



# AWARENESS

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

## Quarterly Message:

"We can only honor the towering vision of the inspiring document (UDHR) when its principles are fully applied everywhere, for every one."—UN Secretary General Ban Ki Moon

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## APAP NEWS UPDATE

### APAP AWARDS PROVIDERS OF PRO BONO SERVICES

As one of its strategies for promoting the right to accessing justice, ever since the year 2002, APAP has been biennially organizing an award ceremony for law professionals who render *pro bono* services.



*Some of the pro bono awardees*

This year's award ceremony was held at the Ghion Hotel, in Addis Ababa, on November 18, 2008.

The law professionals were selected in two categories: service provision for free and service provision for a symbolic fee.

Accordingly, the top prize in the first category went to Ato Feleke Alemayehu of the Harari Regional State, whereas the runners-up were Ato Dejene Awoke (Amhara Region) and Ato Tekalegn Bekele (Oromia Region) and Ato Getu Adinew (Amhara Region). Third was Ato Aychiluhum Tefera from the Harari Regional State. Put differently, these were the law professionals who rendered *pro bono* legal services for free in a truly laudable manner in the last two years. Those provided with the services were, of course, the members of low-income communities who would not have been able to access justice, had they not been given the services free of charge.

In the second category, however, a total of 41 law professionals were awarded

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### APAP AIRS PLAYS ON ETV

Raising public awareness about human rights and bringing to the attention of the concerned government bodies the need for properly fulfilling the responsibilities that they are entrusted with are top on the list of the activities that APAP undertakes as part of its *raison d'être*. This it does by using all the means available to it. Accordingly, during the quarter under review, APAP began airing educative plays

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## ... APAP NEWS UPDATE

### APAP HOLDS THE FOURTH MOOT COURT COMPETITION

APAP's fourth moot court competition was held in Mekelle from November 28 to 30, 2008.

University.

The actual competition was held



*The final act of the Competition*

The competition was held among the eight teams that had qualified for the oral competition on the basis of the outcome of the evaluation done by the Moot Court Committee on the written memorials at the preliminary stage. The eight teams that qualified for the oral competition were those of Mekelle, Hawassa, Unity, Addis Ababa, Gondar, Bahir Dar and Haramaya Universities and of the Royal University College.

The Addis Ababa University was crowned winner of this year's event. So the cup was given to it. It was followed by the Bahir Dar University and by the Mekelle University, which hosted the competition.

The award for Best Written Memorial, nonetheless, went to the Hawassa University and the award for Best Oralist to Eyayaw Kebede of the Gondar

in the Hawelti Hall of the Mekelle University, whereas the opening ceremony was held at the Milano Hotel. Both meetings were graced by the presence of distinguished guests, including the President of the Mekelle University and the Executive Director of the Ethiopian Human Rights Commission, the **President of the Tigray Region's Supreme Court** and the **Head of the Region's Justice and Security Affairs Bureau**.

The theme for this year's competition was the right to food in general and the economic accessibility of food in particular.

It is to be recalled that APAP has held three similar competitions in the past on the campuses of the Addis Ababa, Bahir Dar and Jimma Universities, under various themes that APAP normally

focuses on.

APAP holds these competitions in the belief that they will help it achieve its main objectives of protecting and promoting ESC rights. What is indisputable in this regard, nevertheless, is that the competitions have been instrumental in bringing such issues as the justiciability and enforcement of international human-rights instruments to the attention of the academics, the law students and the personnel of the justice sector. □

### APAP GIVES TRAINING TO PROSECUTORS AND JUDGES

APAP gave training to prosecutors and judges in the towns of Ambo and Debre-Birhan on child protection. The training was given at Ambo from December 25 to 28, 2008 to 25 judges. Of these, six were females. And it was given at Debre-Birhan from December 26 to 29 to 26 prosecutors—four of whom were females.

The training was part of the project that APAP has been implementing in partnership with the Oak Foundation—the project known as **"Revitalizing the Role Legal Professionals Play in Child Protection."** The project is aimed at raising the awareness of judges and prosecutors in these localities about child protection issues and at enhancing their role in ensuring the respect of **children's rights during their day-to-day activities.** □

## ... APAP NEWS UPDATE

### APAP GIVES LEGAL AID TO THOUSANDS OF DISADVANTAGED INDIVIDUALS

APAP was able to give legal aid to a total of 9,330 persons at its nine legal aid centers throughout the year 2008. Of these, about half were women.

