty to drop offences out of the charge on which he/she does not have sufficient evidence.*

### **Case Three: Abuse of power**

*The Woreda administration decided against the appellant and ordered him to evacuate the land he possess, but he objected to the decision and appealed to the zonal administration. The zonal administration redirected the case to the Woreda administration to prove the ownership of the land by witnesses.*

*The Woreda administration ordered him to evacuate from the land and when he objected to the order, it filed a charge against him alleging that he illegally occupied the land of other persons by force. The Woreda court heard the testimony of witnesses and without observing the right of the defendant to defend himself decided that he is guilty and sentenced him to one-month imprisonment. The defendant therefore appealed to the Arsi Zone high court. The prosecutor stated that the lower court gave the decision without corroborating the charge with sufficient evidence. He also said that the lower court did not observe the defendants right to defend himself, therefore, he dose not object if the court set the appellant free. Accordingly the court set the appellant free by reversing the decision of the lower court.*

From this case we can clearly observe the interference of the administration in the activities of the court. The *Woreda* court too, did not observe the right of the appellant to defend himself. But the ruling of the zonal court is in accordance with the law.

#### ***Case Four: Abuse of Power***

*The three defendants are officials of Robe town administration. They expelled the servant of the victim from the house he rented from kebele and transferred it to a member of Woreda administration along with its household items. The defendants pleaded not guilty and the witnesses gave their testimony in compliance with the charge. The defendants were given the right to defend themselves but their witnesses did not give the testimony in favor of them. Therefore, the court decided that they are guilty. But in determining the penalty the court remarked that one of the rationales behind penalty is education therefore, one year of imprisonment is enough.*

Please note that the perpetrators were charged with Art. 32 of the special criminal law (No. 214/74), which states 3-15 years imprisonment. It is clear that the court mitigated the penalty contrary to the law. This was done to favor the culprits who are public officials. More over the corrupt act committed has violated the rights of the victim but the court did not consider this fact. Even the minimum amount of penalty is not observed to sanction abuse of power.

#### ***Case Five: Rape***

*The public prosecutor stated that the defendant has raped the victim. The victim disclosed to the court that the defendant beat and raped her, but there was no one around to witness the offence. Two prosecutor witnesses stated that they did not see the offence being committed but the accused asked them to act as a go-between between him and the parents of the victim, for he feared revenge. The court set the accused free because no one has witnessed the offence and claiming that the testimony of the victim is not sufficient.*

The decision of the court on this case is not fair. The testimony of the victim in addition to the circumstantial evidence given by the two prosecution witnesses are sufficient to find the accused guilty and failed to penalize the perpetrator. In other words the fact shows that the court has little concern to the violent act perpetrated on the victim, which reflects the prevalent inimical attitude to words the rights of women.

### ***Case Six: Civil Case***

*The plaintiff was an employee of the Oromia Rural Road Authority. While working as the head of the store, he was suspected of embezzling 200 quintals of cement. Therefore, he was asked to pay Birr 6,200. The evidence proved that he was responsible for the wrong done and the court decided that he has to pay the alleged amount and nothing more.*

### ***Case Seven to Thirty Seven***

*Thirty-one cases dealing with the bail right were examined. The court gave the right to be released on bail for those applicants who are legally eligible and rejected the applications of those individuals who are not .*

The decisions of the courts on bail rights have no problems, but they decided exclusively on the basis of the criminal procedure code with out giving due regard to the issues as cases of human rights. The courts neither cited human rights provisions nor labeled the act perpetrated by offenders in adjudicating cases.

## **Concluding Remarks**

The courts did not entertain civil cases resulting from abuse of power. This shows that corruption cases are mostly limited to criminal liability. From the 43 cases studied only one case deals with civil proceeding on acts of corruption. On the whole we can draw from the case studies the following conclusion;

- ◆ Human rights issues are not addressed by lower courts properly;
- ◆ Corruption cases brought before courts are limited in number;
- ◆ Courts are not aware of the effect of corruption on human rights; and
- ◆ The criminal proceedings of corruption are not seriously addressed.

