

TRAINERS' MANUAL
ON
THE CONSTITUTION OF
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

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Introduction

The National Democratic Institute for International Affairs (NDI) has been mandated to assist indigenous NGOs engaged in advocacy work and rights education. The strength of these local institutions is their readiness and commitment to spread principles and practices of democratic governance through rights education programs. However, these groups lack resources, particularly in their capacity to develop appropriate and comprehensive teaching materials. NDI, in two workshops it has conducted in collaboration with these local NGOs, has been able to identify not only a gap in teaching materials and methodologies but also areas of focus for rights education activities. Participants of the workshops have specifically recommended that any teaching manual to be developed should base itself on the Constitution of the Federal Democratic Republic of Ethiopia (FDRE), and in particular, on Chapter Two, Part One dealing with Human Rights (Articles 14-28), and Part Two of the same chapter dealing with Democratic Rights (Articles 29-44). In addition, participants have recommended that articles relating to Citizen and Government Responsibility, and Citizen Participation also be included in the manual.

What has been broadly categorized as human and democratic rights under the Constitution of the Federal Democratic Republic of Ethiopia can be further categorized into civil and political; social, cultural, and economic; and environmental rights. Due to the previous history of discrimination and the need for strengthened protections, this manual will treat the rights of women as a separate category.

Knowledge to be imparted on how rights are categorized and the fine distinctions between these classes of rights is important for people to understand. Also important is the duty of a state in ensuring respect and protection of human rights. Most important, however, are the knowledge and skills citizens should acquire on how they can make their claims against the state and society in general for respect and protection of rights. With the knowledge of the law and the skills needed to identify rights violations, citizens can be empowered to demand redress for such abuses.

FDRE Constitution

In recent history, the Ethiopian people have lived under a feudal regime followed by a military dictatorship both of which disregarded the rights and freedoms of its citizens. With the collapse of the Derg regime in 1991, the Charter of the Transitional Government of Ethiopia (TGE) incorporated the individual and collective rights provided under international human rights treaties. This set the tone for the adoption and passage of a liberal constitution which recognizes broad individual rights and freedoms as well as collective rights of the peoples of Ethiopia. It also lays the groundwork for a system of democratic governance based on the rule of law.

This manual is designed to examine important articles of the FDRE Constitution that civic educators have identified as important for all citizens of Ethiopia to know so that people can use the

constitution as a way to ensure protection and respect for their human rights.

What Are Human Rights and Democracy?

We hear about human rights and democracy. We hear citizens grumbling about human rights violations. We hear governments being accused of human rights violations and abuses. The respect for human rights is becoming a method to measure the degree to which a country is following democratic and universal human rights principles.

What are human rights? Human rights are universal; they are universal because they belong to each and every person irrespective of his/her social class, ethnic origin, gender, age, race, etc. They do not have to be earned or inherited. Rich and poor alike have human rights. Being born as a human being gives a person human dignity, and as such all people deserve to be treated with fairness and justice.

In a democracy, human rights are recognized for everybody, and democratic governments strive to ensure and protect human rights for all its citizens equally. Totalitarian or dictatorial forms of governments do not recognize human rights for their citizens. Principles of fairness and justice under such regimes come from what they determine is good or bad for the people they rule.

Principles of fairness and justice, which are the basis for the development of individual human rights, apply also to groups. In a country like Ethiopia, where many nations, nationalities and peoples live together, it becomes even more important to recognize the rights of national groups who under past regimes have been discouraged through official policies from developing their cultures and languages. People should be free to determine how to develop their culture without interference from the state.

Why Human Rights/Democracy Education?

Human dignity and integrity and the social values supporting them comprise the essence of human rights. The concept of dignity calls for recognition of the fundamental worth of a human person, while integrity refers to the wholeness of the human person (physical, mental, spiritual). Dignity being the inner moral worth of the human person is not a claim that an individual asserts against a state; but rather it is something granted at birth. Core values such as equality, freedom of persons, democratic participation, economic equity, etc. emerge from the concept of human dignity and integrity. International human rights instruments and constitutions of rights-based societies incorporate these and some other core values in a form of rights and correlative duties of the state regarding respect and protection of these rights.

Constitutional or legislative enactment may not be enough to ensure respect for and protection of human rights. Such constitutional enactment needs to be complemented by comprehensive and systematic rights education programs for citizens as well as for government administrative and judicial authorities who should know what obligations a state has assumed.

Goal and Objectives for Trainers Manual on the FDRE Constitution

GOAL: The goal of this training on the FDRE Constitution is to create awareness among individuals, groups, peoples, and government about human and democratic rights so as to prevent or substantially reduce the number of human rights violations in Ethiopia.

OBJECTIVES:

The objectives for providing training on the FDRE Constitution are to:

- raise the awareness of citizens of the rights accorded to them under a national constitution and other international human rights instruments;
- impart knowledge about existing procedures to which citizens may resort to redress human rights violations;
- give knowledge and skills that governments can be held accountable for rights violations; and
- make citizens aware of the problems that obstruct the realization of human rights, and ways that they can use the law to resolve these problems.

In developing this teaching material the wishes expressed and recommendations made by participants in the three preceding consultative meetings have been taken into consideration to the extent possible. Accordingly, the bulk of the material to be developed deals with texts of the FDRE Constitution which have been categorized as human and democratic rights. Other texts of the Constitution not falling under human and democratic rights chapters will be treated to the extent they are found relevant to the subject under consideration.

This training material is meant as a resource for trainers interested in providing civic education on the articles of the FDRE Constitution focusing on Human and Democratic Rights, State and Individual Responsibilities, and Citizens' Participation in Governance. Relevant articles of the constitution are explained in simple and understandable language. To enhance critical awareness of the trainees about freedoms and rights, hypothetical cases are presented for critical reflection, discussion, and debate. Graphical presentation will accompany training session plans which material can be used as a resource for designing training sessions for those with limited literacy skills.

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CHAPTER ONE
Part One. What is a Constitution?

A Constitution is a legal document that establishes a political community or nation based on the rule of law in which basic rights and freedoms of the citizens are guaranteed. It sets out the responsibilities of the government to the people and the responsibilities of the people to the government and to other citizens.

The Constitution of the Federal Democratic Republic of Ethiopia (FDRE) provides for basic principles to which it is committed.

These principles include:

- ☛ The rule of law
- ☛ Respect for individual and peoples' fundamental freedoms and rights
- ☛ Equality/Non-discrimination
- ☛ Citizens' Participation in the political, social, and economic life of the country
- ☛ Economic freedom
- ☛ Regular, free and fair elections
- ☛ Accountability of government and its elected officials
- ☛ Transparency in the conduct of public affairs
- ☛ Control of the abuse of power

Part Two. Duties of the Federal, Regional/State, and Local Governments

Training objectives:

Trainees will:

- ☛ Know that the Ethiopian Government (Federal and State Governments) has made a solemn promise to its citizens "to respect and enforce the provisions" of the Constitution dealing with human and democratic rights.
- ☛ Understand the different levels of government, particularly at the local level
- ☛ Understand the concept of absolute and qualified rights and duties provided under the FDRE Constitution

Constitutional Duties of the Government

The Ethiopian government, under Article 13 (1) of the Constitution, has a duty and responsibility to respect and enforce human rights provisions. This duty requires that government officials regardless

of their position must respect the rights contained in the constitution.

All Federal and State legislative executive, and judicial organs at all levels shall have the responsibility and duty to respect and enforce the provisions of this Chapter.
(Human and Democratic Rights)

FEDERAL LEVEL

The Ethiopian Constitution provides for a federal system of government. The federal government operates at the national level with executive, legislative, and judicial powers.

At the federal level, these powers include:

Legislative - The legislative branch makes laws which apply nationwide.

The legislative branch at the federal level operates within two bodies:

1. House of Peoples Representatives - The members of this body are elected by the people every five years. It is responsible for passage of national laws.
2. House of the Federation - The members are elected by the State Councils or by popular vote if the State Council decides to hold an election. The House has the power to decide on issues relating to the rights of nations, nationalities, and peoples. Among other powers, the House can also interpret the constitution when a question of constitutionality arises.

Executive The executive power of the federal government lies with the Prime Minister and the Council of Ministers. This branch is responsible for the implementation of laws and policies determined by the House of Peoples Representatives. The Council of Ministers decides on The organizational structure of ministries and other organs of government responsible to it.

Judicial The judicial power is vested within the federal courts. Judges are appointed by the House of People's Representatives.

STATE/REGIONAL LEVEL

The Ethiopian Constitution also provides for a regional system of government that is comprised of nine autonomous states. Each region also has its own Constitution which is valid within that region

only. Similar to the federal level of government, the regional/state governments have executive, legislative, and judicial powers within their own regions.

At the state level, these powers include:

Legislative - The legislative branch is the Regional/State Council which makes laws on matters which apply within the State. Regional/ State Council members are elected by the people.

Executive - The executive power of the state/regional government is vested in the President of the State/Region and the Executive Committee both of whom are elected by the State Council. This branch is responsible for the implementation of laws and policies determined by the Regional/State Council.

Judicial - The judicial power is vested within the state/regional courts. Judges are appointed by the State Council.

ZONAL LEVEL

The Regional level government is divided into various zones. The Zonal level is not created in the Constitution, but the Constitution allows for the Region to establish zones to assist it in implementing its projects and administering the region. The Zones carry out the mandate of the State/Regional Council. Zones are then divided into woredas at the local level.

LOCAL LEVEL

The local level of government is very important since it is at this level that most people interact with government officials.

Woreda Level - At this level, members of a Woreda Council are elected by the people every five years. This level of government is responsible for the actual implementation of the national government's five year development plan. The Woreda Council also has supervisory powers over the kebeles.

Kebele Level - The Kebele administration is at the grassroots level and its representatives are elected by the people every two years. The Kebele is responsible for maintaining law and order, collection of taxes, mobilizing people for development programs, etc.

Other Governance Structures - While there is not direct mention of other government structures at the grassroots level, there are other less formal structures that impact on people's lives. For example, **Shimagelles**, or a Council of Elders, hear minor disputes within the village. The Shimagelles often settle these disputes between residents of their village. These disputes can be

between husband and wife, neighbors, etc.

Questions:

- ❶ What is the responsibility of the legislative, judicial, and executive branches of government?
- ❷ How does the legislative branch of the Federal and State governments ensure the respect of human and democratic rights?
- ❸ What are some examples of administrative organs within the executive branch that might be involved in the violations of human and democratic rights?
- ❹ In cases of human rights violations by a State Government, can the federal government be held responsible for such violations?

Types of Government Obligations:

The duty of the government to respect and enforce certain rights depends on the type of right in question.

1. Absolute and Immediate Obligations.

Absolute: When the duty of the government is absolute, it cannot justify violation of certain rights for *any* reason. Poverty or underdevelopment cannot be used as justification to violate basic freedoms and rights for which the State has assumed an absolute obligation.

Immediate: The rights for which the government assumes an absolute obligation are regarded as rights having immediate application. The government is bound to take the necessary steps and measures to ensure respect for and protection of human rights and fundamental freedoms concerned *from the moment the law comes into force* (effective date). In Ethiopia, laws come into force from the date they are published in the Negarit Gazeta, the official government news source.

Article 2 of Proclamation 1/1995 which pronounces the coming into effect of the FDRE Constitution reads:

The Constitution of the Federal Democratic Republic of Ethiopia has come into full force and effect as of the 21st day of August, 1995.

What this means is that the Federal and State Governments are under an obligation to secure the human rights and fundamental freedoms enshrined in the Constitution as of the date of its publication in the Federal Negarit Gazeta. In the Proclamation above, the law is effective from 21 August 1995.

Problem:

Country A is one of the poorest countries in Africa. Because it lacks resources, its police force is poorly trained and known for its notorious violations of human rights (such as torture of persons under detention). An international human rights organization called the Peace Action Committee (PAC) wrote a report alleging that the police regularly torture persons under detention in Country A. Colonel Zambuka, the Police Commissioner, accepted the allegation in part. He issued a public statement claiming that organizations like PAC have no moral basis to attack his country until they are ready to channel funds into the country to train the police force. The Constitution of Country A has a provision against cruel and inhumane treatment of persons under detention.

Questions:

- ❶ Do you agree with the Police Commissioner? Why? Why not?
- ❷ Should protection of persons under detention be denied because a country is poor? Why? Why not?
- ❸ Is the right not to be tortured absolute and immediate? Why or why not?

