



ACTION PROFESSIONALS' ASSOCIATION FOR THE PEOPLE

"The right to food is a human right. It's not charity, nor is it the right to free handouts."

APAP NEWS UPDATE

APAP CONDUCTS WORKSHOP ON THE AFFORDABILITY OF THE RIGHT TO FOOD

APAP held a halfday workshop on the affordability of food at the Assembly Hall of the Federal Ethics and Anti-Corruption Commission, in Addis Ababa, on August 14, 2008. The workshop was organized in partnership with the Ethiopian Consumers' Protection Association, and was officially opened by Ato Seifu Ali, a member of the Association's Board of Directors. A total of 36 people, who were drawn from the various

(Continued on page 3)

INSIDE THIS ISSUE: Page

UPDATE... 1

4

7

COMMUNITY -BASED LEGAL EDUCATION PROGRAM UNDERWAY IN AMHARA REGION

APAP is currently implementing an eightweek community based legal educational program in two of the major cities of the Amhara Region: Bahir Dar and Gondar. Implementation of the program kicked off on August 09, 2008. APAP is offering the course in collaboration with the senior-year law students of the Bahir Dar and Gondar Universities, who are doing the



based legal educational program in two of the major cities of the Amhara Region: Bahir Dar and Gondar. Implementation of the program kicked off on August 09, 2008. APAP is offering the course in collaboration with the senior-year law students of the Bahir Dar and Gondar Universities, who are doing the

(Continued on page 8)

APAP GIVES TRAINING TO POLICE OFFICERS AT JINKA

In close collaboration with the NGO known as Organization for Social Justice in Ethiopia (OSJE), and with financial support from Christian Aid, APAP has been implementing a project aimed at enhancing the capacities of the law enforcement organs in the Borena Zone of Oromiya and in the South Omo Zone of the SNNPR States. As part of the implementation of this project, APAP gave the

(Continued on page 8)

APAP'S ADDRESS: Mexico Square, Across the St. George Brewery, Past the Mexico Polyclinic

APAP GIVES TRAINING TO CBOs AT MIZAN AMAN AND HOSAENA TOWNS

With financial support from the French Embassy in Addis Ababa, APAP gave training to the leaders of the community based organizations (CBOs) at the towns of Mizan and Hossaena—both of which are located in the SNNPR. The training was given at Mizan from June 25 to July 08, 2008, and Hossaena from July 23 to August 01, 2008.

The 60 trainees were drawn from the idirs, youth clubs, and

women’s associations in the two towns.

The training comprised theoretical and empirical information regarding the promotion and protection of human rights as well as the basic procedural and substantive laws of the land, with a view to enabling the trainees to play the role expected of them. More specifically, some knowledge about basic laws and human rights was imparted to them through the training. That, APAP believes, will go a long way in

enabling them to promote human rights, including the rights of women and children, within the communities they serve. Before they were given the training, nevertheless, the CBO leaders had no such knowledge.

What is more, the CBO leaders are expected to develop human-rights projects and implement them within their respective communities, with technical and financial support from APAP. □

APAP GIVES TRAINING TO SOCIAL -COURT JUDGES AND REGISTRARS

With the objective of ensuring access to justice at the local level, APAP, with financial support from the French Embassy, gave training to a total of 30 social court judges and registrars at the town of Hosaena, the SNNPRS. Of the 30 beneficiaries of the training, who were drawn from all the kebeles of the town, 13 were females.

The training lasted eight days (from July 23 to August 31, 2008) and focused on human rights, basic laws, the application of the Social Courts Proclamation and alternative dispute resolution methods. □

APAP HOLDS WORKSHOP ON THE PROVISION OF LEGAL AID TO PRISONERS

In collaboration with the NGOs known as ActionAid Ethiopia and Prison Fellowship Ethiopia, APAP held a half-day workshop on the provision of legal aid to the prisoners in Ethiopia in the Global Hotel, Addis Ababa, August 28, 2008. A total of 17 prison officials drawn from various parts of Ethiopia participated in the workshop.

