

Democratic Development and Human Rights in Ethiopia

Swedish Assistance 1991–95

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EXECUTIVE SUMMARY

The brutally repressive Dergue regime was toppled in 1991 by the Ethiopian People's Revolutionary Democratic Front (EPRDF) and the Transitional Government of Ethiopia (TGE) was formed the same year. From its very beginning, the TGE committed itself to the introduction of democracy and to safeguarding internationally recognized human rights. Since 1991 several elections have been held, a constitution including a bill of rights has been adopted, and the TGE has been transformed into the Federal Democratic Republic of Ethiopia. However, notwithstanding all these changes, the situation concerning human rights and democracy still leaves much to be desired. Serious offenses against human rights are continuously being committed, particularly by the police and security forces. The official attitude is that allegations of human rights abuses are grossly exaggerated by circles hostile to the government, and where abuses do occur, they are not condoned, but practically impossible to control. However, there are serious doubts as to the true commitment of the government to the safeguarding of human rights. A weak and poorly trained judiciary, susceptible to political pressure and corruption, exacerbates the problem.

Sweden has since 1991 contributed almost SEK 18 millions to Ethiopia for the promotion of human rights and democracy. Of this amount, roughly SEK 7 millions have been directed towards the Ministry of Justice and the Supreme Court with the purpose of strengthening the legal system and to promote the rule of law. Another 5 millions were set aside for the 1995 election process and roughly 3.6 millions have been spent on the gigantic so called Dergue trials, involving 2.000 suspects from the former regime, to gather evidence and provide defense counsel. The remaining money has been directed to a few selected NGOs in order to promote women's rights, provide legal aid to especially

underprivileged groups and to promote teaching and research in the area of human rights. Considering the very difficult human rights situation in today's Ethiopia, it is not always easy - and in general too early - to say whether the Swedish support has had the desired effects. However, the conclusion of the report is that - precisely because of this difficult situation - Swedish support in the area of human rights and democracy should continue. The report ends with the following specific recommendations:

- Continued support for the completion of the Dergue trials;
- A concentration of resources on the court system in order to help strengthen its independence;
- An initiative to help create an independent, credible and professional human rights monitoring body;
- Continued support for existing legal aid NGOs and the encouragement of forming new such organisations.

1. INTRODUCTION

At the assignment of Sida, I visited Ethiopia 12 - 22 December, 1995, and 7 - 19 January, 1996, in order to evaluate Swedish assistance in the field of democracy and human rights during the period 1991 through 1995. For the specifics of the assignment, see Terms of Reference (Appendix A). During my visits in Ethiopia, I met and conducted interviews with government officials, judges, diplomats, journalists, lawyers, trade union officials, aid workers, and representatives of international and national NGOs. For a complete list of appointments and interviews, see Appendix B. The information obtained during these interviews, and the study of written documentation and decisions on Swedish assistance, form the basis for the impressions and conclusions expressed in this report. The views and opinions in the report are my own and do not necessarily coincide with official Swedish standpoints.

2. THE POLITICAL CONTEXT

In May 1991, the Ethiopian People's Revolutionary Democratic Front (EPRDF) ousted the Dergue regime, which for 17 years had ruled Ethiopia with brutally repressive methods. In July the same year the Transitional Government of Ethiopia (TGE) was established, committing itself to the introduction of democracy and to safeguarding internationally recognized human rights. In December 1994 a new constitution was adopted, setting high standards in the areas of human rights and democratic government. General elections to Regional and National Assemblies were held in May 1995. The establishment in August the same year of the new Parliament marked the ending of the TGE and

the formation of the Federal Democratic Republic of Ethiopia (FDRE). However, the EPRDF, having won an overwhelming electoral victory at all levels, remains firmly in power. For all practical purposes, Ethiopia remains a one-party state.

When attempting to describe the situation in Ethiopia today with regard to democracy and human rights, one must bear in mind the legacy of earlier regimes and the background of the present one. When EPRDF took over in 1991, they inherited an extremely difficult situation. The task of rebuilding the country and creating a democracy out of the devastation, left by the Dergue, is by any standards overwhelming. In this sense the situation for EPRDF is comparable to that of the FSLN in Nicaragua in the early '80s or the NRA in Uganda some years later. The process of creating democracy out of chaos must obviously be allowed to take time. It is more a process in the hearts and minds of both grass-roots and leaders, than one of building institutions. Former guerillas turned politicians can not be expected to become sensitized to the need for sophisticated democratic practices overnight.