2. *Qualified and Progressive Obligations*

Qualified: Here the obligation of a State is qualified. This means that the obligation of the State to ensure human rights and basic freedoms depends on the resources available to the State. It is expected that the State take appropriate measures to ensure the rights concerned. The State has no absolute obligation but “shall undertake all measures necessary”.

Progressive: The obligation of the government to protect and enforce such rights is not immediate but it is expected to be achieved over time. The government is required to take or adopt measures "with a view to achieving progressively the full realization of the rights concerned.”

Consider Article 41(7) of the Constitution:

The State shall undertake all measures necessary to increase opportunities for citizens to find gainful employment.

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s means that the government should work towards finding work opportunities for those who are not employed. Given the fact that Ethiopia has limited resources at this time, there is a recognition that the government cannot achieve full employment immediately but that it may achieve some results over time.

Problem:

There are over 15, 000 displaced persons in the city of Addis Ababa. For lack of employment many of them have turned into beggars, and the majority of these displaced persons have no shelter of any kind. They spend the nights in parks under trees or sleep on verandas as the recent report submitted by the Social Affairs Department of a local NGO indicates. In view of the rainy season and cold nights from June-August, representatives of the displaced persons decided to go to the President of Region 14 to register their problems and possibly to get some solutions to their concerns. These persons have accordingly submitted their petition to the President of Region 14.

Questions:

- ❶ Is the right of these displaced persons qualified and progressive or absolute and immediate? Why or why not?
- ❷ What obligation does the government have in this situation?
- ❸ What if the budget allocated for repairing the roads within the city is twice as high as the budget allocated for the reallocation of displaced persons?
- ❹ Do you agree that Region 14 is taking all measures necessary to reallocate displaced persons? Why or why not?

Problem

The Mojo Tannery is situated along the Mojo river. It was established some thirty years ago. It discharges polluted substances and hazardous chemicals into the river. Peasant farmers get water from the same river for their domestic needs. The problem has been there for a long time and no solution has been found so far. Members of the Dibandiba Peasant Association petitioned the Environmental Sanitation Department of East Shewa Zonal Administration for an immediate closure of the Tannery until such time that the Tannery installs a water purification system.

Questions:

- ❶ What types of rights are involved in this case?
In your opinion what rights if any are violated by the Mojo Tannery?
- ❷ How do you go about finding whether the Tannery has taken progressive steps to remedy the problem?

Restrictions and Limitation Clauses

Training Objectives:

Trainees will:

- ☛ Know about the various restrictions or limitations on rights and freedoms; examine the societal values and considerations which underlie the exercise of rights and freedoms.
- ☛ Understand that restrictions and limitations on rights and freedoms should not be arbitrarily by the government but rather made “as prescribed by law”.

The general rule requires that absolute rights impose an immediate obligation on the government to respect and enforce them. However, there may be instances where these rights are limited or restricted. An exception to the general rule is that the restriction of rights or freedoms can only be made in rare cases.

The following are some examples of restrictions or limitations:

- ☛ Safeguarding of national security or public peace
- ☛ The prevention of crimes
- ☛ The protection of health, public morality
- ☛ The protection of the rights and freedom of others
- ☛ Safeguarding democratic institutions

An example of a restriction clause is found in Article 27(5) of the Constitution:

5. Freedom to express or manifest one’s religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, peace, health, education, public morality, or the fundamental rights and freedoms of others and to ensure the independence of the state from religion.

Note the phrase ‘*prescribed by law*’. Other similar phrases such as ‘*in accordance with the law*’, ‘*provided by law*’, etc. are used to introduce limitations or restrictions.

Limitations can only be imposed in certain circumstances. In order for the government to limit rights and freedoms, there must be a law in effect that states the specific restrictions.

For example, Article 29 of the FDRE Constitution provides for freedom of expression and freedom of the press. The limitation on this freedom is contained in Subsection (6):

Legal limitations can be laid down in order to protect the well-being of the youth, and the honor and reputation of individuals. Any propaganda for war as well as the public expression of opinion intended to injure human dignity shall be prohibited by

Extraordinary Power of The State

Training Objectives:

Trainees will:

- Understand that certain rights and basic freedoms can be suspended by a State under unique situations of national emergency;
- Identify why some human rights clauses and basic freedoms of the Constitution cannot be suspended even under the emergency power of the State; and
- Examine unique situations warranting the exercise of the emergency power.

State of Emergency (Article 39)

While the State has certain obligations to protect and respect human rights and fundamental freedoms, in a State of Emergency, there are instances where some of these protections may be suspended.

Article 93 of the FDRE Constitution reads:

Declaration of State of Emergency

1(a). The Council of Ministers of the Federal Government shall have the power to decree a state of emergency should an external invasion, a break down of law and order which endangers the constitutional order and which cannot be controlled by the regular law enforcement agencies and personnel, a natural disaster, or an epidemic occur.

The Council of Ministers can declare a State of Emergency in the following situations:

1. External Invasion
2. Breakdown of law and order when it:
 - i. endangers the constitutional order
 - ii. cannot be controlled by regular law enforcement
3. Natural disaster
4. Epidemic

Question:

- ❶ What happens to human rights and basic freedoms protected in the Constitution when a state of emergency is declared?

Consider Article 93(4)(b):

4(b). The Council of Ministers shall have the power to suspend such political and democratic rights contained in this Constitution to the extent necessary to avert the conditions that required the declaration of a state of emergency.

According to this sub-article political and democratic rights can be suspended ‘to the extent necessary to avert conditions that required the declaration of a state of emergency’. However, the Constitution does not define clearly what it means by this phrase. Suspension of these rights and freedoms will likely have to be analyzed depending on a particular situation.

There are, however, certain rights that can *never* be suspended by the government, even under a State of Emergency. This clause is contained in Sub-article 4(c):

4(c). In the exercise of its emergency power, the Council of Ministers cannot, however, suspend or limit the rights provided for in Articles 1, 18, 25, and Sub-articles 1 and 2 of Article 39 of this Constitution.

What important rights and considerations are these articles dealing with?

- ☛ Nomenclature of the State: *The name ‘Federal Democratic Republic of Ethiopia’ cannot be changed (Article 1).*
- ☛ Prohibition against Inhuman Treatment: *Cruel, inhuman or degrading treatment, slavery, servitude, compulsory labor (Article 18).*
- ☛ Right to Equality: *Protection against discriminatory practices on grounds of race, nation, nationality, political or other opinion, property, gender, birth, etc. (Article 25).*
- ☛ Rights of Nations, Nationalities, and Peoples: *Rights of Nations, Nationalities, and Peoples (Article 39).*

Questions:

- ❶ Do you think that there are other rights that should not be suspended even under a State of Emergency? Why or why not? If yes, which ones would you include in addition to those mentioned under Article 93 (4)c?
- ❷ Limitations of rights are only made ‘to the extent necessary to avert the conditions that required

the declaration of a state of emergency'. Who determines whether the actions to be taken are necessary?

Problem:

There is an outbreak of cholera in the Borena Zone of Oromia Administrative Region. Public health officials are concerned about the disease spreading to other areas and have asked the central government to declare a state of emergency. The government calls a state of emergency for Borena Zone. Ato Dereje lives in Borena but does not have cholera. He is travelling outside of Borena to meet his family but the police refuse to let him go. He insisted on leaving and the police arrested him and detained him.

Questions:

- ❶ Have Ato Dereje's rights been violated? How?
- ❷ Does the government have the right to detain Ato Dereje? Why?

Responsibilities of Citizens

Trainees will:

- ☛ Be able to identify various human and democratic rights in the FDRE Constitution
- ☛ Understand the link between rights and democratic governance
- ☛ Appreciate how citizens groups and associations contribute to the building of democracy.

The heart of any democracy is the participation of its people in the governing process. People not only have the right to participate but they also have the responsibility to participate in their government.

Some of the ways that people participate are:

- ☛ Voting
- ☛ Running for Office
- ☛ Attendance at public hearing
- ☛ Advocacy in the communities' interests
- ☛ Respect for other peoples' rights

- ☛ Paying taxes
- ☛ Serving in the military
- ☛ Taking cases to court
- ☛ Debating important issues
- ☛ Becoming a leader in political parties and other community organizations
- ☛ Campaigning for candidates
- ☛ Serving as an elected leader
- ☛ Filing petitions
- ☛ Peaceful demonstrations
- ☛ Discussing issues with elected leaders

Human and Democratic Rights (Article 10)

1. Human rights and freedoms, emanating from the nature of mankind, are inviolable and inalienable.
2. Human and democratic rights of citizens and peoples shall be respected.

This article provides that human rights and freedoms are inviolable. The terms inviolable and inalienable refer to the fact that all humans are born with these rights, and as such, they cannot be violated by government. Everyone's rights should be respected regardless of their sex, ethnicity, region, social class, political belief, religion, etc..

Classification of Rights

For the purpose of this manual, human and democratic rights will be categorized as follows:

- ❶ Civil and Political Rights
- ❷ Economic, Social, and Cultural Rights/Collective Rights
- ❸ Family Rights/Rights of Women and Children

It should be kept in mind that many of these rights overlap but for ease of understanding, each classification will be handled separately in the chapters that follow.

CHAPTER TWO
Civil and Political Rights

PART ONE: CIVIL RIGHTS

Training Objectives

Trainees will:

- Understand the meaning of civil rights
- Be able to differentiate among the rights and freedoms
- Analyze cases to determine what rights are involved and what can be done when rights are violated

What are Civil Rights?

Civil rights protect the physical, mental, and moral integrity of the people. These rights protect individuals and groups against arbitrary interference by the government and its agents. Civil rights guarantee free choice, free expression, free movement, free association, etc.

The following outlines the civil rights provided for in the FDRE Constitution:

Right to Life (Article 15)

Every person has the right to life. No person may be deprived of his life except as a punishment for a serious criminal offense determined by law.

Human rights can only attach to living human beings. All other human rights articles would be of no use without *the right to life*. In this sense the right to life is primary. *The right to life*, as important as it is for the enjoyment of all other rights, is not absolute. There is a limitation on this right.

The type of punishment intentionally inflicted on a person by a state for a serious criminal offense is called **CAPITAL PUNISHMENT** or the death penalty. The government can only impose the death penalty in situations where a person has been charged, tried, convicted, and sentenced in accordance

with the law.

There are arguments for and against inflicting the death penalty. Some of these arguments are:

FOR:

- ☛ It is not a violation of human rights for governments to inflict the death penalty.
- ☛ The death penalty is a punishment that will deter other people from committing serious criminal offenses

AGAINST:

- ☛ It is inhumane treatment
- ☛ Fear of the death penalty does not stop people from committing serious criminal offenses.

Questions:

- ❶ What do you think about the use of capital punishment?

- ❷ Would you impose the death penalty under any of the following situations? Why or why not?
 - ☛ A member of a gang who has killed ten innocent residents of Addis Ababa;
 - ☛ A medical doctor who has terminated the life of his patient upon the expressed will of that patient;
 - ☛ A young girl of 18 who killed a young boy to prevent him from abducting her;
 - ☛ A University student who killed a police officer when the student tried to stop the police from beating his sister who was involved in an unlawful demonstration;
 - ☛ A policeman who fired and killed a member of an underground crime syndicate;
 - ☛ A guard who fired and killed a juvenile delinquent who was trying to escape from a reformatory;

- ❸ Should the death penalty ever be given for serious crimes committed by persons below the age of 18 or by a pregnant woman?

Problem

Ato Zeleke was killed by Ato Hailu twenty-five years ago. Ato Hailu was arrested and brought to court and sentenced to five years for the crime. While Ato Hailu served a jail sentence, his family did not pay the customary blood money (*guma*). After 18 years, Ato Zeleke's sons, Alemayehu and Dereje, who were young when their father died, killed Ato Hailu for revenge.

Questions:

- ❶ Did Alemayehu and Dereje have the right to kill the man who murdered their father?
- ❷ What should be done about the killing of Hailu?
- ❸ Is there a conflict between what is traditionally done in this situation and what the FDRE Constitution says? If there is a conflict, how would you resolve it?

The Right of the Security of Person (Article 16)

Accordi
ng to
Article

Everyone has the right to protection against bodily harm.

16 physical brutality of any sort cannot be inflicted on the human person. This right to protection against bodily harm is absolute. No limitations are imposed to justify bodily harm. This right introduces a new set of values to a society, like in Ethiopia where the infliction of bodily harm by different actors has not been questioned up to now.