The workshop was aimed at raising the awareness of the prison officials about their obligations to the people who are behind bars—one of which is seeing to it that they have access to legal aid. At the workshop, APAP made a presenta-

tion of the papers it had prepared so that they would serve as points of departure for the discussion that followed.

It is to be recalled that, for the first time in the history of Ethiopia, APAP had established legal aid centers in the Kality, Dire Dawa, and Hawassa prisons and that it has since been providing them with the technical support they need—besides stationery and books.

Just before the workshop was officially closed, the representatives of APAP and the prison officials were able to reach an

(Continued on page 8)

... APAP NEWS UPDATE

APAP CARRIES OUT A NEEDS ASSESSMENT ON CHILD PROTECTION

APAP has launched a new Debre Berhan and Assela. The three-year project in cooperation with the Oak Foundation titled "Revitalizing the Role of Law Professionals in Child Protection Activities". The project is scheduled to be implemented in Addis Ababa and in the towns within a 20-kilometer radius of Addis Ababa such as Adama, Ambo,



project has the following objectives:

(1) Improving the knowledge and skills of law professionals with regard to child protection thereby strengthening their capacities; (2) Engaging community institutions in child protection activities; and (3) Undertaking advocacy on child-protection laws and practices of Ethiopia. The project comprises training programs for legal professionals, law school students and paralegals, preparing various

(Continued on page 8)

(Continued from page 1)

AFFORDABILITY ...

consumers' cooperatives in and around Addis Ababa, participated in the workshop. The main objectives of the workshop were resolving the major problems that the cooperatives have been plagued by and raising the awareness of the participants about the Ethiopian Government's obligation to respect citizens' rights to food.

APAP has long known that the consumer cooperatives want to sell food items at lower prices and thereby give much-needed support to the most vulnerable segments of society, especially now that food prices have been steadily increasing. They have not, however, been able to do that in a truly meaningful manner, mainly because the mate-

rial and financial resources at their disposal are too meager for them to do that on their own. So they could not help but bring to the attention of the Government what they want to do and why they could not do it—in the hope that it (the Government) would give them the support they need in this regard. And, according to the information that APAP has been able to obtain, the types of support they need are, among others, access to the supply of food stuffs at less than-market prices, long-term credit; and a plot of land on which they can construct a warehouse where they will store the food stuffs to be made available to them.

Based on this information, APAP prepared discussion papers aimed at raising the awareness of the participants of the workshop about the Gov-

ernment's legal obligation, as per the international legal instruments that Ethiopia is a party to, to respecting citizens' rights to food and about the practical problems that have long plagued the consumers' cooperatives. The discussion papers were presented by APAP's staffs.

Following the presentation of the papers, discussions were held on the underlying causes and the severity of the problems and how they had crimped the cooperatives' efforts.

Finally, the participants wrapped up their discussion by deciding to form a steering committee that would lobby the Government on behalf of their Association. □

The Need for Domesticating International Legal Instruments

The international community's formal commitment to working for the respect of human rights for all has been acknowledged ever since the United Nations Universal Declaration of Human Rights (UDHR) was adopted—since 1948, to be exact. Over the past five decades, the ideals of the UDHR have, therefore, been echoed by various international and regional human rights instruments. The promise behind all the international humanrights instruments is to ensure the dignity of the human person by **addressing rights' concerns** in civil, political, social, economic and cultural lives.

However, although civil, political, economic, social, cultural, and other rights are fully enshrined in the international humanrights instruments, much remains to be done in translating the promise of these instruments into action. In fact, a few years ago, the former United Nations' Secretary General, Kofi Annan, said:

After the years invested in

the elaboration of an international code of conduct in human rights--as embodied in international conventions and other legally binding instruments--the priority now is to translate these norms and standards into national legislation and national practices, thus bringing about real change in peoples' lives.