But even bearing all these reservations in mind, today's situation in Ethiopia concerning democracy and human rights is causing deep concern. The elections in May 1995 have been strongly criticized (see below under 4.3) and the outcome has served mainly to reinforce the one-party state. Serious violations of human rights are obviously taking place. Numerous cases of torture, arbitrary arrests, and disappearances are documented. Journalists are frequently being detained on flimsy legal grounds. In what appears to be a pattern of intimidation, 15 - 20 journalists seem to be in jail at any given time. In November 1994 the government closed the office of the Congress of Ethiopian Trade Unions (CETU). The office still remains closed, inspite of

an intervention by the ILO, which points out that the closure violates international conventions on freedom of association and the right to organize, which Ethiopia has ratified. Due process is not guaranteed, since the judiciary is notoriously weak, and subjected to pressure both from the executive and the police. Not only are court orders openly flouted, but judges are sometimes removed from office - and even detained - for taking stands, unpopular with the EPRDF. Due process is also threatened by the fact that lawyers need to be licensed yearly by the Ministry of Justice, in order to be able to practice before the bar.

The Minister of Justice has, in our contacts, not denied that serious human rights violations are taking place and that the situation concerning the judiciary is precarious. The attitude seems to be that violations occur outside the scope of control of the government, due to the vastness of the country, the lack of communications and the volatile political situation in many parts of the country-side. Although these explanations can not be disregarded, they can only explain some of the abuses. And they do not explain why no security official has yet been brought to justice, a fact acknowledged by the Minister of Justice. All things considered, there appears to be a lack of constructive concern in dealing with the obviously existing problem. When we brought to the attention of the Minister of Justice the specifics of a case, where a judge from a High Court in the Southern People's Region had been removed from office by the Zonal Assembly, and refused reinstatement inspite of an order from the Regional Supreme Court, the Minister - rather surprisingly - explained that it falls outside his scope of competence to take action in the case. The brush-off reaction by the Ethiopian government to the serious allegations by Amnesty International in its report from April 1995 ("Ethiopia - Accountability past

and present: Human rights in transition") reinforces the impression that this problem is not handled with adequate concern.

Still, there are also more positive aspects to the human rights situation. The ongoing Dergue trials (see below, 4.1) and the fact that the government assigns considerable resources to this enormous undertaking, is also an important part of the human rights picture.

In the concluding parts of this report, I intend to revert to the general human rights situation in Ethiopia. But first, I will examine the specific areas, where Sweden has chosen to direct its assistance.

3. ASSISTANCE WITHIN THE COUNTRY FRAME

3.1 Background

On 18 February, 1994, Sweden and Ethiopia entered into a "Specific Agreement on Support to the Strengthening of the Rule of Law in Ethiopia", whereby Sweden undertook to make available SEK 4.000.000, to be used for a general upgrading of the administrative and professional capacity of the judicial system, as further specified in the agreement. The expiration date of this agreement was 31 December, 1994. In an amendment to the agreement, dated 28 June, 1994, the parties agreed to extend the validity of the agreement until 1 July 1995. In this amendment Sweden further undertook to contribute an additional amount of SEK 3.000.000 to "be utilized in accordance with the above mentioned Specific Agreement, as amended from time to time." In a further Amendment on 15 June, 1995, the validity of the Specific Agreement from 18 February, 1994, was extended until 1 July, 1996.

Subsequent to the fact that the Ethiopian Government in February 1993 had proclaimed the independency of the court system and the judiciary, the Ministry of Justice and the Central Supreme Court on 18 March, 1994, entered into an agreement, whereby SEK 2.950.000 of the Swedish grant from 18 February, 1994, was to be allocated to the Ministry and 1.050.000 to the Supreme Court. In a similar agreement on 21 December, 1994, the same parties agreed that out of the additional SEK 3.000.000 from the grant of 28 June, 1994, SEK 2.000.000 should be directed to the Ministry and SEK 1.000.000 to the Supreme Court.

3.2 The Ministry of Justice

Of the funds intended for the Ministry, according to the above mentioned agreements, an amount of SEK 2.950.000 was transferred on 1 November 1994, to be used for the following purposes:

- SEK 100.000 for capacity building;
- SEK 2.650.000 for purchase of equipment for the Ministry and regional courts;
- SEK 200.000 for printing and translation of legal materials;

In programme consultations on 7 November 1995, it was noted that out of those SEK 2.950.000, transferred a year earlier, only SEK 372.000, or roughly 13 %, for procurement of computers and photocopier, had been utilized. According to recent information, a contract for typewriters to the Ministry and regional courts, in the amount of SEK 1.587. 197, has subsequently been

signed.