Questions:

- ❶ Should bodily harm ever be inflicted? If so, when?
- ❷ Is bodily harm justified under the following situations? Why or why not?
 - ☛ The headmaster usually beats his students for disobeying him;
 - ☛ The Medical Director of a mental hospital orders that some violent patients be chained to their bedposts;
 - ☛ A father beating his unruly son for coming home late in the evening;
 - ☛ A husband beating his wife to secure total obedience;
 - ☛ A police officer inflicting bodily harm on a person resisting arrest.
- ❸ Are there any situations where inflicting bodily harm is justified?

Right to Liberty (Article 17)

What does 'liberty' mean?

1. No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law.
2. No person may be subjected to arbitrary arrest, and no person may be detained without a charge or conviction against him.

Acco
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ving someone of their liberty can only be permitted in certain situations as provided by law. For example, a person cannot be subjected to arbitrary arrest and cannot be detained without a charge or conviction against him or her. There are certain criteria and legal procedures that the police and courts must follow to justify the deprivation of a person's liberty.

Problem

Consider the following cases and determine whether detention under each of the cases is within the meaning of Article 17:

- ☛ Detention of a person after conviction by a court;
- ☛ Arrest of a person without securing an arrest warrant;
- ☛ Arrest and detention of a farmer by a peasant association for failure to pay his annual tax dues;
- ☛ Arrest of a person to prevent him from committing an offense or fleeing after having done it;
- ☛ Arrest of a person by a police officer who believes the detainee suffers from a mental disorder.

Right of Persons Arrested (Article 19)

The following rights are incorporated in this article:

- ☛ The right to be informed of the reasons for arrest, and of any charges in a language that the arrested person understands;
- ☛ The right to remain silent upon arrest;
- ☛ The right to be informed in a language that a person arrested understands that any statement he/she makes may be used as evidence against him/her;
- ☛ The right to be brought before a court within 48 hours after arrest;
- ☛ The right to petition the court to order release where the arresting officer fails to bring the arrested person before a court within 48 hours after arrest;
- ☛ The right against being forced to make confessions or admissions which can be used as evidence against the arrested person; and
- ☛ The right to be released on bail.

The rights recognized for persons arrested appear to be adequate in providing protections for accused individuals. However, many persons would doubt whether an arresting officer ever respects these rights legislated to protect persons arrested. Violations of these rights is an abuse of power by the government or its agents for which they should be accountable. Article 12(2) states that ‘any public official or an elected representative is accountable for any failure in official duties.’ Examples of public officials includes police and other enforcement officers.

Let us consider some of the rights of arrested persons:

The right to be informed

An arrested person should be informed of the reasons for his/her arrest immediately at the time of the arrest. As one authority has put it "...liberty is a sacred right, and the least that a police officer who interferes with it can do is to inform the person concerned of the reasons for his arrest".

Questions:

- ❶ Should the information to the person arrested be required in writing? Why or why not?
- ❷ Would an oral statement of the reasons for the arrest be adequate enough to satisfy the requirement of being informed? Why or why not?
- ❸ What if the person to be arrested is deaf?
- ❹ Would a statement "you are wanted by the police in relation to an offense you have committed" be interpreted as giving adequate reasons for the arrest?

The right to be brought before a court

The authority arresting the person is under an obligation to bring him to court within 48 hours subject to conditions stipulated by the law for extending the 48-hour period.

The right to petition for habeas corpus

Here the law requires that the arrested person be brought in person before a court to be informed of the charges against him/her. A written petition alone is not enough. Habeas Corpus is a petition that a person detained files with the court. The purpose of this petition is to provide the person arrested with an opportunity to be released from detention if the State does not follow the legal procedure with respect to accused persons. For example, if someone is arrested and not brought before a court within 48 hours, as required by the Constitution, s/he can file a Habeas Corpus petition to demand his or her release from jail.

Problem

Party X called all its supporters to join a public demonstration it has organized to demand release of political prisoners it alleges to have been unlawfully detained. The demonstration was orderly for the most part; but towards the end due to some demonstrators who started to use abusive words against members of the police assigned to ensure law and order a minor clash broke out which degenerated into clashes involving the majority of the demonstrators and the police. Some leaders of the party were arrested. The following day the effect of the incident had not died out, and a good number of the policemen were assigned to different corners of the woreda to maintain law and order. For

reasons not clearly known the party leaders were not brought before a court even after seventy-two hours. As a result of the habeas corpus petition filed by a group of lawyers, the leaders of the party were finally brought before a court.

Questions:

- ❶ The police allege that it was not possible to bring the arrested persons before the court within the time limit set by the law because the majority of the police force members were assigned to maintain law and order. Because of this, the police could not be in court. If you were the judge presiding over this case what would you decide?
- ❷ Assuming that you have ruled for an immediate release of the petitioners, what would happen if the police rearrested the petitioners the moment they stepped out of the compound of the court?
- ❸ What can be done when the petitioners continue to be detained over and above the period stipulated in the Constitution?

Rights of Persons Accused (Article 20)

Once a person is formally accused of a crime, s/he has certain rights that must be followed:

- ☛ Right to a public trial by a regular court of law within a reasonable time after being charged;
- ☛ Right to be informed about the specific charges brought against an accused;
- ☛ A person accused is presumed innocent until proven guilty;
- ☛ Right to full access to any evidence, to examine witnesses, to have evidence given in an accused person's defense, to bring witness into the court to examine them;
- ☛ Right to representation by a lawyer of the accused's choice or to be given a defense lawyer at government expense;
- ☛ All persons have the right of appeal a court's decision; and
- ☛ Right to request an interpreter

Problems:

Consider and evaluate the following heated arguments among people frequenting a neighborhood bar while watching a live television broadcast of the trial of persons accused of involvement in the "Red Terror".

1. "The atrocities that these guys have committed against innocent civilians was inhuman", says Demissie. They deserve to be treated the way they have treated innocent civilians who perished at their hands. Just kill them".
2. " We have so much poverty here and we're spending money on defense lawyers for these criminals", says Kebede." Mothers who lost their sons, wives who lost their husbands, and children who lost their fathers are lamenting without any assistance, and some families are literally ruined for lack of support. The government should spend the money on a special trust fund to assist families of the victims of the 'Red Terror' and not on lawyers. ‘
3. "Listen guys", said Fitih. "I know what all of us have gone through. What worries me most is whether this nation can ever regain its sanity because we as people have lost dignity and respect for human life. Those trying days, I think, are over. Our youngsters deserve to be protected from another cycle of violence. We should be able to see these trials without emotions. The moral of this trial, I think, is to show to our youngsters that even the architects of the"Red Terror" deserve humane treatment until judged guilty of the crimes they have committed".

Questions:

- ❶ Do those accused of crimes under the Red Terror have the right to a lawyer? Why or why not?
- ❷ Does the government have an obligation to pay for defense lawyers for the accused if they do not have the money themselves?
- ❸ Do you think that the Red Terror defense funds should be used to assist families of the victims of 'Red Terror' and that those accused should not have attorneys provided by the state? Why or why not?
- ❹ How do you think these trials will deter persons from committing similar atrocities?

Non-retroactivity of Criminal Law (Article 22)

1. No one shall be held guilty of any criminal offense on account of any act or omission which did not constitute a criminal offense at the time it was committed. Nor shall a heavier penalty be imposed on any person than the one that was applicable at the time when the criminal offense was committed
2. Notwithstanding the provision of subarticle 1 of this article, a law promulgated subsequent to the commission of the offense shall apply if it is advantageous to the accused or the convicted person.

It is widely held to be a fundamental principle of justice that no one shall be found guilty of an act which did not constitute a criminal offense at the time of its commission. The principle of non-retroactivity of criminal law requires that no one shall be subject to a heavier penalty than the one applicable at the time of the commission of the criminal act. By recognizing this principle, the FDRE Constitution provides additional protection to persons who are alleged to have committed an offense.

Article 23 (1) of the Ethiopian Penal Code defines a criminal offense as "act or commission which is prohibited by law". This means that there should be a law which legislates a particular act or commission to be a criminal act at the time the act is committed. An act committed by a person could violate our sense of morality or justice. Unless the law says it is an offense, however, a person cannot be held to have committed a criminal act no matter how terrible it could be to our sense of morality or justice.

Consider the following two cases and decide whether or not the law in question is retroactive:

Problem 1

The number of armed robberies has risen giving serious concern to the police force. As a result, tourists who were interested in visiting the country are canceling their bookings one after the other. Shop owners as well as bankers are complaining to the police that they are not getting adequate protection against this new wave of crime. They suggest that the sentence for armed robbery be increased from ten to fifteen years.

A new law calling for the new fifteen year sentence is brought before the Parliament. The law also states that persons who are currently serving ten-year jail sentences for armed robbery should serve an additional five years.

Questions:

- ❶ Do you think that the sentence should be increased from ten to fifteen years? Why or why not?
- ❷ Should the convicted prisoners serve the additional five years although they were sentenced to ten years? Why or why not?
- ❸ Would this increase reduce the number of armed robberies? denial of parole eligibility should apply to armed robbers who were convicted of armed robbery before the new law comes into force?
- ❹ What would your decision be if you know that the police are highly suspicious that armed robbers who have been convicted and released from prison after ten years continue to commit armed robberies?

Problem 2

Dr. X runs a clinic which is frequented by young girls from the neighborhood. Through reports submitted by willing informers, the police have arrested Dr. X for carrying out an abortion on a young girl of 16. He was charged with the crime of illegal abortion and found guilty. He is now serving a prison sentence of five years. Through intensive lobbying of mothers, a law is brought before the legislature which increases the prison term to 7 years for those convicted of performing an illegal abortion. In addition, the law provides that "any medical personnel who had been convicted for carrying out abortions should no longer be permitted to engage in the practice of medicine."

Questions:

- ❶ Dr. X was finally released after serving his prison sentence. One bright morning he went to the Ministry of Health to renew his permit to practice medicine. To his surprise he was told that he could not get his permit renewed because of the new law which was published in the Negarit Gazeta. What do you advise him to do?

② Does the new law violate the constitutional rights of Dr. X? Why or why not?

③ What conflicting interests do you see in this case?

The Rights of Persons Held in Custody and Convicted Criminals (Article 21)

2. All persons shall have the opportunity to communicate with, and to be visited by their spouses or partners, close relatives, friends, religious counselors, medical doctors, and other legal counsel.

Persons held in custody and convicted criminals must be treated with dignity. These people also have the right to visitation from family members, religious leader, lawyers, medical doctors, etc.

Prohibition against Inhuman Treatment (Article 18)

Protection against inhuman treatment is ABSOLUTE. This freedom cannot even be suspended under a state of emergency. Under Article 93(5) one of the powers of the House of Peoples Representatives is to establish a State of Emergency Inquiry Board. One of the functions of the Inquiry Board is "to inspect and follow up that no measure taken during the state of emergency is inhumane". Such measures are designed to provide double protection for this particular right.

TORTURE is the generic term employed to describe all sort of inhuman and degrading treatment of people by the state or its agents. Torture consists of physical brutality and the infliction of mental suffering.

Questions:

① How do you define these terms, i.e. cruel treatment and punishment, inhuman treatment and punishment, and degrading treatment and punishment?

- ② Consider the following modes of conduct. Are each of these examples a form of torture?
- ☛ Beating of the feet with a wooden or metal stick or bar which makes no skin lesions and leaves no permanent and recognizable marks, but causes intense pain and swelling of the feet;
 - ☛ Solitary confinement;
 - ☛ Fastening one hand and one foot in the same handcuffs (*igirtewerch*);
 - ☛ Life imprisonment without any hope of release; and
 - ☛ Verbally abusing persons under detention with the purpose to break their physical or moral resistance.
- ③ The Constitution prohibits inhuman treatment of persons under detention. How can persons who have been tortured during interrogation expose these human rights abuses?

Consider cases where abuse of human rights go unpunished:

- ☛ Some victims of torture hesitate to report abuses for fear of reprisal upon themselves or their families.
 - ☛ Acts of torture are almost always committed without witnesses.
 - ☛ Physical traces of torture or ill treatment become unrecognizable with a passage of time. While someone who has been tortured may have wounds or marks on their body, evidence of abuses against them may no longer be visible after some time.
- ④ What hope do we have to expose acts of torture and inhuman treatment?
- ⑤ What can be done to hold government officials liable for acts of torture or other human rights abuses?
- ⑥ Article 28 of the Constitution says that a person who commits torture can be charged for this crime as long as s/he lives. Do you think this would deter persons from the practice of torture and other human rights abuses?
- ⑦ What can people do to prevent human rights abuses in their communities?

⑧ Can the following situations of torture be justified?

Look at these examples and decide whether or not torture should be justified for each example.