## **5.3. Synthesis Of The Focused Group Discussions Conducted In Dire Dawa, Awassa, Bahir Dar And Assela**

The focused group discussion was one of the tools employed to gather information for the baseline survey. A total of seven focused group discussions were organized in Dire Dawa, Awassa, Bahir Dar, Nazareth and Assela involving 77 participants drawn from traditional and voluntary associations including *Idir*, *Afocha*, labour unions, women associations, teachers' associations... etc. With regard to gender composition out of 77 participants only 8 were women.

For convenience the focused group discussions were organized in two categories. The first category involves leaders of traditional institutions such as *Idirs* and *Afocha*, while the second category consists of persons drawn from voluntary association, including trade unions, charity organizations, teachers' as well as women's associations.

The questions that were presented to both categories were one and the same and designed in such a way that they could easily be understood by both categories of informants.

The following are the questions posed to the participants of the focused group discussions.

- ◆ What are the major problems facing members of the society?
- ◆ List out these problems in accordance with the degree of their seriousness.
- ◆ State the problems you encountered/experienced so far.
- ◆ What do you think the cause for these problems; and
- ◆ What solution do you recommend?

Generally the participants of the focused group discussions enumerated the following as major problems:

- ◆ Health problem;
- ◆ Problem of housing;
- ◆ Problem in the supply of potable water;
- ◆ Problem in education;
- ◆ Problem in electric power supply;
- ◆ Problem in getting telecommunication service;
- ◆ Lengthy & bureaucratic procedures;
- ◆ Capacity limitation of institution;
- ◆ Discrimination;
- ◆ Incompatibility of demand and supply of service provisions;
- ◆ Corruption;
- ◆ Unfair levying of tax; and

- ◆ Lack of speedy trial.

The participants of the focused group discussions were also asked to list down the problems in accordance to the degree of seriousness. Participants reacted towards this question differently. In Dire Dawa participants listed out the following:

- ◆ Health Problem;
- ◆ Problem of housing;
- ◆ Problem of access to water;
- ◆ Problem in education; and
- ◆ Problem in the supply of electric power

Although there was no consensus among them, participants of the Awassa focused group discussion enumerated starting from the most serious to the list serious problems.

- ◆ Bureaucratic procedure;
- ◆ Capacity limitation of institution;
- ◆ Discrimination;
- ◆ Variance in demand and supply of service provisions; and
- ◆ Corruption.

Participants of the Bahir Dar focused group discussion listed out the following problems in accordance to the degree of seriousness.

- ◆ Unfair tax levying by the city council;
- ◆ Poor health service;

- ◆ Lack of speedy trial in courts;
- ◆ Problem in getting telephone service; and
- ◆ Problem in supply of electric power.

Participants drawn from Nazareth and Assela refused to put the problems in accordance to the degree of seriousness. They argued that all of them affect their life equally in one-way or the other.

With regard to the question their respective communities are facing in their day-to-day life, the participants expressed their grievances in similar tones. They explained the following as instances.

## **Health**

Almost all participants of the focused group discussion share similar view with regard to health problem. Participants of the Awassa focused group discussion said that there is no hospital in the town so far. Patients have to travel some 60k/m so as to get treatment in a Hospital. There are only few ambulances that may not be readily available in time of emergency due to technical problems.

The participants of the Dire Dawa focused group discussion complained that the problem in the health service is so grave that many people are dying without getting proper medication. They explained the gravity of the problem using figures. One participant said on October 13, 2000 alone 28 Muslim Religion followers and 7 Christians, a total of 35 persons died and buried in a single day. On October 17, 2000 too 11 persons died and buried too.

They said drugs are scarce. If there are any, the poor cannot afford to buy, for they are too expensive. The participants of both Bahir Dar and Dire Dawa complained that it is nearly impossible to buy drugs from hospital pharmacies. The Dire Dawa Participants

said drugs smuggled from the hospital pharmacy are sold to patients at much higher price than the actual cost.

Moreover, the participants from Dire Dawa and Awassa said Malaria infection is rampant. Previously a chemical known by the name DDT used to be sprayed to prevent the spread of malaria. Now-a days, the chemical is no longer sprayed; No preventive measure has been taken to stop the spread of malaria, in effect malaria is causing death.