As seen by the above description, out of the approximate amount of SEK 5.000.000 allocated to the Ministry of Justice since the signing of the Specific Agreement of 18 February 1994, only roughly SEK 2.000.000 has yet been utilized. This money has been used to buy computers, photocopiers and typewriters to the Ministry and the regional courts. Even if it can be assumed that better equipment to the Ministry and the courts will have a beneficial effect on the administration of justice, and thereby eventually also on the human rights situation, it can hardly, at this time, be said that the support to the Ministry of Justice has promoted the rule of law in any way proportionate to the pledged amounts.

On 30 November, 1995, the Ministry presented a Plan of Operation for the use of the remaining funds, the implementation of which is presently subject to discussions between Sida and the Ministry. This plan contains the following five components (since a request for assistance to establish an information system has been taken over by NORAD):

- Reprinting the official gazette from its start in 1942, at an estimated cost of SEK 1.600.000. According to legal experts in Ethiopia, there exists already a systematized compilation of the gazette for the period 1942 - 1973. These experts therefore consider it highly questionable whether it is meaningful to reprint the entire official gazette for that period, since many of the laws are now obsolete and superseded by more recent legislation;

- Central codes of law, to be distributed to the courts.

When considering this request (SEK 136.000), it should be taken

into account that Friedrich Ebert Stiftung from Germany has recently provided Ethiopia's approximately 2.000 judges with the central law codes, something which the Ministry does not appear to have been aware of;

- Resources for the training of 500 judges and prosecutors (SEK 360.000). More information on principles of selection, curriculae etc is needed.

- Books and equipment for establishing a law library at the Ministry of Justice (SEK 600.000). Undoubtedly, there is a need for such a library;

- Training aids, such as overhead projectors, video cassette recorders and video cameras, for use in seminars and courses at the Ministry (SEK 120.000). Obviously, an institution like the Ministry has a legitimate need for such equipment.

3.3 The Central Supreme Court

As mentioned above, of the total Swedish contribution of SEK 7.000.000 for the purpose of strengthening the rule of law in Ethiopia, CSC has been allotted SEK 1.050.000 for the fiscal year 1993/94 and SEK 1.000.000 for the fiscal year 1994/95.

Out of the amount for the fiscal year 1993/94, SEK 836.000, or roughly 80% had in September 1995 been utilized in accordance with a plan of operation, approved by Sida. The remaining balance is requested to be carried over to be utilized in the plan of operation for the second grant.

The utilized money from the first grant has been divided as follows:

- Purchase of equipment 71 %
- Study visit to Sweden 10 %
- Sector study of the court system 9 %
- Purchase of books 7 %
- Training of secretaries 3 %

From reports and interviews it appears that this money has been well used. By far the largest portion of the grant has been used to furnish the CSC with modern wordprocessing and recording equipment. Some equipment has also been acquired in order to enable the CSC to produce and publish case reports, which is essential for the uniform application of the law. It is obvious that such equipment requires some training of the staff. The upgrading of the CSC library with some standard international works was well needed.

The study visit to Sweden appears to have been successful. The participants were three high judges and the specific purpose was to learn how the Swedish court system handles issues of public information. During the visit - which lasted 10 - 23 September, 1994 - the delegation visited not only courts, but also - among others - the Parliamentary Ombudsman, the National Police Board, the Bar Association and the Faculty of Law at the University of Stockholm. The delegation has written a report, in which they express the conviction that the valuable knowledge, which they gained during the visit, will assist them in their work.

The purpose of the sector study is to provide a basis for decisions on future long-term legal support to Ethiopia. According to the terms of reference, the sector study will focus on the following themes:

- An assessment of the present organization of the Central and Regional Courts, the Ministry of Justice and Regional Justice Bureaus, with a view to towards suggesting possible reforms;
- An assessment of the manpower situation of the legal sector and suggestions for improving the capacity of the personnel;
- An evaluation of the material needs of the sector and suggestions for meeting these needs;
- A survey of the physical condition of court houses and office buildings and suggestions for their upgrading.

In April 1995, questionnaire forms were distributed to the 23 institutions, covered by the survey. According to the team in charge of the study, this data collection will serve as the main input in the preparation of the final report. Field trips will also be carried out in all regions. The first such field trip took place in July and August of 1995 and covered the Eastern regions. A second field trip will be carried out in January and February of 1996. As the sector study is still only half way, it is too early to be able to make an evaluation of its result. But given the obvious lack of resources in all areas of the legal system as well as its difficulties in coordination and communication, the undertaking of the study appears to be well conceived, and once completed, the study will certainly provide an important source of information.

According to the new plan of operation from the CSC, the proposed use of the next grant follows basically along the same lines as the old one.