Testing where you stand on the LADDER OF TORTURE

- ☛ A man has planted a bomb and admits it. We must torture him to save lives.
- ☛ A man is suspected of planting a bomb. We must torture to find out.
- ☛ A man is friendly to someone suspected of planting a bomb. We must torture him to discover where the suspect is.
- ☛ A man has dangerous opinions and might be thinking of planting a bomb. We must torture him to discover his plans.
- ☛ A man knows the one who has the dangerous opinions. He probably thinks the same. We must torture him to find out others who agree with him.
- ☛ A man has refused to tell the police where a suspect is. He must be tortured to make sure others don't dare to do the same.

Right to Honor and Reputation (Article 24)

1. Everyone has the right to respect for his human dignity, reputation, and honor.
2. Everyone has the right to the free development of his personality in a manner compatible with the rights of other citizens.
3. Everyone has the right to recognition everywhere as a person.

Rights recognized under this article are:

- ☛ Respect for human dignity, reputation and honor
- ☛ Free development of one's personality as long as it does not interfere with the rights of others
- ☛ Recognition everywhere as a person

The dignity of the human person arises from the fact of being born as a human being. It cannot be given or denied by anyone, and all other rights and freedoms come from this core concept. In reality, however, there might be situations where human dignity might be ignored and someone is mistreated. Certain societies may engage in practices that are contrary to this basic idea which underpins the development of human rights concepts. (For example, customs, traditions, or practices that may physically or mentally cause injury to a person but are continued nonetheless). The right to reputation

and honor of an individual cannot be interfered with either by authorities or other citizens. That is why national laws provide recourse for remedy when individuals feel their rights and reputation are interfered with.

Questions:

- ❶ Can you think of some instances in your community where the dignity of a person may be ignored?
- ❷ Should these practices continue? If not, how can these issues be addressed?

Consider the following cases:

Case 1.

X is a potter who lives in one of the communities in the southern part of Ethiopia. Her husband is a blacksmith who is giving important services to this farming community. Through their hard work they lead a better life than many members of the community. A local NGO runs a credit program for women of the community. Over the years several credit groups were organized. X has applied several times to be a member in one of these credit groups. Her application was turned down for unknown reasons. She finally petitioned the leaders of her peasant association to intervene in the matter. As a result of her petition an inquiry was made by the peasant association. The reply given by all credit groups was that they were not willing to admit a potter as a member of their credit groups. She was denied membership in these groups because all potters are believed to have the 'evil eye'.

Questions:

- ❶ If you were the leaders of the PA what would you do?
- ❷ How would you feel if you were W/ro X? Do you think your dignity as a person has been compromised?
- ❸ Do you think exclusion of X by credit groups is justified? Why or why not?
- ❹ What are some instances in your respective communities where a person is looked down

upon because he/she belongs to a certain category of people? Is such treatment a violation of Article 24?

- ⑤ What do you suggest to change the situation? Should the local NGO continue its support to these non-accommodating credit groups? Why or why not?
- ⑥ What would happen if W/ro X wanted to join the *idir* but was denied?

Case 2.

Jara is a young boy of ten. He is from Jimma but is going to school in Addis Ababa. The teacher and school administrators ridicule him. There are times when the teacher teases Jara for his heavy accent. Jara often complains to his father how his teacher rebukes him for asking questions. As time goes on and when the situation was unbearable for him, Jara asked his father to talk to the school administration. In discussions with school officials Jara's father cites the provisions in the FDRE Constitution regarding the respect for human dignity, reputation, and honor.

Questions:

- ① What are Jara's rights in complaining about the acts of his teacher?
- ② How do you see to the whole situation as affecting Jara's personality?
- ③ What can the father do about the situation?

Right to Privacy (Article 26)

1. Every one has the right to privacy. This shall include the right not be subjected to searches of his home, person or property, or the seizure of any property under his personal possession.
2. Everyone has the right to inviolability of his notes and correspondence including postal letters, and communications made by means of telephone, telecommunications and electronic devices.
3. Public officials shall respect and protect these rights. No restrictions may be placed on the enjoyment of such rights except in compelling circumstances and in accordance with specific laws whose purpose shall be the safeguarding of national security or public peace, the prevention of crimes or the protection of health, public morality or the rights and freedoms of others.

Specific rights contained in the right to privacy include:

- The right to privacy
- The right against searches of homes, persons or property
- The right against seizure of property under one's possession
- The right to the inviolability of one's correspondence means that the government cannot interfere, open, read, or destroy people's:
 - ✎ personal notes
 - ✉ postal letters
 - ☎ communications by means of telephone
 - 📠 communications by means of electronic devices (fax, e-mail)

This article calls for non-interference in the private lives of individuals by government authorities. An unlawful search of a person's home, secret surveillance of a person's conversations by tapping telephone lines, opening a person's postal letters and reading them constitute interference with the right of privacy. Unlawful search and seizure of property is equally prohibited.

The general principle underlining the right of privacy is non-interference by state authorities in the private life of individuals. The exception is interference by state authorities under situations warranting such interference (safeguarding of national security, prevention of crime, protection of the rights and freedoms of others, etc.).

Questions:

- ❶ Do the following cases constitute interference in the right of privacy?

- ☛ Prisoners are allowed to correspond with their relatives and lawyers. X is serving a prison sentence of five years. He receives letters from his wife on a regular basis, but always opened. He often complains to the prison officials and is told that his right to privacy is only permitted outside the prison.
- ☛ Mr. Y is under a police surveillance. He receives a letter from his friend who escaped arrest by leaving the country. A few of the letters reached him unopened; but the latest letter was opened and examined. This letter was a coded message which police officials were unable to decipher. The security force rushed to Y's house and searched his home, but only found some letters from his sister in which he was requested to help his mother who is bed-ridden.
- ☛ Z has rented a house from Zone 1, Housing Department. His employment contract with the brewery factory was canceled, and since then he was unable to pay his rent despite notices he received from the Housing Department. He canceled his housing contract, and one bright morning while removing his furniture the police came and seized his property including his personal effects. He was told that he had to settle the rent he owed to the Housing Department before he could remove his property.
- ☛ Farmers have to pay their taxes to the local government. A widow with five children rents out her plot of land, and she supports her family with the small amount she received for the rental and for the sale of milk. This year because of a decrease in her income, she is unable to pay her tax as she usually does. Local tax collectors went to her home and seized her only cow and took it to an unknown destination.

Freedom of Religion, Belief, and Opinion (Article 27)

1. Everyone has the right to freedom of thought, conscience and religion. These rights shall include the freedom to adopt a religion or belief of his choice, and the freedom, either individually or in community with others, and in public or private, to manifest his religion or belief in worship, observance, or practice.
2. ...believers may establish institutions of religious education and administration in order to propagate and organize their religion.
3. No one shall be subject to coercion or other means which would restrict or prevent his freedom to hold a belief of his choice.

The rights incorporated under this Article are:

- ☛ Freedom of thought, belief and religion
- ☛ Freedom to practice religion in private or public and either individually or collectively
- ☛ Freedom to teach one's religion
- ☛ Protection from coercion or any other means that restricts or prevents the enjoyment of this freedom
- ☛ The rights of parents and legal guardians to bring up children in accordance with the religion and moral education of their own convictions.

The struggle for the freedom of belief was at the forefront in the history of the battle for human rights and fundamental freedoms. The right to have one's belief has always been regarded as a precious human value. World history is full of stories where individuals were persecuted for identifying themselves with a certain set of beliefs or religion, and under extreme cases people were burned alive or stoned to death for confessing a different religion than the official religion. We find traces of such events in the history of Ethiopia where the dominant religion, which at the same time enjoyed the status of being an official state religion, was oppressive of other religions. Ethiopia has only recently introduced the concept of "Separation of State and Religion". Article 11 says that "state and religion are separate, there shall be no state religion, the state should not interfere in religion, and religion should not interfere in state affairs..

The Constitution, while recognizing the right to profess any religion and to propagate the same, prohibits any act of coercion which would restrict or prevent from confessing and practicing the religion which one chooses. Belief in whatever philosophy one chooses is equally recognized. For instance, one can uphold pacifism as a philosophy (belief and commitment to non-violence) which is recognized under the Constitution. Conscientious objectors cannot be punished for refusing to perform military service and will only be required to provide alternative service in lieu of military service (Article 18 (4) (b)). This is a step forward in light of the civil wars that have claimed the lives of thousands of young Ethiopians.

The exercise of the religion or beliefs one chooses can be limited in some situations. Such limitations should be necessary and be prescribed by law; and grounds for limiting the exercise of these rights can be made in the protection of public safety, peace, health, education, public morality or the

fundamental freedoms of others, etc.

Questions:

- ❶ Can a priest with the intent of preaching his religion say that other religions are wrong? Why or why not?
- ❷ Can the government prohibit the exercise of a religion on grounds that it is against public safety, morality etc. when it is done in private? Why or why not?

Consider the following cases:

Case 1.

W/ro Mamite had a son who was a Protestant. When her son died, the St. Michael Church refused to allow her to bury the body of her son at their church. The reason given was that Protestants could not be buried in Orthodox cemeteries.

Questions:

- ❶ What is your position on this issue? Are you in support, or against, or indifferent? Why?
- ❷ Would it make any difference if W/o Mamite was an Orthodox believer who goes to St. Michael Church every Sunday? Why or why not?
- ❸ If the Orthodox church refused to grant a burial place, and the only cemetery in a community is Orthodox, won't this force non-Orthodox people to change their religion so that they can be assured of a proper burial? Why or why not?
- ❹ What can be done in a situation like this?

Case 2.

Mr. and Mrs. Y adopted Hinduism as their religion. When Mrs. Y died, her husband while preparing to burn the dead body in accordance with his religious beliefs, he was arrested by the woreda police and accused of engaging in an act against the morals of the society.

Questions:

- ❶ What is your position as to whether Mr. Y should be permitted to burn the body of his wife? Why or why not?
- ❷ Would it make any difference if the wife did not adopt Hinduism as a religion?
- ❸ Would it make any difference if Mrs. Y has left a will that her body be burnt according to the practices of Hindu religion?
- ❹ A law issued by the Addis Ababa Municipality requires the burial of all corpses. Does this law in any way conflict with freedom of religion? Why or why not?

Right of Thought, Opinion and Expression (Article 29)

Freedom of expression means that everyone has the right to say what they want to in any language, manner, and in any form. It protects an individual's rights to receive and communicate ideas, information etc.

The following important considerations flow from the freedoms of expression, thought and opinion:

- ☛ Freedom of opinion and expression form the cornerstone in building a democratic society; and governments are called upon to refrain from interfering in the exercise of these freedoms;
- ☛ Governments assume an obligation to respect these freedoms which are necessary for the building of a democratic society;
- ☛ In a democracy it is essential that people have the right to get information and, particularly, information of public interest;

- ☛ People's participation in a democracy depends on their rights to seek and obtain information through the media;
- ☛ Independence of the press is ensured and the press is required to be non- partisan in entertaining diverse views and opinions. The Press is free from any form of censorship;
- ☛ Limitation on the freedom of expression is through laws and not by the whims and desires of government authorities. Limitations will be imposed as follows:
 - to protect the well being of the youth
 - to protect the honor and reputation of individuals, and
 - to prohibit any propaganda for war as well as the public expression of opinion intended to insult human dignity.

Problem One

Read the following passages and decide whether or not the statements are contrary to the freedom of expression:

A priest gave the following speech in a sermon to his worshipers: “I have no objection to the idea of allowing nations and nationalities to develop their culture including their languages. Allowing them to develop their written language in a Latin script other than in Amharic script is against the unity of our country. Some nationality groups have already started to adopt a Latin alphabet. These groups are inviting a curse on our country. I ask all of you in the name of the Almighty to condemn these groups.”

Questions:

- ❶ Does this priest have the right to make this speech? Why or why not?
- ❷ Do you agree with what the priest has said? Why or why not?
- ❸ Do you agree with the different view that says people have the right to express themselves in any language form they choose? Why or why not?

The Press law deals with the duty of the media. Any member of the press must ensure that the

message they convey must be free from:

- ☛ any content that can give rise to criminal and civil liability
- ☛ any criminal offense against the safety of the state
- ☛ any defamation or false accusation against any individual, nation, nationality, people, or organization
- ☛ any criminal instigation of one nationality against the other
- ☛ any agitation for war

Problem Two

Printing of malicious stories and spreading false rumors have been the key to success for some local newspapers recently. In one of these, the following story was published:

ANOTHER SCANDAL

"H.E. the Minister of Air Transport in his dealings with Boeing Company personally received a large sum of money from the company in connection with purchases of aircraft for Ethiopian Airlines. This story appeared in one of the well-known newspapers in Washington. Such corrupt practices are pestering our country. The story is a nightmare for the Prime Minister who has recently lost another long-standing supporter involved in similar corrupt practices".*

**It was later discovered that the above report was totally untrue.*

Questions:

- ❶ In light of this false story, who should be held accountable and what action should be taken?
- ❷ What can the Minister do about this false reporting?