The types of the legal aid that APAP rendered to these prisoners and members of low-income communities consisted of simple legal advice, writing for them various types of pleas to the courts of law and providing them with court representation.

The nine legal aid centers

comprise those established by a few associations of law professionals, those established on the premises of a few prisons and the one established and run by APAP at the town of Dessie.

**APAP's initiative in this regard** was commended by some prison officials at a workshop held recently on the provision of legal aid, in particular, to prisons inmates. □

### APAP GIVES TRAINING TO CBO LEADERS

During the quarter under review, APAP was able to give training to the leaders of community-based organizations (CBOs) in Addis Ababa as well as at Dire Dawa and Hawassa as part of its Legal Empowerment Program. The training was aimed at raising the awareness of the CBO leaders about human rights and at imparting to them basic legal education.

**More specifically, APAP's law professionals** imparted to the

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#### **PRO BONO ...**

certificates. In other words, APAP acknowledged the services that these law professionals rendered for much-reduced and, therefore, only symbolic fees.

The law professionals awarded at the ceremony were selected by an *ad hoc* committee, which comprised as its members law professionals drawn from the Ethiopian Women Lawyers Association, the Ethiopian Bar Association, Organisation for Social Justice in Ethiopia, Addis Ababa University Alumni Association, the Center for Legal Protection for Children and from APAP itself.

The certificates were handed out to the law professionals in both categories by Ato Desalegn Berhe, President of

the Federal First Instance Court, and Ato Tamiru Wondemagenehu, President of the Ethiopian Bar Association.

Before the actual award-giving ceremony commenced, a paper titled **"Pro Bono Services and Implications Thereof in Ethiopia"** was presented. As its title implies, it was aimed at drawing the attention of those present to the importance of rendering such services to the poor segments of the Ethiopian society.

The ceremony was attended by a total of about 120 people—some of whom were high-ranking officials of the pertinent government bodies, of the justice sector and by law professionals.

In his closing remark, Ato Desalegn said that the event was quite significant for the justice sector, in that it encouraged *pro bono* legal aid to the poor. He also urged those present on the occasion to extend their support to APAP's initiative in this regard.

APAP saw it fit to use the occasion to award three of its 10 resource centers, too. The three resource centers were selected because of the quality of the legal aid and the information they have been giving to their clients—that is, the poor, women and children. In a descending order, the resource centers that were awarded on that day were those of Ferensai Legation, Akaki Kality and Debre Berhan. □

## APAP HOLDS WORKSHOP ON HOUSING RIGHTS

APAP held two one-day workshops on the right to housing and security of tenure at Dire Dawa and Bahir Dar—on December 04, 2008 at the former, and on December 27, 2008 at the latter.

The workshop held at Dire Dawa was attended by 22 participants drawn from the **city’s Land Lease Office**, the various housing development projects being implemented there and the Kebeles.

The one held at Bahir Dar, on the other hand, was attended by 30 participants. These constituted the Heads of the Urban Development Bureaus in the Amhara Region, the Deputy Mayor of Bahir Dar, the various officials of the courts of law in the city, the Head of the Justice and Security Affairs Bureau of Bahir Dar as well as professionals from the urban planning institutions in the city.

The workshop given at both locations had the following objectives:

- ✦ Acquainting the participants with the legal and policy frameworks of the right to adequate housing both at the national level as well as in the international context and with the issues involved in security of tenure;
- ✦ Helping the participants

see the gaps that currently exist in this regard; and

- ✦ Encouraging them to find ways and means of closing the gaps.

Two research papers were presented at both Dire Dawa and Bahir Dar to serve the participants of the workshop as points of departure for the plenary discussions that they subsequently held. One of the papers focused on the right to adequate housing, and was presented by a local resource person. The other paper, which focused on security of tenure and forced evictions, was **presented by a staff of APAP’s**.

Based on the papers presented, the participants were steered into holding the discussion by making reference to the pertinent laws, rules and regulations of the land as well as to the manner in which they were enacted and being implemented.

At the end of their discussions, the participants of the workshop at both locations were able to reach a consensus that the existence of the right to adequate housing was appropriate, in that it would lead to a peaceful and dignified life, but that issues involving security of tenure were delicate and difficult, since regularizing informal settlements is too daunting a task to effectively and efficiently undertake. The participants also agreed that

further discussions on these issues would be appropriate as trying to translate all the internationally accepted rules with regard to the security of tenure to the letter may conflict with efforts that are geared toward the discouragement of informal settlements. ◻

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**On ETV...**

on the Ethiopian Television—**known in short as “ETV.”**

To that end, APAP entered into an agreement with ETV and an Ethiopian promoter of TV programs named Africa and Zewge Promotion Company.