Generally, an upgrading of the material and professional resources of the court system can be assumed to have a positive effect on the rule of law and the human rights situation. But since the support to the CSC has been in effect for only a short time, it is still too early to expect any visible such effects. However, the leadership at CSC seems dedicated towards the goal of establishing an independent and professional judiciary, which is an indispensable prerequisite in establishing the rule of law.

4. ASSISTANCE OUTSIDE THE COUNTRY FRAME

4.1 The Special Prosecutor's Office

When EPRDF assumed power in May of 1991, approximately 2.000 former Dergue officials were arrested. Some of these have subsequently been released, but as new arrests have been made, the total number of detainees still remains largely unchanged.

In order to bring these detainees to justice, the Special Prosecutor's Office was created in 1992, with a mandate to investigate and prosecute "any person having committed or responsible for the commission of an offense by abusing his position in the party, the government or mass organizations under the Dergue-WPE regime" (Proclamation No 22/1992 of the Transitional Government of Ethiopia). SPO's work is led by Girma Wakjira, with a background as a prosecutor and acting minister of justice, who heads a team, which today consists of 29 prosecutors. Four categories of crimes are being investigated: 1) the Red Terror, 2) war crimes, 3) high officials in the Dergue regime, and 4) forced relocation and misuse of food aid.

Although the SPO obviously faces a tremendous task, it is to some extent helped by the fact that there exists a considerable

amount of documentary evidence in the form of military orders as well as memos and minutes from meetings at different levels. With money from Sida, SPO hired some 400 persons on a temporary basis in order to gather documentary evidence around the country. As a result, over 250.000 documents have been compiled and entered into SPO's data base.

The proceedings against the first group of seventy-three suspects started in December of 1994. Forty-four of these, among them Mengistu Haile Mariam, are being tried in absentia. The trial has so far largely focused on formalities. Presentation of evidence, including some 2000 witnesses, will start on 13 February.

According to recent information from the SPO, the charges against all remaining detainees will be presented in March, and Chief Prosecutor Girma Wakjira estimates that presentation of evidence concerning this group will start in August or September. He foresees that first instance trials concerning this group will be conducted in the various Regional Supreme Courts around the country. He further estimates that the trials in total will last for about three years.

SPO has in 1993 received MSEK 3.3 from Sida for the compilation and computerization of documentary evidence. According to SPO, these goals have been successfully implemented. However, due to conflicts with its international data experts, who have now left the project, SPO admits to certain difficulties of access to the data base. The agreement between Sweden and Ethiopia concerning the grant to SPO expired on 31 December, 1994. Article 8 of this agreement states: "Not later than two months after the end of the project, an audited report covering all aspects of the project and including support from all other donors shall be forwarded to SIDA." In August 1994, SPO

produced a "Progress and Activity Report", covering the period July 1993 - June 1994. After that time, no report has been presented. For the time being, there is no request from SPO for further funding from Sweden, but, according to Girma Wakjira, such a request can be expected in the near future.

In addition to the funding provided by Sida, assistance to the SPO has also been provided by the United States, Norway, Denmark, the Netherlands, Canada and France.

It is obvious that the magnitude of the Dergue trials presents tremendous difficulties not only to SPO but to the whole Ethiopian legal system and raises serious doubts as to the feasibility of the whole project. The 2.000 suspects will be prosecuted by a team of only 30 prosecutors. The number of suspects exceeds by far the number of defense counsel available in the country. The suspects have already spent almost five years in pre-trial detention and will remain in custody for at least another three years before final sentencing - provided SPO's latest time-table will prove correct, which is highly doubtful. Already in the on-going trial, which has been running for more than a year, and which concerns the first group of seventy-three suspects, two-thousand witnesses are yet expected to be heard. The amount of evidence concerning the remaining 1.900 suspects remains yet to be seen. These problems will be hard to solve even with generous future assistance from the international community. A possible way out of these seemingly insurmountable difficulties could be to issue amnesty for the least serious categories of offenses, such as forced relocations and misuse of food aid, and concentrate on litigating the more serious charges.

4.2 The Public Defender's Office

Ethiopia has never had a publicly funded criminal defence system. Therefore, in view of the need of observing due process of law in the upcoming Dergue trials, it was considered necessary to create some mechanism to provide counsel to the defendants. In 1994, Canada, Sweden and the Netherlands agreed to contribute a total of USD 180.000 to make possible the establishment of a Public Defender's Office. Sweden's share of this contribution was USD 40.000 (SEK 320.000). The agreement for this undertaking expires 30 June 1996.

PDO currently employs 28 public defense lawyers. Out of these, seven have an academic background, while the rest are former district (woreda) court judges, with little formal training and a few years' practical experience. The PDO is located in three offices at the Central Supreme Court and four offices at the Central High Court.