Problem Three

In a crowded hotel in Piazza on Saturday evening a young man wants to enjoy himself by seeing how people would react when he shouts "BOMB! BOMB!" The crowd panics and begins to riot. A young child is injured in the rioting.

Questions:

- ❶ Does the freedom of expression give this man the right to shout “Bomb!”
- ❷ Is this an abuse of the freedom of expression? Why or why not?

Problem Four

Kebede as a matter of philosophy is against all forms of violence. He has a strong commitment towards the realization of his belief. He believes that young Ethiopians should never be forced to serve in the military. One Sunday morning he went to a nearby square and gave the following speech: "Do you know how many young Ethiopians have lost their lives in a war whose purpose they hardly understood? There are no just and unjust wars. All wars are bloody and destructive. We should say No! to the National Military Service!" The police come to Kebede and arrest him.

Questions:

- ❶ Does Kebede have the right to give this speech? Why or why not?
- ❷ Can the police arrest Kebede for giving the speech? Why or why not?

Freedom of Movement (Article 32)

- | |
|---|
| <ol style="list-style-type: none">1. Any Ethiopian or foreign national lawfully in Ethiopia has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he wishes to.2. Any Ethiopian national has the right to return to his country. |
|---|

Freedom of Movement falls into the following distinct categories of rights:

- ☛ Freedom to move within the national territory
- ☛ Freedom to choose one’s residence within the national territory
- ☛ Freedom to leave the country
- ☛ Freedom to enter/return to the country

The freedoms listed under Sub-article 1 are recognized both for Ethiopian nationals as well as for

foreigners who are lawfully within Ethiopia. Sub-article 2 which talks about entry or return to the country applies only to Ethiopian nationals.

Read the following cases and answer the questions.

Case I.

Berhanu complains that he is under constant surveillance by the government security force. He argues that his freedom of movement is curtailed, and the security force is violating his freedom. Wherever he goes they are there. He says that he cannot move around freely.

Questions:

- ❶ What rights are being violated?
- ❷ Do you think Berhanu's freedom of movement has been curtailed because he was shadowed by members of the security force?
- ❸ Do you agree or disagree with this statement: " Berhanu moves physically, but he cannot do so freely, for all his activities are watched and noted. Therefore his freedom of movement is curtailed".
- ❹ What can Berhanu do about this?

Case II.

Askale has been invited to attend an international conference, and her sponsor advised her to obtain a passport and exit visa. The next morning she went to the immigration department to process her passport and visa. The lady at the desk asked her to produce an I.D. card from the kebele she resides in. Askale reacted angrily to the requirement and started lecturing the lady at the desk that the requirements of the kebele ID and the exit visa are violations of her right to travel abroad.

Questions:

- ❶ Why does Askale need a passport to travel abroad?

- ② How valid is the argument of Askale in light of the provisions of Article 32 of the Constitution? Why does she need an exit visa? Would she be denied her passport and visa if she cannot produce an I.D. card? Why or why not?

Case III.

Tamene is a rich merchant in hides and skins. His annual business turnover is over a million Birr. The Internal Revenue Department has secured a judgment for Birr 500,000 for unpaid taxes over the last ten years. Tamene has started to process an exit visa to attend the graduation ceremony of his daughter who is finishing her studies in one of the colleges in the USA. The Internal Revenue Department has obtained information that Tamene might not return at all.

Questions:

- ① Can the Internal Revenue Department block Tamene from traveling by writing an application to the Immigration Department? Why or why not?
- ② Can an unpaid debt result in the denial of one's right to travel? How do you balance the government's right to be paid and Tamene's right to visit the US?

Right to Equality (Article 25)

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth

The principle of equality is the cornerstone of all the important principles of justice. However, imperfect application of the principle manifests injustices in everyday life. Once the principle of equality is accepted by a society, it becomes difficult to discriminate against any persons or groups of persons.

The concept of equality and non-discrimination are very important principles and cannot be separated. Non-discrimination is based on the principle of equality and dignity of the human person. It supports the equal treatment of all people regardless of sex, religion, ethnicity, race, etc. Value and respect for the principles of equality and non-discrimination are what a justice-based and democratic society wants to achieve.

Questions:

- ❶ Has there been a time when you were treated as unequal to others? What was the reason? How did it feel to be treated unequally? What could you do about it?
- ❷ Why are people treated unequally? Is it really because they are unequal?
- ❸ On what basis do people discriminate?
- ❹ Who do you think violates the principle of equality in everyday life?

Refer back to Article 25. Three set of rights are incorporated under this Article:

- ☛ Equality before the law
- ☛ Equal protection of the law, and
- ☛ Protection from discrimination

Equality before the law means that all people should be treated in the same manner

Equal protection of the law means that all persons should be equally protected by the law.

Protection from discrimination means that no one should be discriminated against in certain areas.

Question:

- ❶ What do these terms mean to you?

Problem 1

The number of graduates from high schools who are jobless is increasing every year. A report from the Social Department of the Ministry of Labor and Social Affairs indicates that even thousands of graduates from the early 1980s have not been able to find jobs. The government wants to start a massive infrastructure program in rural areas with the hope of finding a means of livelihood for such graduates. A notice has been posted throughout the regions to commence registration of graduates for the new program. According to the notice, those invited to register were only unemployed high school graduates who finished 12th grade between 1989-1992.

A group of jobless high school graduates of 1993 approach you for advice because they want to challenge the legality of the notice claiming that it discriminates against them because they did not graduate between the years 1989-1992.

Questions:

- ❶ Are graduates of 1993 and those graduating in subsequent years discriminated against in violation of the constitution? How?
- ❷ Are they denied equal protection of the law? How?
- ❸ How can this classification of jobless graduates for the period covering 1989-1992 be justified?

Problem II

The State Council of Region X is in the process of drafting a family law. One of the objectives of the draft law is the protection of the nuclear family. One article of this draft law intends to limit the inheritance right only to children born in wedlock. Many members of the Council argue that this specific article is in conformity with the country's value system which requires that the parents of children should be married.

Questions:

- ❶ How would you comment on this draft law in light of Article 25 of the constitution? Should all laws, be it family or property law, reflect the values of the majority? Why or why not?

- ② Do you believe that this law would be unconstitutional? Why or why not?

Problem III.

St. Michael's School is a private institution with students who have a very high passage rate on the school leavers examination. Every year, it accepts only a few applicants to maintain the school's reputation. One of the criteria for accepting new students is that the applicant must have a sibling or a cousin attending the same school and that the applicant must pass certain scholastic tests which the School administers.

Hiruy and Tuffa scored exactly the same grades; but Tuffa has an elder brother who is already a 5th grader. A choice has to be made between Hiruy and Tuffa, and the School Board decided to accept Tuffa because he has a brother already attending the school. Hiruy's father was enraged by the decision of the Board and wants to challenge the decision in a court of law.

Questions:

- ① You are consulted by Hiruy's father as to whether he can successfully challenge the decision of the School Board. What advice would you give him?
- ② Would it make any difference if you know that St. Michael's School does not receive any money from the Government? Why or why not?

PART TWO: Political Rights and Citizens' Participation

Training Objectives

Trainees will:

- ☛ Understand the meaning of political rights
- ☛ Be able to differentiate among political rights and freedoms
- ☛ Analyze cases to determine what rights are involved and what can be done when rights are violated
- ☛ Understand how citizens can participate in the political life of their communities

What are Political Rights?

Political rights enable citizens and organizations of citizens to participate in their governance. For example, individuals can use their right to vote to choose political leaders and groups of citizens can form associations to advocate for their interests.

Right of Assembly, Demonstration and Petition (Article 30)

1. Everyone has the right to assemble and demonstrate with others peaceably and unarmed and to petition ...
2. The right does not exempt from liability under the laws enacted to protect the well-being of the youth and the honor and reputation of individuals, and laws prohibiting any propaganda for war and any public expression of opinions intended to injure human dignity.

The right to assemble peacefully is a fundamental right and is also regarded as the foundation of any democratic society. As provided under Articles 38 and 89, the rights of citizens to participate in the political, social and economic life of the country has been recognized. It is through such participation that citizens can hold government officials accountable to the promises they have made to the population.

Article 12 (2) states that "any public official or an elected representative is accountable for any failure in official duties". Citizens can expose public officials for abuse of power or failure to perform what is expected of them. The right to assemble peacefully also includes the right to petition any public official. The right to petition means that the public citizenry can in writing require that a government official respond to their concerns.

Consider the following cases and answer the questions under each of the cases.

Case I.

Two groups who are for and against legalizing abortion have been recently established. A police

report indicates that many young girls die every year as a result of submitting themselves to untrained medical persons who perform abortions. Many local newspapers including government ones carried this story in their editorials. As a result, groups for and against abortion publicly solicited support regarding their stand. Both groups applied to organize a public demonstration on Sunday July 10, 1997 at Meskel Square.

Questions:

- ❶ Can the authority which grants permits for demonstration reject the application of "Pro-abortion" demonstrators on the ground that abortion is illegal under the Ethiopian Penal Law of 1960? Why or why not?
- ❷ Would the authority ever take into consideration what the Orthodox Church might say about the use of Meskel Square where the "Pro-abortion" demonstrators are going to stage their public rally? Why or why not?
- ❸ Assuming the permitting authority is ready to grant the permission, what considerations would be taken into account to decide which group should hold their rally first? Would the authority simply authorize both to conduct the rally at the same time and place?
- ❹ Do you think speaking in favor of abortion at a public rally ever conflicts with public morality? Why or why not?
- ❺ How does a public demonstration contribute to citizens participation in the affairs of their community?

Case II.

Ato X is a member of a political party duly registered with the Election Board. He invited many members of the party for an afternoon celebration at his house in connection with his 50th birthday. All the guests were lavishly treated, and Ato X made a speech in which he started to outline his party's program for the coming election. He called upon all party members to fight to change the electoral system instituted in the Constitution. A lorry load of police came to the premises of Ato X and ordered the birthday party to be disbanded.

Questions:

- ❶ Is there a violation here? What if any provision(s) of the constitution is (are) violated?
- ❷ Is the act of the police an invasion of the right to privacy under the Constitution?
- ❸ It is common to regard a birthday party as a private affair. Was this event a private affair? Why or why not?
- ❹ Is it wrong for the police to interfere at all in any meeting as long as it is held on a private premises? Why or why not?
- ❺ What is a public meeting and a public rally?

Case III.

A considerable number of small business owners and traders have just recently staged a public demonstration to petition the municipality to reconsider its new rent regulation. This regulation considerably increased the amount business owners would have to pay for their premises. The demonstration went smoothly without incident. The following day many business owners and traders closed their shops and places of business. Region 14 issued a warning that it would take strict measures on all owners of businesses and traders who failed to open their services to the public by 3:00 p.m. that day. Many owners complied with the warning while the rest persisted to close their business premises.

Questions:

- ❶ If you were an advisor to the President of Region 14, what sort of appropriate measure would you recommend be taken on those persons who persisted to close their premises?
- ❷ Is the closing of the shops a part of the petition? What exactly was objectionable in your opinion?
- ❸ Should a pharmacist who decided to close his pharmacy be treated equally with the owner of a "kitfo beit" or owner of a cosmetic shop who closed their shops? Why or why not ?

- ④ Do you think that what the Municipality did was a good lesson for traders not to petition any more against the new rent regulation?

Article 31. Freedom of Association

Every person has the right to freedom of association for any cause or purpose. Organizations formed, in violation of appropriate laws, or to illegally subvert the constitutional order, or which promote such activities are prohibited.

Freedom of association allows a voluntary grouping of people to come together to achieve a common goal. The freedom of association also includes the right not to associate. Here the Constitution deals with the "freedom of association" and not with the types of associations. Persons can associate for any reason as long as the common goal does not violate appropriate laws of the country, does not illegally subvert the constitutional order, does not engage in subversive activities. Subject to these restrictions and limitations, persons can associate to establish business enterprises, workers can establish trade unions, citizens can form advocacy groups or non-governmental organizations (NGOs), etc.