Even though APAP had prepared a total of 13 plays, the agreement it reached with ETV and the company stipulated that it should choose only six of them, in light of the fact that airing them all would have surpassed what it had budgeted therefor. APAP was thus able to air the educative plays for only six Wednesdays—during the evening.

APAP was also able to disseminate, more or less, the same information on the radio for the last several months. APAP was able to do that, in collaboration with another production company, Rehoboth Promotion. The awareness-raising messages and the educative radio programs were aired not only on Radio Ethiopia but also on the regional FM channels of the South Nations, Nationalities and Peoples Region and on that of Dire Dawa. ◻

## FEATURE ARTICLE

### *The Significance of the UDHR*

*"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."*

– UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR, Art. 1) adopted by General Assembly Resolution 217 A (III) of 10 December 1948.

It was at the end of World War II that the UDHR was conceived and drafted by the then members of the United Nations. Following the unspeakable atrocities committed during the long world war in which millions had lost their lives and millions more were displaced from their homes and homeland, it was imperative for the world body to devise a mechanism as well as a legal framework that would aim at ending all wars. The founding fathers of the UN hoped that World War II would be the war that was waged to end all wars, as the suffering of millions was still fresh in their memory—not least the genocidal activities carried out by the Nazi regime and the other kinds of grave violations of human rights. Avoiding similar atrocities became the first engagement of the UN. While it was with this tragic background that the UN was established, we can consider the words enshrined in the UDHR as the real spirit or the moving machine of same.

What do the main provisions of the UDHR say? How has the UDHR influenced subsequent conventions and pieces of legislation through the last six decades?

The UDHR was adopted and

proclaimed by the General Assembly of the United Nations as a *common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.*

It is to be recalled that forty-eight States voted in favor of the Declaration, none against, with eight abstentions. In a statement following the voting, the President of the General Assembly of the UN had pointed out that adoption of the Declaration was "a remarkable achievement, a step forward in the great **evolutionary process.**" It was the first occasion on which the organized community of nations had made a Declaration of human rights and fundamental freedoms. The document has been serving as guidance and inspiration for millions.

The Declaration consists of a preamble and 30 articles,

setting forth the human rights and fundamental freedoms to which all men and women, everywhere in the world, are entitled, without any discrimination.

To highlight the principal or key provisions, we can mention Article 1, which begins by **asserting:** "All human beings are born free and equal in dignity and rights. They are endowed with reason and **conscience....**"

It then assumes that the right to liberty and equality is man's birthright and cannot be alienated.

Article 2 then sets out the basic principle of equality and non-discrimination regarding the enjoyment of human rights, whereas Article 3 proclaims the right to life, liberty and security of persons. Under Article 22 and following, we enter into the fundamental chapter of economic, social and cultural rights. These are rights considered indispensable for the dignity of humans, for their free development of personality. They are to be realized, according to the document, through a national effort and international cooperation where the former

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**UDHR ...**

find obstacles due to limits in resources.

The economic, social and cultural rights recognized in Articles 22 to 27 include the right to social security; the right to work; the right to equal pay for equal work; the right to rest and leisure; the right to a standard of living adequate for health and well-being; the right to education; and the right to participate in the cultural life of the community.

The concluding Articles, 28 to 30, recognize that everyone is entitled to a social and international order in which the human rights and fundamental freedoms set forth in the Declaration may be fully realized, and stress the duties and responsibilities which each individual owes to his community.

Conceived as "a common standard of achievement for all peoples and all nations," the Universal Declaration of Human Rights has become just that: a yardstick by which to measure the degree of respect for, and compliance with, international human rights standards. Since 1948 it has been and rightly continues to be the most important and far-reaching of all United Nations declarations, and a fundamental source of inspiration for national and international efforts to promote and protect human rights and fundamental freedoms. It has set the direction for all subsequent work in the field of human rights and has provided the basic philosophy for many

legally binding international instruments designed to protect the rights and freedoms it proclaims.