From its creation, PDO has - allegedly for practical reasons - been a department within the organizational framework of the Central Supreme Court, although there are plans to transform it into an independent structure. In some circles it has obviously been felt that the Supreme Court is dragging its feet in implementing this independency. The Danish section of the International Commission of Jurists, which has been providing consultancy services to PDO, has withdrawn, citing - according to Supreme Court President Kemal Bedri - dissatisfaction with the slow independency process.

Although the intention of creating the PDO was to provide defence counsel in the Dergue trials, it has been considered that the lawyers employed by PDO have not yet acquired enough litigation experience to handle the complexity of these trials. Therefore, to defend the 44 former Dergue officials, which are

presently standing trial, PDO has on an ad hoc basis hired 42 private lawyers, who have so far been paid 5.000 Birr each. In the meantime, the in-house lawyers have been assigned to more ordinary criminal cases, in order to improve their skills and experience. The intention is to make use of them when the new Dergue trials will start later this year.

PDO is a small first step towards the creation of a public criminal defense program. It is obviously inadequate - both with regard to human and material resources - to handle the enormous tasks assigned to it. But even so, even if its present impact is little more than symbolical, it is still an important symbol, as it hopefully may serve to enhance understanding for the indispensable role of the defense lawyer in the criminal procedure, something which seems poorly understood in Ethiopia today. And as long as the Dergue trials go on, support for the PDO can hardly be discontinued. However, the need for an early transformation of PDO into an independent body should be emphasized.

4.3 The National Election Board

The National Election Board was established by the new constitution (Article 102) which assigns NEB with the responsibility of ensuring that all federal and state elections shall be free and fair. Members of the board are appointed by the Council of Peoples' Representatives after nomination by the prime minister. The board is served by a staff and a chief executive officer. Article 102 provides for the enactment of a specific law to define the particulars of this procedure. Accordingly, in February 1995, the Electoral Law of Ethiopia (Proclamation No 111/1995) was adopted. Federal and regional elections were held on 7 May 1995.

In an agreement with UNDP on 3 June 1994, Sweden undertook to contribute SEK 5.000.000 to the election process in Ethiopia, to be disbursed in two payments of 50 % each. However, only the first of these payments has been carried out. According to Sida's District Cooperation Office in Addis Ababa, since they never received a request for the second payment, the project has now been closed and the remaining SEK 2.500.000 have been transferred for other purposes.

The result of the 1995 elections was that all seats but one in the National Assembly were won by members of the EPRDF or candidates close to it. Impartial and experienced election observers have criticized these elections in rather strong terms. According to the critics, the time for preparation was inadequate, the opposition was not given sufficient opportunity to campaign and there may also have been an element of voter intimidation. Against a background of such observations and the actual outcome of the elections, the Swedish support for the election process can hardly be said to have promoted democracy. However, it should be noted that the observers, while on the one hand criticizing the 1995 elections, on the other hand do commend NEB on its work in preparing and executing these elections. The Swedish election expert Jan Hult writes: "The National Election Board (NEB) had less than 6 months to prepare the elections, which made their task virtually impossible. Bearing the conditions of Ethiopia in mind, a proper well prepared election cannot be held in such a short time. For that reason nobody can expect a free and fair election in Ethiopia meeting reasonable technical and political standards" ---- "The training program created by the Board was under the circumstances professional and adequate but once again the time constraint made implementation difficult" ---- "The storing, packing and distribution of

materials was well organized ---- In my opinion the Board did everything they could to make the distribution successful" (Jan Hult, *The Elections in Ethiopia 1995 - Some Technical Remarks*, pp. 2-3). The observers from the Norwegian Institute of Human Rights, Kjell Tronvoll and Oyvind Aadland conclude: "The Norwegian Observer Group cannot characterize the 1995 Regional and Federal elections in Ethiopia as 'free, fair and impartial'" (*The Process of Democratisation in Ethiopia - An Expression of Popular Participation or Political Resistance? Human Rights Report No 5 August 1995, Norwegian Institute of Human Rights*, p. 59). But these observers also state: "--- the National Electoral Board (NEB) accomplished a great logistical achievement in the conduct of the elections" (ib. p. 1).

4.4 CERTWID

CERTWID (Centre for Research, Training and Information for Women in Development) was established in 1990 through an agreement between the Ethiopian government and the UNFPA (United Nations Fund for Population Activities), with the purpose of improving social, economic and cultural conditions for Ethiopian women. CERTWID describes itself as one of the units of the Institute of Development Research (IDR) at Addis Ababa University. Its modest office is located on the university campus.