They also underscored the fact that the hospital, which was built to provide services to only 1/5th of the present population of the town, is now giving service to more than 250,000 people with no expansion. It has a capacity limitation in terms of skilled human resources as well as infrastructure.

They also remarked that lack of ethics on the part of hospital personnel is the other problem prevalent in the hospital. They said Nepotism and corruption is a rule. It is not the degree of ailment that warrants a person for admission or get treatment. What matters is whether or not the patient has a relative or a friend who works there or some one who knows a person working in the hospital or enough money to corrupt. On top of this, they said if a terminally ill patient has no one around him/her who will take care, the drugs bought to him/her could be stolen away and sold by hospital personnel.

### **Problem in supplying potable Water**

Dire Dawa and Awassa focused group discussion participants' reaction to the problem of the supply of potable water is, more or less, similar. Both groups said for various reason it has become difficult to get supply of potable water for newly built houses.

They said thousands of houses are denied access to potable water, in Dire Dawa, on the ground that they are illegally constructed. In Awassa too, thousands of households do not have access to potable water either. The participants complained that many households, in both towns, are forced to pay 0.53 cents to Birr 5 per barrel.

## **Education**

Participants from Awassa and Dire Dawa also expressed the problems prevailing in their respective towns. The Awassa participants said due to the fast population growth and failure to construct new schools created problems in the teaching and learning process. Around 200 hordes of school children are jammed in a single narrow room. Since desks are scarce, students compete over seats. Many primary schools students particularly girls sit on the floor due to scarcity of desks. They also remarked that although there are private schools, particularly kindergartens, the low-income group can not afford to pay the expensive school fees. As a result of these cumulative problems only few students successfully pass among those who sit for national examinations in grade 8 and 12.

Participants from Dire Dawa complained that enrolling school children has become a serious problem. There is competition to enroll children due to shortage of classrooms. As a result, many parents are currently resorting to illegal means including nepotism and bribery to enroll their children. They said the fate of the sons and daughters of the lower stratum who cannot afford to send their children to private schools is to go out to the street. They also said in high schools there is shortage of skilled human resources. Due to shortage of teachers and classes, the numbers of sections are reduced significantly by jamming more students in fewer classes.

## **Housing Problem**

The participants of Dire Dawa and Awassa focused group discussion share the same view regarding housing problem. Participants from Dire Dawa complained that it is unlikely to rent state owned houses adhering to the formal procedures. They said only those who corrupt kebele officials could get the opportunity to rent. The actual practice right now is, those who decided to terminate their contractual agreement and vacate state owned houses, never handover the house to the owner (Kebele Administration or Rental House Administration). They rather transfer illegally the house to a person who desperately looks for rental houses for value considerations. The kebele administration

never takes any measure to stop the un-law full act, for they receive bribes from both the old and new tenants. Participants from Awassa too said since there is a serious housing problem, the competition over state owned vacant houses are severe. They said kebele administration officials exploit this opportunity to break rules and procedures to their advantage. While many people who applied to lease state owned houses are waiting for their turn, kebele administration, officials transfer the houses either to their relatives, friends or to some one who gives them attractive sum of money

### **Problems in Supply of Electric Power**

Dire Dawa, Awassa, and Bahir Dar respondents expressed their grievances regarding the supply of electric power. Dire Dawa participants said a person who applies for electric power will be required to submit a title-deed for the house. If he/she does not show up, his/her application will be turned down. The reality however is that there are thousands of households who constructed without having title deeds. Thus most of these households are not entitled to enter into contract with Ethiopian Electric Light and Power Authority. Respondents from Bahir Dar held the same view too. Both Awassa and Dire Dawa participants complained that those who couldn't get the electric lines are forced to subcontract from those who have already received the power supply paying Birr 20.00 per bulb. This is a burden to many households. Dire Dawa participants complained that there are persons who got power supply without fulfilling the duties imposed upon them by using illicit means like nepotism or bribery.