Article 31 recognizes the freedom of citizens to form associations subject to the restrictions and limitations it stipulates. There are special laws for specific groups desiring to form associations. Persons who associate for profit form their association under the Commercial Code of Ethiopia; workers joining together to form trade unions use the Labor Code, and advocacy groups use the Civil Code provisions to form associations.

Consider the following scenario and decide whether you are for or against the initiative taken by this particular citizen's group:

The House of Representatives in Parliament passed a law to expose gross abuses of power at the highest level of the Government. A group of lawyers happy with this law decided to establish an association that would work in close collaboration with the government to expose officials for abuse

of power. One of the objectives of the association was to encourage citizens to come forth and file submissions of cases of abuse of power under oath and in strict confidentiality.

Questions:

- ❶ Article 12 (2) of the Constitution states that "any public official or an elected representative is accountable for any failure in official duties." Alemayehu who works for the office of registration says, "These lawyers are crazy. They, as I think, want to take over the responsibility of the police. Investigating and apprehending criminals is the function of the government, and we have an efficient police force to do what this group of lawyers is trying to do".
- ❷ Almaz, who is a member of the same registration office, was a bit surprised and says, "A common kind of abuse of power is corruption. This type of abuse of power is reported many times over the radio. Corruption is a daily practice and is done in secret, and if a group of citizens are ready to cooperate in tracking down corrupt officials, I see no reason why they should be denied registration on grounds that the police are there to do similar things. How else can citizens take an interest in public affairs if we do not allow such groups to operate"?
- ❸ "Wait! Wait!" exclaims Tafesse and he continues "If citizens feel that abuses of power exist, they can always establish a political party and fight in the coming election to remove the government if they can convince the electorate that the government is condoning the abuse of power. Exposing the abuse of power is the work of political parties and not of citizens".

Questions:

- ❶ Do these lawyers have the right to form their association? Why or why not?
- ❷ What are some possible ways in which citizens can expose abuses of power either individually or through their joint activities.

The Right to Vote and to be Elected (Article 38)

The following set of rights are recognized under this article:

- ☛ The right to take part in government
- ☛ The right to democratic government
- ☛ The right to vote and to stand for election
- ☛ The right to be a member of his/her own will in a political party or association.

An election provides citizens the opportunity to vote and decide on the future of their country as expressed through elected representatives. In a democracy this is the way by which citizens show their approval or disapproval of a government. An election involves both the right to vote for a candidate of one's choice or to stand and compete with others to be elected to represent a particular interest or issue.

In a democracy elections should be carried out periodically, should be conducted in an impartial manner, and should be free and fair. Usually political parties are the main organizations which take part in elections. These organizations often enter elections with a political program around which they solicit support from the voters. Citizens have the responsibility to vote, but they cannot be forced to vote because the right to vote also includes the right to choose not to vote. By participating in periodic, impartial, fair and free elections, citizens contribute to the development of a democratic society where the wishes of the people will be considered.

In Ethiopia, elections for government representatives are held at the various levels:

- ☛ At the federal level, all citizens elect members of the House of Representatives who serve in the National Parliament for five years. The House also elects the Prime Minister from the majority party winning the elections;
- ☛ At the regional level, citizens within a region elect members of the Regional Council who serve for five years. The Regional Council then elects the President of the Region;
- ☛ At local level, citizens elect the Woreda Council which serves for five years. The Woreda

Council elects the Woreda Administrator and other officials.

- ☛ At the kebele level, residents of the kebele elect the Kebele Administrators and other officials every two years.

Citizen Participation in Government

- ✓Citizens can vote for their representatives
- ✓Citizens can stand for election themselves
- ✓Citizens can join a political party and actively promote its program
- ✓Citizens can also participate in monitoring elections to make sure they are held in a free and fair manner
- ✓Citizens can refuse to vote for a particular official if that representative has not carried out their promises to the voters
- ✓Citizens can educate themselves and the general public about the importance of promoting democracy and elections

The following is a conversation about elections and democracy: Whose view point is closer to your own?

- ☛ If we participate in an election, it means that we are closer to having a democratic government. Democracy means the government will provide water and housing for everyone.
- ☛ Democracy does not give food and water automatically. The way I think, democracy will provide everyone with the opportunity to have food, water and houses over time. It is not correct to expect the new government to provide us with these services the moment it assumes power.
- ☛ Our country is very poor and so is the government. I will only give my vote to a political party which is ready to distribute the wealth of our country fairly and equally.
- ☛ Any government that assumes power through a popular election cannot address all the country's problems overnight. The most important thing is through exercising our political and civil rights we have to hold the government accountable for the promises it has made during an election.

☛ I have been hearing all these good things about elections and democracy. Your human and democratic rights do not buy me injera.

Questions:

- ❶ Do we (Ethiopians) have a right to a democratic government? Why or why not?
- ❷ What will be our responsibility as citizens towards the realization of a democratic government?
- ❸ Is boycotting of an election ever justified? If yes, when? If not, why not?
- ❹ What would happen if a group of Ethiopians who are unhappy with the current government wanted to establish a communist party to contest the election in 2000?
- ❺ Do you think communism is against democracy? If we say that it is against democracy, should citizens be prevented from establishing a party whose ideology is communism? Why or why not?
- ❻ Can regular and periodic elections be taken as one of the signposts of democracy? When do we say elections are free and fair?

CHAPTER THREE
Economic, Social, and Cultural Rights
Collective Rights

Part One. Economic, Social and Cultural Rights

Economic, Social, and Cultural Rights refer to a set of rights that protect people's basic needs. Economic needs include food, shelter, employment, property, land, etc.. Social rights include the right to adequate health care and education. Cultural rights protect citizens' ability to practice their culture and traditions. These are progressive rights that a government hopes to achieve over time depending on the country's economic resources.

Economic, Social and Cultural Rights (Article 41)

Rights incorporated under this Article are:

- | |
|---|
| <ol style="list-style-type: none">1. The right of every Ethiopian to engage freely in economic activity and to pursue a livelihood of his choice anywhere within the national territory.2. The right of every Ethiopian to choose his or her means of livelihood, occupation and profession.3. The right of every Ethiopian to have equal access to publicly funded social services....8. The right of farmers and pastoralists to receive fair prices for their products, and the right to obtain an equitable share of the national wealth commensurate with their contributions. |
|---|

With respect to this Article, the obligations of the government are:

- ☛ To allocate ever increasing resources to public health, education and other social services.
- ☛ Within available means, to allocate resources to assist physically and mentally disabled, the aged,

and children who are left without parents or guardian.

- ☛ To pursue policies to expand opportunities for the unemployed and the poor.
- ☛ To undertake all measures necessary to increase opportunities for citizens to find gainful employment.
- ☛ Responsibility to protect and preserve historical and cultural legacies, and to contribute to the promotion of arts and sports.
- ☛ Social benefits and opportunities for which the government has assumed obligation/responsibility by their nature will be realized progressively through programs which the government initiates.

Questions:

- ❶ Examples of publicly funded services are government hospitals, schools etc. List some other publicly funded services that the government provides.
- ❷ What do you understand by the term "the right to equal access to publicly funded social services"? Does it mean that a poor person on the street has equal access to the facilities of Black Lion Hospital as the Minister of Health? If yes, why? If not, why not?
- ❸ If a street boy wants to access the facilities of a government hospital, he has to produce a letter from "Fird Shengo" (court) of a particular "Kebele" (neighborhood association) which shows that he cannot afford to pay for hospitalization. Street boys do not have a recognized living. Do you think this procedure conflicts with the right to access the facilities of the hospital? If yes, why? If not, why not? How else can the hospital screen patients who can afford and those who cannot afford hospitalization?

Problem

The government school in the village of Abebe has just received the results of the school leaving examination for each student. The results are very low and the parents believe that this failure was due to the poor training of teachers and inadequate teaching facilities.

Questions:

- ❶ What obligation does the government have in this case?
- ❷ The parents want to do something about this and they come to you for help. How would you advise them?
- ❸ What would happen if the parents refused to pay taxes until their demands were met?

Rights of Labor (Article 42)

1a. Factory and service workers, farmers, farm laborers, other rural workers and government employees whose work compatibility allows for it and who are below a certain level of responsibility have the right to form associations to improve their conditions of employment and economic well-being. This right includes the right to form trade unions and other associations to bargain collectively with employers or other organizations that affect their interests.

b. Categories of persons referred to in paragraph (a) of this subarticle have the right to express grievances, including the right to strike.

..d. Women workers have the right to equal pay for equal work.

2. Workers have the right to reasonable limitation of working hours, to rest, to leisure, to periodic leaves with pay, to remuneration for public holidays, as well as healthy and safe work environment.

The following rights are recognized under this article:

- ☛ The right to form and to join trade unions and other associations
- ☛ The right to bargain collectively
- ☛ The right to express grievances, including the right to strike

This Article does not mention the right of trade unions to associate with each other; however, the Labor Code provides for this right. The main purpose for unionization is to defend collectively whatever economic interests are at stake. This right is not a distinct one by itself, but arises from the freedom of association recognized by Article 31 of the Constitution.

Questions:

- ❶ Can members of the police force form a trade unions under Article 42 of the Constitution?
- ❷ Do you think workers employed in essential public services like hospitals, transportation, etc. be allowed to strike? If yes why? If not why not?
- ❸ Can workers of the same factory belong to different trade unions (at factory level) and associations of trade unions?
- ❹ In a situation of prolonged strike by workers, should the state interfere and order a settlement between the management and workers to save the national economy from a perceived danger?
- ❺ What is the purpose of allowing government employees to form trade unions?

Article 40. The Right to Property

The rights recognized under this article include:

- ☛ Private ownership of property excluding land
- ☛ Rural and urban land belong to the state and the people
- ☛ Peasant farmers have life-long possessory rights over land and protection against eviction
- ☛ Pastoralists have the right to free land for grazing and protection against displacement
- ❶ The right to use land by investors under a lease agreement

- ❶ The right to ownership of immovable property built and improvements made on land;
- ❷ The right to adequate and fair compensation if the government takes away property for a public purpose.

The right to property has been a very controversial subject in Ethiopia. Private ownership of urban and rural land is not permitted. Private ownership is allowed only over wealth created by labor, creativity, enterprise or capital of individual citizens, associations having legal personality or by communities empowered by the law to own property. In addition to these rights, this Article introduces the concept of "eminent domain" or seizure of private property for a public purpose subject to payment of compensation to the owner.

Consider the following views expressed on the right to property:

1. "The Derg confiscated our land and gave it to the peasants without any payment. We thought the EPRDF government would reverse the situation and give back our land confiscated at gun-point. To the dismay of all Ethiopians the present government failed to restore 'land to the landlords'. This country is doomed forever and our fate is to starve in the face of the vast resources that we have".
2. "EPRDF is not here to restore injustices, but to consolidate whatever benefits peasants have obtained. The salvation of this country lies in the hand of millions of small farmers and not in the hands of a few landlords who even think that growth and development will remain a dream unless land is privately owned. Given adequate and proper support, peasant farmers have the capability to feed the country. If peasants were to write the Constitution of this country all other matters would be secondary to the right of access to land and the right to have control over the produce of their labor".

Questions:

- ❶ If you were a member of the Constituent Assembly (a group of elected representatives who approved the Constitution), which of the two views expressed above would you support? Why? Do you have another view about this issue? What is it?

- ② Do you think land should be privatized? Why or why not?
- ③ The government has the right to take private property for a public purpose. What does public purpose mean? Who decides what a public purpose is? The government? The courts? The people? How is such a decision made?

Problem

Region 14 wants to establish low-cost housing schemes on the outskirts of Addis Ababa as its program to accommodate middle level government employees. The land it has identified for the scheme is occupied by peasant farmers.

① Can Region 14 evict peasant farmers under the principle of "expropriation of property for public purpose"? Why or why not?

② What do you do when you are faced with such a situation where you have to balance two conflicting interests, one of the farmers and the other of middle level government employees? Does it make any difference if you know that peasants are protected against eviction?

Part Two. Collective Rights

Training Objectives:

Trainees will:

- ☛ Understand about the basic rights and freedoms of groups of people;
- ☛ Understand the importance of collective rights.

Collective Rights. Human rights and basic freedoms have been regarded as applying to an individual person and not to a group or sub-groups. Collective rights, which recognize rights and freedoms to a group of people is a recent phenomenon. These rights are sometimes referred to as "solidarity" rights.