Up to May 1992, CERTWID received SEK 500.000 from Sida. Out of this amount SEK 412.000 were spent on activities in accordance with the objectives of CERTWID. The disposal of this amount has been accounted for in an audited report. The remaining SEK 88.000 have not been repaid.

In August 1993, Sida decided on another grant of SEK 300.000, out of which SEK 259.000 were transferred to CERTWID in

December 1993. Due to previous internal conflicts and a recent change of leadership, CERTWID is presently not able to account for this amount. There are no plans for projects or activities to make use of the money received.

The present coordinator at CERTWID, Wz. Haregewoin Cherinet, has only been in office since March 1995, and is not able to account for the activities prior to this. The visible result of the Swedish assistance is a documentation unit, which employs one person, who is, according to the coordinator, being paid with money from Sida. (To use this money for employment purposes does not seem to be in accordance with the intentions in Sida's Memo of 22 April, 1993.)

In the absence of any account on the use of the grant from December 1993, as well as the remaining SEK 88.000 from the previous grant, it is not possible to form an opinion as to whether or to what extent the grants to CERTWID have been used in accordance with the agreements with Sida and whether human rights have been promoted.

4.5 APAP

APAP (Action Professional's Association for the People) was founded in 1993 by a group of five young, concerned lawyers with the double purpose of rendering free legal aid to disadvantaged groups and of disseminating knowledge about human rights. A grant from Sida in June of 1993 in the amount of SEK 150.000 (SEK 125.000 for equipment and 25.000 for overhead) enabled APAP to set up an office and to begin its activities. Day-to-day activities are led by the executive director, Yitayew Alemayeho, who is also one of the founders.

The legal aid program involves seven "in-house" lawyers, who mainly serve as legal advisors, and three outside litigation lawyers, who work almost entirely "pro bono". The program benefits approximately 200 individuals annually, out of whom 35 % are women and 25 % children below the age of 18. Cases for which services are rendered include mainly family disputes, maintenance claims by mothers and children, inheritance disputes, employment disputes, and tort claims. The program has so far been restricted to Addis Ababa, but there are plans to branch out also into other areas of the country.

APAP's other main line of activities is its "legal literacy program", i.e. to provide knowledge about the law and human rights to particularly disadvantaged groups. To carry out this program, APAP makes use of so called para-legals or barefoot lawyers, who are recruited among the disadvantaged and given a basic legal training. Beneficiaries of this program have been, i.a. garbage collectors and prostitutes. The intention is that knowledge about their legal rights will eventually empower these groups to make use of the law in order to improve their living conditions.

APAP is an impressively sophisticated organisation. It is also presently the only organisation with a program to provide free legal aid. In the implementation of its programs, it makes frequent use of experiences from other countries, where such activities have been existing for a longer time, such as South Africa and the Philippines.

The obvious need for the kind of services provided by APAP, and the high quality of its work have - in addition to Sida - attracted a number of international donors, for example the Ford Foundation, the Norwegian and the Swedish Save the Children

Funds, NORAD, Novib, Oxfam and USAID. At the same time and for unclear reasons, APAP seems to have fallen out of favour with the Ethiopian authorities. Thus, it has for a long time been refused legal registration as an NGO, which i.a. prevents it from access to its bank accounts. Obviously, this seriously hampers APAP's activities. Whatever its reasons, such an attitude on part of the government reflects negatively on its commitment to human rights.

Sweden has in August 1995 decided on continued support for APAP's activities in the amount of SEK 550.000. Transfer of this grant has been hampered by the problems with APAP's legal status.

Experiences from other countries, such as India, the Philippines and South Africa, show that the sort of legal aid and legal literacy programs, which are being implemented by APAP, have positive effects in promoting the rule of law. One very important consequence seems be that such programs induce the target groups to organize in order to collectively make use of the law as a tool against exploitation and oppression. APAP's activities deserve support. Future requests should be encouraged.

4.6 EHRPC

EHRPC (Ethiopian Human Rights and Peace Centre) was established in 1992. It is affiliated to the Faculty of Law at the Addis Ababa University, which turns out approximately fifty law graduates annually. EHRPC, which is headed by professor Ibrahim Idris, runs activities in the following four major areas:

- Academic teaching of international human rights. Third year law students are presently required to take a one semester cour-

se. There are plans to expand this course to two semesters.

- Outreach program. EHRPC arranges on a regular basis workshops and courses in human rights for district court judges, journalists and civics teachers.

- Research. EHRPC produces articles on human rights in Ethiopia in law reports and similar publications. According to Mr. Idris these articles, although frequently critical, are tolerated by the government because of their academic character.

- Documentation. With Swedish assistance EHRPC has set up a human rights library and documentation centre.