### **Problems in Telecommunication service**

Participants of Dire Dawa focused group discussion accused the Telecommunications Corporation for its arbitrariness. They said, the corporation charges its customers for overseas call which they have never made. They added, fraud is perpetrated by the technical staff of the corporation. They said the technical staff deliberately disrupt line in areas where there are subscribers who rent telephone services to users for money. They do this to force subscribers to appeal to them to maintain the disrupted liens immediately. They maintain the line provided that they receive bribes. The other

problem they raised was that it is difficult to get new telephone lines. The Bahir Dar participants too agreed on this point by saying that there are people who applied for a new line years back. None the less, they did not get the line so far. The Dire Dawa participants also said there are people who did not get the line as yet, after paying the required sum due to install a new line. They went on saying there are brokers who mediate prospective subscribers and the authorities who permit the service. Through brokers a person could get a line immediately while others who applied a long time ago are waiting for their turn.

Generally, the participants of the focused group discussions attributed the following factors as the causes lurking behind the problems enumerated.

- ◆ Inability of authorities to understand the real problem of the people.
- ◆ Absence of forum to air the grievances of the people;
- ◆ Absence of enabling environment to hold discussion with the government regarding the prevalent problems and search for solution;
- ◆ Limitation in resource;
- ◆ Lack of proper organization in the civil service;
- ◆ Failure on the part of the public to enforce its rights;
- ◆ Lack of efficiency;
- ◆ Ethical problem;
- ◆ Favoritism;
- ◆ Absence of Transparency and accountability; and
- ◆ Poverty.

On the whole the participants of the focused group discussions recommended the following as solution to the problems enumerated.

- ◆ ◆ Devising mechanisms to curtail corruption and create favorable condition where government and the public work together;
- ◆ ◆ Assigning competent persons in government posts;
- ◆ ◆ Giving more attention to social services by the government;
- ◆ ◆ Enact codes of conduct to personnel working in service giving agencies;
- ◆ ◆ Opening dialogue among teachers, the public and government on the problem of education;
- ◆ ◆ Enhancing the capacity of health centers;
- ◆ ◆ Privatizing service giving agencies;
- ◆ ◆ Creating awareness about rights;
- ◆ ◆ Conducting regular monitoring activities;
- ◆ ◆ Opening a forum for public discussion; and
- ◆ ◆ Working with non-governmental organizations to alleviate the problems enumerated;

### **Conclusions of the findings of the focused group discussions**

Since the focused group discussions were held in four regional towns involving representatives of both traditional and voluntary associations, the findings of the discussions more or less reflects the attitude of the general public.

Accordingly, one can draw the following conclusions on the basis of the findings of the focused group discussions. The findings show that all the participants of the focused group discussion gave much emphasis to the problem of access to social services. In effect they reduced the whole problem facing their respective constituencies to the problem of access to social services. In other words,

although some raised the problem of transparency and accountability as a sideline issue, most of them failed to raise problems affecting civil and political rights in their respective community. This clearly reflects the deep-rooted attitude of the general public which disregard the relevance of civil and political rights in their day to day life. It also shows the resigned attitude of the general public that accepted unquestioningly the problems of civil and political rights as 'natural' that can't be tackled and done away with.

The other conclusion that can be drawn from the findings is that, participants failure to establish the organic link existing between corruption and the infringements of human rights. Certainly nearly all the participants of the focused group discussions attributed mainly to nepotism, favoritism, and corruption as the main causes to the existing problems of access to social services provided by state agencies. Never the less, nearly all of them were unable to perceive the issue from the human rights perspective. They failed to see as to how the enumerated corrupt practices infringe fundamental rights and freedoms including equal rights before the law, equal opportunity to social services, the right to health, the right to education... etc. This further proves the existing low-level awareness of the public regarding the relationship between corruption and human rights in general and various human rights instruments in particular.

## Chapter 6

### Findings of Systematic Observation

Systematic observation and literature review is employed to uncover some of the problems related in the promotion and protection of human rights.