Our own country, Ethiopia, is no exception to Kofi Anan's assertion. Even though the country is a party to all the major international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the African Charter on Human and Peoples' Rights, the Convention on the Elimination of all forms of Discrimination Against Women, the United Nations Convention on the Rights of the Child, and the African Charter on the Rights and Welfare of the Child, ensuring the respect of all human rights for all immediately and at once has proven

to be a very difficult, if not impossible, task to accomplish. This is true not only about Ethiopia but also about other developing countries, where resource constraint is a huge challenge. The international humanrights law is not, nonetheless, blind to this fact. So it does not expect States to take any measures that their economies are unable to support. With regard to, for example, rights that require significant resources—that is, socio economic rights—the overall obligation that Article 2 of the International Covenant on Economic, Social and Cultural Rights imposes on **Member States** is to “*take steps, ..., to the maximum of their available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.*”

It is generally agreed that the manner in which States should give effect to the obligations they have assumed

(Continued on page 5)

(Continued from page 4)

The Need for Domesticating ...

under an international law is for them (the States) to determine—the point being that States should work in full gear toward the realization of the rights of the people under their jurisdiction in one way or another. In other words, States have the margin of appreciation in determining the means of implementation. An effective realization of rights, however, involves the adoption of specific measures. One such measure is making the rights enshrined in international or regional instruments part and parcel of the domestic law—so that individuals and peoples will be able to get remedies in the event that their rights are violated.

On the other hand, human rights-treaty-monitoring bodies underscore the obligation of States to integrate the provisions of human rights instruments into their domestic laws. For instance, the African Commission on Human and Peoples' Rights has recommended that Member States should integrate these rights into their constitutions, laws, rules and regulations, though it recognizes the margin of appreciation States have in determining the modality of doing so. In fact,

when Nigeria incorporated the African Charter on Human and Peoples' Rights into its national law by legislation, in 1992, the Commission expressed its approval and commended the motion, stating that it should "set a standard for all Africa." Also, one of the measures "consistently" advocated by the Committee and the other treaty-monitoring bodies, with regard to the International Covenant on Economic, Social and Cultural Rights, is the incorporation of socio-economic rights into the constitutions and pertinent pieces of legislation of Member States, to ensure the direct applicability of the rights by domestic judicial bodies and other agencies.

The idea behind this line of thought is that, for the rights to be meaningful, there ought to be a mechanism to redress their violation. Another thing that supports this line of thought is Article 26 of the Vienna Convention on the Law of Treaties. This Article provides that States should fulfill their treaty obligations in good faith and refrain themselves from invoking domestic law as a defense for non-compliance with their international obligations.

Still another argument can be forwarded based on the principle of effective interpretation. This principle is about reading

the international human rights instruments in a manner which gives effect to the provisions incorporated therein. According to this principle, implementation of human rights by domestic courts is of primary importance and could be much more effective than implementation thereof by the treaty-monitoring bodies or by international judicial bodies. Indeed, recourse to the African Commission or the African Court of Peoples' and Human Rights is often inaccessible to individuals and groups, particularly to the disadvantaged groups and their organizations operating at the local level. For these reasons, disadvantaged groups will excessively depend on the legal remedies available at the domestic level. Based on this principle, it can be argued that the requirement of the exhaustion of local remedies recognized under international human rights laws and other international human rights instruments points to the fact that States have a duty to enforce these rights.

Furthermore, the emphasis the Committee on the International Covenant on Economic, Social and Cultural

(Continued on page 6)

(Continued from page 5)

The Need for Domesticating ...

Rights placed on judicial remedies is indicative of the importance legislative measures have in terms of giving effect to the rights. The Committee, in its General Comment No. 9 (1998), has said that the overall obligation that States have in implementing the Covenant (Article 2/1) “could be rendered ineffective if they are not reinforced or complemented by **judicial remedies.**” Furthermore, while noting that judicial remedy need not be the only effective remedy for redressing socioeconomic rights’ violations, it has, nevertheless, emphasized its indispensability in ensuring nondiscrimination and other socioeconomic rights.