EHRPC today employs a staff of three persons. It receives economic assistance from the following donors, (in order of the magnitude of their grants): National Endowment for Democracy (U.S.), NORAD, Sida, the Carter Center and UNESCO. EHRPC plans to expand and transform itself into an institute for human rights and expand its activities, which will require a staff of six to eight persons.

EHRPC has received financial assistance from Sida in the amount of SEK 120.000 for the fiscal year of 1992/93 and SEK 250.000 for the fiscal year of 1994/95. The first grant was intended for establishing a human rights library and documentation centre, as well as for travelling costs to BITS-financed courses at the Raoul Wallenberg Institute in Lund, Sweden. The library and documentation centre has been set up. It occupies a section of its own in the regular law library. The standard is high and exceeds by far that of other sections of the library. The purpose of the second grant was to cover specific and core costs in connection with the transformation to a human rights institute.

The plans for this transformation have not yet materialized.

4.7 The Election '95 NGO Group

In February 1995, seven Ethiopian NGOs, active within the fields of human rights and advocacy, formed a consortium which they called AD - NET ETHIOPIA, with the purposes of jointly promoting their common goals and to monitor the country's elections. The consortium consists of the following organisations: 1) Inter-Africa Group, 2) Abugida Ethiopian Congress for Democracy, 3) the Peace and Development Committee, 4) Action Professionals' Association for the People, 5) the Ethiopian Human Rights and Peace Centre, 6) Nurture and 7) Forum '84. Specifically in order to monitor the general elections in May 1995, this consortium organized a project unit called Election '95 Group. The project unit employed a staff of four people. In addition to monitoring the elections, the group also undertook - prior to the elections - a civic education program in order to sensitize voters to the importance of democratic participation and to teach them about election procedures. To this end 83 trainers were employed on a temporary basis and given a basic voters' education training course, after which they were deployed in regions 1, 3, 4, 14 and the Southern Region. The methods used to educate the voters included town meetings, posters and flyers as well as radio broadcasts. The information was made available in five different languages. According to the group's own estimates, its information reached approximately 15 million voters, a figure, which is of course impossible to verify. During election days, the group's 740 election monitors visited a total of 732 polling stations, or approximately 2.5 % of the total number. The group's general conclusion was that the elections by and large were conducted democratically, peacefully and in accordance with the electoral laws. (It should be noted that the obser-

vations by other monitors, for example from Sweden and Norway, see above, 4.3, were considerably less positive).

Election '95 NGO Group has received SEK 110.000 kr from Sida, as a contribution towards a total budget of USD 166.000. Other donors include Canada, Holland, Norway and USAID.

To form an opinion as to whether the support to Election '95 NGO Group has produced any positive results is not easy. On one hand, it appears from impartial observers that the elections were seriously flawed, and in that sense the grant to Election '95 NGO Group for election monitoring purposes can hardly be deemed to have promoted democracy in Ethiopia. On the other hand, part of the grant was used for civic education purposes, and this may hopefully have left some lasting impressions on those who were exposed to it.

5. RELEVANCE AND EFFECTS OF THE ASSISTANCE

The evaluation concerns nine different receivers for a total economic assistance of almost SEK 18.000.000. Out of the receivers, APAP stands out as the most relevant target, where it can also be concluded that the effect of the assistance has been directly beneficial to human rights situation(albeit to a small extent, in relation to the magnitude of the needs). Important in considering the relevance of this assistance is the fact that it was the Swedish grant, which enabled APAP to begin operations in a field, where APAP is the only player.

The support for the Central Supreme Court and the Public Defender's Office must also be considered highly relevant and largely successful. Concerning the CSC, it is obvious that the Ethiopian court system is in desperate need of upgrading its

professional and material resources. Even if the assistance so far has been used mainly for books and equipment, it is reasonable to assume that better material resources for the courts will result in a swifter execution of justice, which will in turn benefit the human rights situation. The PDO is of high practical importance in the Dergue trials and holds a symbolical value as first step towards a public defender's system. Both aspects are relevant in promoting the quality of justice and the rule of law.

The support for the Special Prosecutor's Office is equally relevant, as it is an indispensable part of the Dergue trials. It is, however, at this stage difficult to say much about the effects of this assistance, taking into account the current problems of access to the computerized compilation of evidence.

The support for the Ministry of Justice requires special consideration. Support for the legal system in general is highly relevant, but given the precarious situation of the judiciary, there are strong policy arguments for concentrating available support on the judicial rather than the executive branch of government (see below, 6.). It must also be taken into account that the Ministry has been largely unable to absorb the resources made available thus far.