Community level voluntary institutions at present have restricted mandates. They are normally formed to carry out specific activities. Traditional associations for instance *Idirs* are mandated exclusively to facilitate funeral processions for members and their families. Other voluntary associations too engage in specialized undertakings of highly restricted nature. APAP believes that these associations, being close to the community, could effectively be employed in the implementation of human rights promotion and protection activities. This, however, has not been the case so far. Such activities have never been incorporated in the mandates of these associations. APAP plans to intervene in this particular area through the provision of technical and financial assistance with the aim of encouraging these institutions to engage in activities that promote and protect human rights and incorporate such activities in their mandates.

Materials on corruption are available. Articles and research reports are published too. Nonetheless, the documents have not treated the problem from the human rights perspective.

Up to date studies are absent on the legal system corruption, its impact on human rights and their implementation. This is particularly evident with regards to research on the rights of women and children. These are areas which have literally remained unexplored so far. Despite the fact that limited research has been done on these issues, taken separately, no attempt has yet been undertaken to examine their correlation and bring the findings into light, especially from the human rights perspective. Although research articles and commentaries are appearing dealing with corruption, nearly all of them treat the problem from economic perspectives or from the angle of morality. Based on our observation, articles or piece of writing have never appeared

treating the problem from human rights perspective. Leaflets, magazines posters demonstrating corruption as a human rights issue are not produced and distributed among the community.

Systematized, consolidated and comprehensive laws on corruption and the redressing of human rights violations are lacking at present. There exists no clear position as to whether constitutional human rights are enforceable in courts of law. Even among circles where it is held that such rights are indeed enforceable, the mechanisms by which one can put this into effect remain dubious. Laws related to redressing human rights violations as well as controlling and curbing corruption are scattered in pieces of legislation are creating difficulties in making use of them.

Mechanisms to engage to encourage lawyers, individually and in association, in cases of human rights violations and corruption are lacking. These professionals who are interested and from a perspective, duty bound to perform such duties have so far operated below a level which one would like to observe. There is no initiative among lawyers with regard to instituting and handling civil cases arising from corruption and the violation of human rights. No measurable or successful attempt has so far been made to encourage implementation of this commendable practice.

The existing situation in the country is one in which lawyers and their associations have alienated themselves from the society. As a result there is no tradition of legal aid provision and involvement of human rights promotion activities. The associations formed at national levels are weak in many respects. The AAU-Law Faculty Alumni Association which is established a year back despite the fact that it has members coming from law enforcement agencies, the judiciary, educational institutions and private practitioners, it hasn't started involving in human rights promotion and protection activities. In the same manner, the Ethiopian Bar Association too has members with rich experience in the field of law and human rights, so far it didn't make a meaningful intervention in human rights promotion and protection activities.

Lack of vigor to form association and virtual absence of interest to involve in human right promotion activities is observed from the private discussion held with legal

professionals in regions. The situation prevalent in the regions is worse in the sense that legal professionals including attorneys, advocates, prosecutors as well as judges have not created forums to discuss their common problems with their profession. No successful attempt has been undertaken so far to form association and embark on human rights promotion activities. Professionals in the regions over looked the need and importance for the establishment of legal professionals associations not only in sharing experience and contributing to the development of the legal system but also in proliferating civil society institutions.

## **Chapter 7**

### **Recommendations**

The findings of the survey witness that due attention should be given in raising the awareness level of the law enforcement agencies and the judiciary. Increasing the number of training and trainees is the necessary measure to overcome the lack of awareness of personnel working in the law enforcement agencies and the judiciary on human rights and corruption.

Distributing leaflets, publications which entertain corruption as a human rights issue is the other important step that should be taken to raise the awareness level of the law enforcement agencies as well as the general public.

The problems of awareness on human rights are deep entrenched. The existing situation can easily be transformed provided that more actors are involved in the promotion and protection of human rights. So it is imperative to initiate and encourage legal professionals to form their associations and engage in human rights promotion and protection activities.

In order to reach the general public, it would be advisable to use community level institutions as springboard. To this end steps should be taken to raise the awareness level of the leaders of these institutions on human rights and corruption. Apart from this, measures should be taken to initiate both traditional and voluntary associations to include the promotion and protection of human rights in their mandate and extend assistance to encourage their involvement in the promotion and protection of human rights activities.