However potentially useful both international and regional human-rights instruments are, their actual instrumentality could significantly be affected by the status they have in the domestic legal systems. It should, nonetheless, be noted here that scholars have put forward various theories to explain the relations between international laws and domestic laws, of which the widely referred ones are monism and dualism. The available literature on the matter, however, suggests that such categoriza-

tion is unhelpful in describing the constitutional approach to fulfilling international obligations—including the question of status. The reason is that constitutions do not truly reflect either of these theoretical instruments ratified by Ethiopia are part of the law of the land, these international legal instruments are not being put to use. That, of course, was attributed to the fact that the contents of the international human-rights instruments are not published in the official *Gazette*. Yet, when Ethiopia submitted its third report to the Committee on the Convention on the Rights of the Child (CRC) in 2006, the Committee had recommended that the country should publish the ratified are directly applicable laws. The Constitution also states that the fundamental rights and freedoms specified in it (the Constitution) shall be interpreted in conformity with the principles of the UDHR and other humanrights instruments adopted by Ethiopia (Art. 13/2).

Article 9(4) of FDRE’s Constitution provides that “all interna-

tional agreements ratified by the law of the land.” Though

not explicit as in the South African Constitution, the terms of Article 9 (4) suggest that all the treaties that the country has ratified are directly applicable laws. The Constitution also states that the fundamental rights and freedoms specified in it (the Constitution) shall be interpreted in conformity with the principles of the UDHR and other humanrights instruments adopted by Ethiopia (Art. 13/2).

Notwithstanding FDRE’s Constitution’s explicit declaration

on the relations between international humanrights laws and domestic laws, it has been noted, echoed at various forums that the courts of law in Ethiopia taken in the country, with a view to reforming the law of national humanrights instru-

ments in deciding on the cases before them. In fact, a study conducted on the Ethiopian justice system in 2005 has concluded that, though the Constitution stipulates that international instruments ratified by Ethiopia are part of the law of the land, these international legal instruments are not being put to use. That, of course, was attributed to the fact that the contents of the international human-rights instruments are not published in the official *Gazette*. Yet, when Ethiopia submitted its third report to the Committee on the Convention on the Rights of the Child (CRC) in 2006, the Committee had recommended that the country should publish the ratified are directly applicable laws. The Constitution also states that the fundamental rights and freedoms specified in it (the Constitution) shall be interpreted in conformity with the principles of the UDHR and other humanrights instruments adopted by Ethiopia (Art. 13/2).

What has been stated above should not, nevertheless, give the reader the impression that international humanrights standards have not been incorporated into the domestic laws of Ethiopia, or that domestic pieces of legislation that could go against international standards are applied in all cases and at all levels of the courts of law in the country. As the Committee on the CRC noted, most of the activities under the courts of law in Ethiopia taken in the country, with a view to reforming the law of

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ACTIVITIES IN THE PIPELINE

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The annual National Moot Court Competition among law students of Ethiopian higher education institutions will be held next quarter on the campus of the Mekelle University. To that end APAP is now frenetically doing the preparatory work, which includes the difficult job of selecting the judges and arranging the logistics. The fact that this year's competition coincides with the commemoration of the 60th Anniversary of the UDHR will, of course, render it special.

way. The training will be given sometime in the coming quarter.

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A workshop aimed at publicizing the finding of the research that assesses the rehabilitation, reintegration and legal services in selected Ethiopian prisons is to be held after the conclusion of the research sometime in the coming quarter.

A lobbying workshop on the accessibility of food as it relates to the well functioning of consumers' cooperatives currently operational in Addis Ababa will be carried out in the coming quarter. The lobbying aims at creating an environment conducive for consumer cooperatives to reach their goals of providing low cost food items to the community.