Article 39. Rights of Nations, Nationalities, and Peoples

1. Every Nation, Nationality and People has an unconditional right to self determination, including the right to secession.
2. Every Nation, Nationality and People in Ethiopia has the right to speak, to write and to develop its own language; to express, to develop and to promote its culture; and to preserve its history.
3. Every Nation, Nationality, and People in Ethiopia has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in state and federal government.
- 4.....Right to secession
5. A 'Nation, Nationality or People' for the purpose of this Constitution, is a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.

Definition:

A "Nation, Nationality or People" for the purpose of this Constitution, is a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.

Ethiopia is a multi-ethnic country inhabited by over eighty national groupings with distinct cultures and languages. Past Ethiopian history was replete with domination of one people by another. Collective rights of people as recognized in the Constitution is a reversal of this domination. The new Ethiopian political system is one where all people(s) shall enjoy the same respect and shall have the same rights.

Article 39 recognizes the following set of rights as collective rights:

- ☛ The right to self-determination, including the right to secession.
- ☛ The right to speak, to write and to develop one's own language

- ☛ The right to express, to develop and to promote one's culture
- ☛ The right to preserve its history
- ☛ The right to a full measure of self-government (establishing institutions of government).
- ☛ The right to fair representation in State and Federal governments

The right to self-determination is amongst the few human rights articles that cannot be suspended under a state of emergency. The right to self-determination reflects the desire of political forces to have a new system of governance where historical injustices perpetrated against various nations, nationalities and peoples are totally uprooted and eliminated.

Consider the following conflicting views:

1. The right to self-determination and particularly the right to secession serve nothing except for encouraging people to search for causes to justify their demand to break away. There are already some nationalities that threaten to exercise the right of secession.
2. Ethiopia was an empire state and like all empires atrocities might have been inflicted on certain nationalities by members of some dominant nationalities. Whatever has been done is for the unity of this country, and encouraging people to study and write about their histories will only help the surfacing of previously unknown acts that took place one hundred years ago. We should forget what happened and start living together in a spirit of brotherhood.
3. Many Ethiopians have died while struggling for the right of self-determination. We are at a stage where this right is openly recognized in the national Constitution, and all those who gave their lives for this cause may now rest in peace. If we do not recognize this right we allow past struggles for equality to have been made in vain.
4. Ethiopia is now part of the world community and if it expects to develop, national unity should be preserved at all costs.

Questions:

- ❶ How do you interpret these arguments?
- ❷ Which argument makes the most sense to you and why?
- ❸ What duties do the national and state governments have with respect to the right to self-determination?
- ❹ What does self-determination mean to you and to your life?

The Right to Development (Article 43)

The following sets of rights are recognized as rights to development:

- ☛ The right to improved living standards
- ☛ The right to sustainable development
- ☛ The right to participate in national development.

Improved Living Standards

The duty of the State to work towards improving the standard of living for its citizens is progressive and programmatic. Attaining an improved standard of living requires that the State take appropriate measures to mobilize resources.

What is Sustainable Development?

Sustainable development is a concept that calls for equitable use of natural resources for the present and the future. Implied in the concept is both a right to use the resources of the country and an

obligation to preserve and conserve the resource base for future generations. In addition the government has entered into a strong commitment that all international agreements and relations to which the State is a party shall protect and ensure Ethiopia's right to sustainable development.

Unlike in the past, this government does not see itself as the "development doer" on behalf of the people. Now, there is a full realization that the people are at the center as primary stakeholders in terms of sharing the benefits of development and in directing the course of the national development directly or through their representatives. This 'people-centered' policy is made to ensure that everyone has the opportunity to participate and to be heard with respect to the development of their communities, and ultimately, to their nation.

Consider the following and decide whether the action recommended by the Ministry of Agriculture conforms with the sustainable development referred to by the Constitution:

Ethiopia is an agricultural country. Over 85 percent of its population derives its livelihood from agriculture. Despite centuries of old farming practices, peasants are not keen about good husbandry practices. The result is loss of top soil through soil erosion and run-off during rainy seasons. The situation has to be controlled; otherwise we will, in a matter of a few decades, lose our good top soil.

As one possible measure to combat the problem, the Ministry recommends that "the right a peasant farmer has to use his/her land will be honored only if s/he undertakes soil and water conservation measures as to be recommended by experts in the field. Failure to follow these measures will result in an automatic eviction from the land".

One hundred years ago it has been estimated that 40% of the country was forested. The forest coverage at this time is estimated to be barely 4% of the land surface. A lot is expected from this generation in planting trees to stop the rapidly increasing levels of desertification. Again, the major responsibility should be borne by peasant farmers.

The Ministry of Agriculture presents to the government the following policy initiative: "Peasant farmers need security of tenure. Some sort of a certificate (title deed) should be given to each farmer.

Farmers who can get such a certificate will only be those who plant trees on the boundary marks of their land holdings. Farmers failing to abide by such rules will stand to lose their holdings to landless youth who do not possess any land of their own.

Questions:

- ④ Do you agree with the Ministry of Agriculture’s policy to evict farmers from their land if they do not follow the Ministry’s recommendations? Why or why not?
- ② Does this policy conform with the concept of sustainable development as expressed in the Constitution?

Environmental rights (Article 44)

1. All persons have the right to a clean and healthy environment.

Everyone is entitled to live in a safe and healthy environment regardless of whether they come from the city or from rural areas.

Problem

Addis Ababa gets most of its vegetables from gardens placed along the Bulbula River. It has been discovered that the water from the river used to grow the vegetables is polluted and potentially dangerous for human consumption. The Addis Ababa Municipality has decided to prohibit the use of the river water to grow vegetables. The vegetable growers are complaining that they will lose their livelihood if forbidden to use the river for their gardens.

Questions:

- ❶ You are an official for the Addis Ababa Municipality. What would you advise the municipality on what should be done?
- ❷ You are the representative for the vegetable growers? What would you advise them?
- ❸ How do you deal with this conflict between the vegetable growers to earn a living and the interest of the municipality in representing the right of consumers to a clean and healthy environment?

Problem

The Mojo Tannery is situated along the Mojo river. It was established some thirty years ago. It discharges polluted substances and hazardous chemicals into the river. Peasant farmers get water from the same river for their domestic needs. The problem has been there for a long time and no solution has been found so far. Members of the Dibandiba Peasant Association petitioned the Environmental Sanitation Department of East Shewa Zonal Administration for an immediate closure of the Tannery until such time that the Tannery installs a water purification system.

Questions:

- ❶ What types of rights are involved in this case? In your opinion what rights if any are violated by the Mojo Tannery?
- ❷ How do you go about finding whether the Tannery has taken progressive steps to remedy the problem?

CHAPTER FOUR:

Family Rights

Women's Rights

Children's Rights

Part One. Family Rights

Training Objectives

Trainees will:

② Understand the importance to which the government gives to the family unit

② Know how families are established and how their rights are protected

1. Men and women, without any discrimination as to race, nation, nationality or religion, who have attained marriageable age as defined by law, have the right to marry and found a family. They have equal rights while entering into, during marriage and at the time of divorce. Laws shall be enacted to ensure the protection of rights and interests of children at the time of divorce.
 2. Marriage shall be entered into only with the free and full consent of the intended spouses.
 3. The family is the natural and fundamental unit of society and is entitled to protection by society and the State.
 4. In accordance with provisions to be specified by law, a law giving recognition to marriage concluded under systems of religious or customary laws may be enacted.
- ☛ This Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute. Particulars shall be determined by law.

Rights recognized under this Article are:

- ☛ The right to marry and to have a family;
- ☛ The right to marry requires the free and full consent of both man and woman;
- ☛ Protection of the rights of children upon divorce;
- ☛ Recognition of equal rights while entering into a marriage, during marriage and upon divorce;
- ☛ Family right to full protection by society and the State;
- ☛ Religious or customary law marriages are recognized in accordance with law; and

☛ Family disputes can be settled through religious or customary laws, with the consent of the disputing parties, as determined by law.

Marriage

Because the family is the fundamental unit of society, and marriage is a legal bond in the establishment of a family, a marriage legally constituted deserves protection by the society and the State. Marriage is a contractual relationship entered into between a man and a woman with the full and free consent of both. The Constitution recognizes the historical inequities that have placed women in an inferior status in marriage. As a result, the Constitution provides that a man and woman have equal rights in making the marriage contract, during marriage and upon divorce.

Forms of Marriage

The Civil Code of Ethiopia recognizes three forms of marriage:

☛ **Civil marriage:** This type of marriage is made when a man and a woman have appeared before the Officer of Civil Status and express their consent to marry.

☛ **Religious marriage:** This type of marriage is made when a man and a woman perform rites considered to constitute a valid marriage by their religion or the religion of one of them.

☛ **Customary marriage:** This type of marriage is made when a man and a woman perform such rites that constitute a permanent union between them under the rules of the community to which they belong or to which one of them belongs.

Marriageable Age

Article 581 of the Ethiopian Civil Code defines the age at which men and women can marry. Sub-article (1) of Article 581 reads:

"A man who has attained the full age of eighteen years and a woman who has attained the full age of fifteen years may contract marriage".

The marriageable age as defined is applicable to the three types of marriage mentioned above.

While the status of the law is very clear on marriageable age and free and full consent of the spouses, the practice does not conform with the legal requirement particularly in rural areas.

As a result, many people (especially females) are forced to marry before the age of 15 (for females) or 18 (for males).

Questions:

- ❶ How is a legally binding marriage contract made? What are the binding legal requirements for all types of marriage?
- ❷ The marriageable age for a man is fixed at eighteen while that of a woman is fixed at fifteen. What is the purpose of this difference in ages? Do you agree with this law? Why or why not?
- ❸ Do you think that a girl of fifteen can give free and full consent to enter into a marriage contract? Why or why not?
- ❹ What is the legal effect of a marriage concluded between a girl of fourteen and a man of 20? Can she give free and full consent? Why or why not?
- ❺ If the marriage in question 4 above is not recognized, would there be a conflict between the policy of the government to protect the family unit and a conflict with the law which says the girl is too young to marry? Why or why not? Would your answer be different if the young girl/wife is pregnant? Why or why not?
- ❻ The law recognizes customary marriage. In Ethiopia, it is common in some areas to recognize marriage as a result of abduction. Do you agree that this practice should be viewed as a

customary marriage? Why or why not?

Problem

Read the following true story narrated by a woman attending a workshop organized for women by a local NGO:

"I was only fifteen years when I was married to a young man of eighteen. I knew nothing of what I was supposed to do as a wife, and my mother-in-law was not helpful. Day in and out my life was so miserable, and I seriously thought of jumping into Sibilu River several times. My parents were not helpful either except sending me back hoping that I would eventually get used to the miserable life imposed on me against my will. I ran away when the condition was no longer bearable, and came to Addis where I was employed as a domestic servant. After a few months I contracted lung cancer, and when I was of no use to anyone I returned to a small town in Sululta. I eventually recuperated with the assistance I received from the neighborhood."

Then I started a new life as a prostitute, sleeping with anyone ready to pay me. I now have children from different fathers, and my eldest daughter is now going to a nearby elementary school. My son, who I thought would rescue me from this degrading life, just died last week in a car accident.

My first husband never remarried and he is without a family. I have all the sympathy for him because even he, at the age of eighteen, never understood the consequences of marriage. From my personal experience I will never agree to my daughter being married before the age of 20. The worst thing that could happen is that my daughter might become pregnant, and I am ready to raise her children (*dikala*) rather than 'selling' her to face the agonies and sufferings associated with early marriage". (She was in full tears while narrating her story).

Questions:

What you have just read is the voice of an embittered woman who attributes her predicament totally to the practice of early marriage. Her story is a real one.

❶ Do you think any legislator should listen to such voice before legislating on marriageable age of

young girls? Why or why not?

- ② Does the story give any clue as to whose perspective the legislator should consider before drafting a law?
- ③ What can advocacy NGOs do in addition to just reporting cases similar to the one depicted by the story narrated above? Should the matter be left as the sole responsibility of the parliament?

Part Two. Women and Children's Rights

The Ethiopian Constitution has made specific references for the need to provide a special class of rights for both women and children. These groups have historically been ignored with respect to their rights and dignity. The FDRE Constitution attempts to remedy this past discrimination and to provide special protection to increase the status of women and children.

Training Objectives:

- ☛ Trainees will be able to appreciate specific consideration accorded to these sub-classes of "the universal classes of human beings".
- ☛ Trainees will understand the concept of affirmative action or "negative discrimination" the state promises to take to redress injustices suffered by women under a patriarchal society.
- ☛ Trainees will examine measures designed to protect and advance particular interests of the sub-classes.