In this regard, for example, in the Proclamation of Teheran, adopted by the International Conference on Human Rights held in Iran in 1968, the Conference agreed that "the Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community." The Conference affirmed its faith in the principles set forth in the Declaration, and urged all peoples and Governments "to dedicate themselves to [those] principles . . . and to redouble their efforts to provide for all human beings a life consonant with freedom and dignity and conducive to physical, mental, social and spiritual welfare." In recent years, there has been a growing tendency for United Nations organs to refer not only to the Universal Declaration, but also to other parts of the International Bill of Human Rights in preparing international instruments in the field of human rights. Thus one can notice in practically all conventions that were held after the UDHR, a phrase or sentence, a principle contained in the UDHR appear in their preamble.

**In this year's message by the UN Secretary General, it was underlined that the declaration's adoption was a landmark becoming now the core part of the UN's very identity. The message proceeded to dwell on the various challenges the world**

and the organization was facing—such as the severe food emergency, the global financial crisis, the issue of environmental degradation while political repression in various countries of the world was still a glaring reality. The **Secretary General's message** continues to mention how the most vulnerable continue to be on the frontlines of hardship and abuse and that those lucky enough to avoid such situations should not turn a blind eye to the victims. The message underlines that human rights should be the ones on which every one should focus and pay attention **to their respect.** "On this Human Rights Day, it is my hope that we will all act on our collective responsibility to uphold the right enshrined in the Universal Declaration. We can only honor the towering vision of the inspiring document when its principles are fully applied everywhere, **for every one,**" the UN chief concluded.

One can say that the UDHR, although very short (only thirty articles), can be considered as one that has made a great impact on humanity, probably more than any other in history such as the declaration that followed the famous French Revolution, or the US Declaration of Independence some two hundred years ago, or even going a bit further in the distant past, the Magna Charta of 1215. This is so because it is the most up-to-date and comprehensive of all rights. It is hence to mark also this significant aspect of the declaration that the UN has

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**UDHR ...**

made it one of its principal campaigning subjects for the sixtieth anniversary of the declaration.

In the end, although many human rights activists are skeptical about the application or fulfillment of the precepts of the UDHR in the reality of many an African nation, the way it has somehow affected the generality of nations of the world has brought the UDHR to such a standard as to be part of what is generally called “customary international law” – that is, laws that are not decreed or promulgated as per the normal legislative item but have been in any case accepted by the international community as valid and binding. It has often served as an inspiration and guide if and when one wants to dwell on the respect, protection and fulfillment of human rights. Whether it has fulfilled the aim for which it had been originally intended could be as controversial as one would like to, but the fact remains that the Declaration remains a shining sample of human rights that aims to fulfill the aspirations of all to dignity and honor. Even emerging countries have been noted incorporating certain principles of human rights in their constitutions, charters or bills of human rights. It would be appropriate to once again reiterate the core message in the statement the UN Secretary General has made: “We can only honor the towering vision of the inspiring document when its principles are fully applied everywhere, for every one.”

(Source: The UDHR Doc). □

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**CBO TRAINING ...**

trainees basic legal education by making reference to the manner in which certain laws are being applied in the Ethiopian context. The law professionals also made it a point to raise the awareness of the CBO leaders about human rights, in the belief that they are best positioned to promote human rights at the grassroots level, given the fact that they are, in general, looked up to by their respective communities.

The awareness-raising training given to the beneficiaries included the rights of the child and women’s rights as well. APAP incorporated these rights into the training because they are the ones that are usually violated with impunity.

APAP is hopeful that the training will have a multiplier effect, in that many of the CBO leaders who benefited from the training will eventually take it upon themselves to give free legal aid to the needy in their respective communities.

The CBO leaders at Hawassa were given the training October 6 to 10, 2008, those of Dire Dawa December 1 to 4, 2008, and those of Addis Ababa December 3 to 6, 2008.

The beneficiaries of the

training given at Hawassa numbered 30 women, who were drawn from various women’s organizations and self-help associations in the city. The number of the CBO leaders who participated in the training given in Dire Dawa, on the other hand, was 31. Of these, 19 were women. The CBO leaders that benefited from the training given in Addis Ababa, however, numbered 30. What is more, 21 of them were women.

At the end of the training, the trainees were asked to forward to APAP whatever suggestions they might have about both the content and the style of the teaching used. Almost all of them expressed their satisfaction with both. In fact, a few of them said that it would enhance their efficiency and thereby enable them to be of great service to the grassroots communities they serve.

The CBO leaders at Hawassa were, in fact, given a ten-day paralegal training, too, during the last week of December – also as per the request they had lodged to APAP. Having given them the paralegal training, APAP also saw if fit to provide them, free of charge, with the reference materials they would need to serve their communities as paralegals, which included various Ethiopian codes and law-related documents. □