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Preparations are underway for the implementation of a training program aimed at enhancing the capacity and accountability of sub-city officials on the right to housing, in particular, on security of tenure and eviction. The trainees are being selected in cooperation with the pertinent sub-city offices of Addis Ababa. The development of the resource materials is also underway.

Publication of a bench book focusing on child protection for the judiciary is due some time in the next quarter. The bench book is a guide for judges. As such, it prescribes issues they need to take into account when faced with child rights violation cases related mainly to sexual abuse, neglect and trafficking.

A research that identifies gaps in laws, policies and practices and budgetary matters affecting orphaned and vulnerable children, OVC, will be finalized in the coming quarter. The findings of the research are to be used for lobbying policy-makers and parliamentarians to improve the realization of the human rights of OVCs.

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Training for judges and prosecutors of South Omo Zone is going to be given as part of the project that is being jointly supported by Organization for Social Justice in Ethiopia, OSJE, and Christian Aid. To that end, the preparatory work is under-

Preparations for awarding outstanding advocates who have provided free legal aid for the needy is to be organized. The award is aimed at giving credit where it is due and thereby acknowledging the laudable services of these lawyers. APAP believes that encouraging *pro bono* services provided by advocates could contribute to helping access justice to the needy.

A research that assesses the extent of the pollution being caused by the Addis Ababa Abattoir Enterprise would be finalized in the coming quarter. It is believed that the research would identify major pollutants detrimental to the health of the nearby residents. The finding of the research will be used to pursue appropriate remedies to address the problem.

(Continued from page 1)

BASED ...

teaching.

A total of 350 trainees, 280 of them female, are participating in the program. These beneficiaries were drawn from the **women's associations, youth clubs, and youth forums** in the two cities.

The educational program is aimed at introducing basic legal concepts to the various members of the communities in these cities, so that they will be fully aware of their rights as well as the rights of others—and protect them. APAP is using the street law books that it recently revised and the training manual it prepared on the Right to Adequate Housing. □

(Continued from page 6)

The Need for Domesticating ...

the land, have tried to harmonize domestic laws with international standards, especially with regard to the rights of women and children. Furthermore, though it is not possible to categorically explain how international human rights instruments are influencing the decisions of the courts (because the reporting system in the country is still underdeveloped), there were few encouraging court cases in which international human rights instruments were cited in rendering the decisions thereon. Lawyers, too, are increasingly invoking international human rights instruments in support of their cases.

Notwithstanding these positive developments, in order to enhance the effective implementation of international human rights instruments that the country has subscribed to in the domestic courts of law, it is important to devise a more effective domestication mechanism of international legal instruments in Ethiopia. To that end, as the Committee on the CRC recommended, the contents of these instruments should be publicized through the *Negarit Gazette*.

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police officers in the South Omo zone training at the town of Jinka, in the SNNPR, in two rounds—that is, August 18, 2008 and August 29, 2008. A total of 100 police officers, who were drawn from the Crime Prevention and Crime Investigation Offices of the zone participated. Of these, four were female police officers.

The training consisted of the basic concepts behind human **rights in general and women's and children's rights in particular**—as well as the role of the police in protecting them from being violated. It had also incorporated into it the universal principles of accountability and transparency.

The training is expected to make a big difference in the manner in which the police officers will go about fulfilling the police duties entrusted to them. □

(Continued from page 3)

publications as well as carrying advocacy on selected child protection issues.

For the purpose of implementing the project APAP has been conducting a needs assessment at Ambo, Addis Ababa, Adama, Assela and Debre Birhan as a preliminary work aimed at identifying the particular child protection problems of the target areas and the level of awareness of the target population. □

(Continued from page 2)

PROVISION OF LEGAL AID ...

agreement—to do everything in their power to make sure that prisoners have been given access to legal aid and to jointly do followup on the manner in which they are provided with the legal aid, with a view to ensuring its sustainability. □