Article 35. Rights of Women

1. Women shall, in the enjoyment of rights and protections provided for by this Constitution, have equal rights with men.
2. Women have equal rights with men in marriage as prescribed by the Constitution.
3. The historical legacy of inequality and discrimination suffered by women in Ethiopia is taken into account. Women, in order to remedy this legacy, are entitled to affirmative measures. The purpose of such measures shall be to provide special attention to women so as to enable them to compete and participate on the basis of equality with men in political, social, and economic life, as well as in public and private institutions.
4. The State shall enforce the right of women to eliminate the influences of harmful customs. Laws, customs, and practices that oppress or cause bodily or mental harm to women are prohibited.
5. (a) Women have the right to maternity leave with full pay. The duration of maternity leave shall be determined by law taking into account the nature of the work, the health of the mother and the well-being of the child and family.
(b) Maternity leave may, in accordance with the provisions of law, include prenatal leave with full pay.
6. Women have the right to full consultation in the formulation of national development policies, the designing and execution of projects, and particularly in the case of projects affecting the interests of

The government of Ethiopia recognizes the importance of the contribution of women in society and provides for a number of rights and protection to secure women's status. While women, who comprise over 50% of the population, have contributed to the well-being and economic life of the country—through their important roles as farmers and mothers, they have remained as second-class citizens. The government has created women's bureaus at the national, regional, zonal, and woreda levels to serve as specialized units to support the advancement of women throughout the country. Civic organizations or NGOs are also committed to advancing the cause of women and offer programs focused on raising their economic, social, and political status.

Rights recognized for and protection accorded to women as a class can be broadly categorized as:

Equality - This provides for equal rights in the following areas:

enjoyment of rights and protection
property rights, inheritance
employment, promotion, pay, and transfer of pension entitlements

Affirmative action - action taken by government to make up for past discrimination against women in education, work, promotion, and political life

- ☛ Protection against harmful traditional practices
- ☛ Protection against laws, customs and practices that oppress or cause bodily or mental harm to women
- ☛ The right to maternity leave
- ☛ The right to be consulted in the formulation of national development policies
- ☛ The right of access to family planning education, information and capacity

Questions:

- ① As discussed in the section on marriage in Article 581 of the Civil Code, a girl of fifteen can be married legally. Do you see a conflict between the Civil Code and Article 35 which deals with the rights of women? Why or why not?
- ② If you believe that Article 581 of the Civil Code is oppressive in light of Article 35 of the

Constitution, who has the right to challenge its legality? How? Should we regard this issue like other issues for which the state obligation is progressive and qualified? Can the Women's Affairs Bureau in the Office of the Prime Minister bring an action for the repeal of the Civil Code Article?

- ③ What do you understand by women's right to affirmative remedial measures? What is the public purpose behind the concept of affirmative action? Is it discriminatory? According to this right does it mean that women will have automatic priority in every matter such as employment or educational opportunity, promotion , social services etc.?
- ④ Female genital mutilation (FGM) is commonly practiced in many parts of Ethiopia. The conventional 'wisdom' justifying the practice is control of female sexuality. Do you think this practice should be eradicated? If yes, what do you think is the best method for eradicating the practice?
- ⑤ Women have the right to be consulted in the formulation of national development policies and "particularly in the case of projects affecting the interests of women". What do we mean by projects affecting the interests of women? Do you know how these interests can be addressed?
- ⑥ Equal rights of inheritance property is recognized under the Constitution. Can a father in a valid will limit a share of his property going to his daughter to one-fourth while giving three-fourths to his son? Could it be contested in a court of law?

JUSTICE POETRY

The struggle of women to defend their rights is not particular to any country even though the level of oppression might differ from country to country. This struggle, as some want us to believe, is not a recent phenomena. Read the following poem by Sojourner Truth presented at the Women's Rights Convention in Akron Ohio, USA in the year 1852. The struggle is for justice and equality.

AIN'T I A WOMAN

*That man over there say
a woman needs to be helped into carriages
and lifted over ditches
and to have the best place everywhere
Nobody ever helped me into carriages
or over mud puddles
or gives me a best place
And ain't I a woman?
Look at me
Look at my arm!
I have plowed and planted
and gathered into barns
and no man could heed me..? or hear me?
And ain't I a woman?
I could work as much
and eat as much as a man
when I could get to it—
and bear the lash as well
and ain't I a woman?
I have born 13 children
and seen most all sold into slavery
and when I cried out a mother's grief
none but Jesus heard me
and ain't I a woman*

*that little man in black there say
a woman can't have as much rights as a man
cause Christ wasn't a woman!
Where did your Christ come from?
From God and a woman!
Man had nothing to do with him!
If the first woman God ever made
was strong enough to turn the world
upside down, all alone
together women ought to be able to turn it
rightside up again.*

(This poem is appropriate to the theme under discussion. It is also presented to show how poems, songs etc. are so effective in our effort to teach human rights).

Questions:

- ① What is the major theme in this poem?
- ② What, specifically, is this poem saying about human rights, justice, and related themes?
- ③ Does this poem remind you in any way of experiences you or other persons witness personally?
- ④ What do you think about this poem?

Children's Rights (Article 36)

1. Every child has the right:
 - a. To life;
 - b. To a name and nationality;
 - c. To know and be cared for by his or her parents or legal guardians;
 - d. Not to be subjected to exploitive practices, neither to be required nor permitted to perform work which may be hazardous or harmful to his or her education, health or well-being;
 - e. To be free of corporal punishment or cruel and inhumane treatment in schools and other institutions responsible for the care of children.
2. In all actions concerning children undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies, the primary consideration shall be the best interests of the child.
3. Juvenile offenders admitted to corrective or rehabilitative institutions, and juveniles who become wards of the State or who are placed in public or private orphanages, shall be kept separately from adults.
4. Children born out of wedlock shall have the rights as children born of wedlock.
5. The State shall accord special protection to orphans and shall encourage the establishment of institutions which ensure and promote their adoption and advance their welfare and education.

Some important rights recognized under this Article are:

- ☛ Protection against exploitative practices hazardous or harmful to his/her education, health or well-being.
- ☛ Protection against corporal punishment or cruel and inhumane treatment in schools and other institutions
- ☛ Equal rights of children born of and out of wedlock

The rights accorded to children are intended to prevent violence against them. They also attempt to eliminate exploitative practices harmful to children. There is a gap between what the law says and the actual practice. Forcing children to engage in activities harmful to their education is a general rule rather than an exception. In fact, many children in rural communities must help at home or at the fields and are not sent to school denying them an opportunity for an education.

There are extreme cases where young girls are enticed by organized groups to run away from home.

These girls end up as bar girls and prostitutes. Marriage arrangements as practiced in rural areas is an abuse to the rights of children. Abduction, for instance, is one of the worst forms of abuse inflicted on very young girls. It is also common knowledge that very young children with infirmities are hired out to beggars who frequent church yards and streets of big cities.

Questions:

- ❶ In rural areas, many boys and girls at a very young age are active in assisting their parents in domestic chores and productive activities. Would engaging children in such activities be regarded as harmful to the education of children under the Constitution? Would your position be different if no schools are available? Do children have a right to education? Why or why not?
- ❷ Parents have the responsibility to discipline their children. Disciplining of children varies from one culture to another. Consider the following two cases of how children are disciplined in two distinct cultures and the values they attach to punishment.

Culture 1.

To inflict bodily harm on children as a form of discipline is a taboo. Children under this culture fall under a classification that deserves full protection of the law. Acts which children may commit arise from a lack of knowledge of what is right and wrong. They should be taught about societal values to know what behavior is expected of them. Punishment takes the form of rigorous lectures by parents on how dishonorable it is for a child born of that society to do what he/she has done. This culture believes that what the law protects (children) people cannot tamper with.

Culture 2.

Children have to be disciplined. This takes different forms including bodily harm. This culture maintains that children should be well-fed; and as long as they are well-fed they should be rigorously disciplined including beating. The saying in this culture goes: "it is only clay pots that break when hit or struck. Beating of children is sanctioned.

Questions:

- ① The FDRE Constitution makes no provision for protection of children against corporal punishment by their parents. However, institutions responsible for care of children cannot inflict corporal punishment on children under their care. Do you think that the government should prohibit parents from physically punishing their children? Why or why not?

- ② If the Constitution provides protection for abuses against children, why does there continue to be thousands of children on the streets of Addis Ababa? Why are there children dying of hunger around the country? What is the duty of government in this regard?

Two-Day Pretesting Training Workshop

DAY ONE

- 8:30 a.m. Opening of the Workshop/Purpose of the Workshop/Introduction of Trainers
- 9:30 a.m. Human Dignity Exercise (Part I)
- 10:30 a.m. TEABREAK
- 11:00 a.m. Human Dignity Exercise (Part II)
- 12:00 p.m. What is a Constitution?
- 12:30 p.m. Lunch
- 1:00 p.m. Responsibilities of Government/Citizen Participation Case Study
- 3:00 p.m. TEABREAK
- 3:30 p.m. Equality/Nondiscrimination Exercise
- 5:00 p.m. Closure

DAY TWO

- 9:00 a.m. Civil and Political Rights
- 10:30 a.m. TEABREAK
- 11:00 a.m. Civil and Political Rights - Group Presentations/Discussion
- 12:30 p.m. LUNCH

1:30 p.m. Economic, Social, and Cultural Rights/Collective Rights

3:00 p.m. Group Presentations (Group A and B)

3:30 p.m. TEABREAK

4:00 p.m. Remembering Your Rights/ Hunting for Your Rights

5:00 p.m. Closure

GLOSSARY OF TERMS

Abuse of power	Action taken by government officials beyond the authority given them to perform their duties.
Accountability	A procedure that requires government officials to answer for actions they take and to be responsible for such actions.
Affirmative Action	Action taken by government to make up for past injustices against women and other disadvantaged groups.
Capital Punishment	A type of punishment that court imposes for serious criminal act for which the law requires the death sentence.
Civil Rights	Citizens right to liberty and equality (examples: the right against inhuman treatment, the right of free movement and to access information).
Collective Rights	These are rights given to groups of people, for example, the Right to Self-determination, the Right to Development, and Environmental Rights
Confession	An admission by an accused person that s/he has committed the offense for which s/he is charged. These confessions are either voluntarily given according to law or involuntary through physical or mental coercion
Constitution	A legal document that establishes political community based on the rule of law in which basic rights and freedoms of the citizens are guaranteed.
Cultural Rights	Rights given to groups to develop their common languages, culture, history, etc.

Death Penalty	Lawful taking away of life by the government as a form of punishment.
Democracy	System of government that is based on the popular participation of its citizens who elect their political representatives to serve them
Development Rights	The rights of groups to progress in their culture, politics, and economy.
Discrimination	Treating people in a different way because of their race, culture, ethnic origin, nationality, religion, physical handicap, sex, etc.
Economic Rights	The right to develop and manage resources for economic well-being
Election	Process whereby citizens choose their political representatives by voting in free and fair election
Environmental Rights	The right to live in a safe and healthy environment
Emergency Power	The power that the national government has to call a State of Emergency because of an invasion, economic crisis, national disaster, etc. In a state of emergency, some rights that normally apply to all people can be limited or suspended by the government.
Federal System	System of government which shares power at different levels. In Ethiopia, the country is divided into a central government with distinct powers and regions or states with their own distinct powers.
Female Genital Mutilation	(FGM) is the cutting of the female genitals for the purpose of controlling the sexuality of the woman/girl.
Free and Fair Election	The process where every citizen has the access to the ballot on same basis as everyone else and has the right to have her or his vote count

the same.

Freedom of Expression	The freedom to express views in print and other ways and to receive and communicate ideas without interference
Harmful Traditional Practices	Traditional practices that prevent the enjoyment and protection of rights, i.e., FGM, early marriage, etc.
Participation	Way for citizens to be involved in the public life of community or society.
Political Rights	Rights people have to participate in the political life of their community or society (examples of political rights are: voting in an election, right to peaceful demonstration and assembly etc.)
Property	Moveable or immovable things and goods individuals or groups own for their economic worth (examples are: land, cars, cattle, houses etc.)
Public Purpose	Justification for lawfully taking away property by government for the common good.
Rule of Law	No person is above law, and those who govern and those who are governed are bound by the same law, i.e., the Prime Minister, President, other government officials and private citizens must follow the law in the same way.
Solitary Confinement	Detaining and keeping of a person alone and separate from other prisoners.
Sustainable Development	A development concept that calls for judicious use of resources by the present generation while conserving and protecting the same resource

base for future generation.

Torture

Infliction of physical or mental suffering on people against a person's will.