Concerning the EHRPC, even if the impact of its activities is mainly limited to the academic world, its work is still of relevance in the context of today's precarious human rights situation in Ethiopia. The teaching of human rights concepts to law students can be expected to have lasting positive effects, as these students are likely to fill important positions in a future Ethiopia. The library and documentation centre, which Sida has financed, plays an important role in this educational process.

The relevance of the assistance to the election process, in the forms of the National Election Board and the Election '95 NGO Group, must be considered to have suffered as a result of the outcome of the elections, which mainly served to reinforce the hegemony of the EPRDF. As to the effects, however, even if the elections were a disappointment from a democratic point of view, the logistic experiences and the voter education programs may prove useful in future elections.

Finally, as far as CERTWID is concerned, the available information seems to indicate that, at least since 1993, Sida's support for this organisation has been of little relevance in promoting the conditions of Ethiopian women.

6. CONCLUSIONS AND RECOMMENDATIONS

It is obvious that the present human rights situation in Ethiopia is far from satisfactory. And - given the historical background - it may still be too early to expect it to be. But the crucial question is: Is the government moving in the right direction? Positive first steps like the Dergue trials, the proclamation of the independence of the judiciary and the constitutional process were taken some time ago. But there is now an urgent need to follow up and implement these commendable initiatives. Concerning the present attitude of the government towards the human rights situation, AI writes in the above mentioned report from April 1995 (p.4): "Declarations by the government of a commitment to human rights are not enough. Action is needed to remedy and prevent human rights violations."

But even if the diagnosis on the human rights situation today - all things considered - is rather depressing, pulling out is hardly

an alternative. Too much is at stake. The initiation of the Dergue trials was highly praised by the international community, hopefully in awareness of the magnitude of the project. These trials are an undertaking of historical dimensions. The launching of the project was possible only with strong international support. But now, when the trials are running into difficulties, international support is dwindeling. To discontinue support at this time would be counterproductive to the promotion of human rights and the rule of law, most likely resulting only in the continued, infinite incarceration of the suspects. Until the project is finished - or has definitely failed - there should be a moral obligation to stay with the original commitments, which for Sweden means continued support for the SPO and the PDO.

A continued presence in the human rights area in Ethiopia immediately raises the issue of the situation of the judiciary. It is widely recognized that there is an urgent need to upgrade the professional, moral and material status of the court system. It is reasonable to assume that investments in this sector will be beneficial for human rights and the rule of law. If judges are better trained, better paid and better equipped, they will do a better job, enjoy more respect and be less susceptible to corruption. The consequence will be a more independent judiciary. If they are removed, they will still be able to make use of their training, as seen in Ethiopia today, where many former judges are doing important work as attorneys. Thus, to train judges is to sow the seeds of justice. And in the endeavour to strengthen the court system, it is important that the training is done by the court system itself, and not as today to by the Ministry of Justice. A ambitious training program for Ethiopian judges is currently being worked out in cooperation between the court system, the Friedrich Ebert Foundation and USAID. Indications are that these institutions would welcome Sida as a participant in

this project.

Even if there are numerous cases of well documented human rights abuses in Ethiopia today, it is still difficult to obtain verified information on the subject. The human rights situation needs to be monitored on a more systematic and continuous basis than is the case today. There is a conspicuous absence of - and a strong need for - an impartial, independent and professional human rights monitoring body in Ethiopia. The only human rights monitoring organisation which exists - the Ethiopian Human Rights Council under the leadership of Professor Mesfin Wolde Mariam - has on several occasions done a very useful job in uncovering human rights abuses by the government, but the organisation is too politically contaminated to be able to be regarded as impartial.

As in most third world countries, there are in Ethiopia large groups of people, who have no access to the law. There is no program for public legal aid and no public defender system (outside the very limited scope of the PDO). Experience from other countries show that in such a situation legal - and para-legal - aid provided by NGOs play an important role, even if they can only meet a fraction of the need. Therefore, in today's Ethiopia existing such organisations should be supported and the establishment of new such programs should be encouraged.

Based on what has been said above a proposal for future assistance in the field of democracy and human rights should consist of the following components:

- Continued support for the completion of the Dergue trials, in the form of assistance to the Special Prosecutor's Office and the Public Defender's Office.

- A concentration of resources within the country frame on upgrading all aspects of the court system, most importantly the training of judges. This entails the discontinuation of support to the Ministry of Justice.
- An initiative to - if possible in cooperation with other appropriate donors - facilitate the establishment of an independent, professional and credible human rights monitoring body.
- Continued support for APAP and the encouragement of similar NGO initiatives in the area of legal and paralegal aid.

Bilaga 1

Uppdragsbeskrivning för utvärdering av SIDA:s stöd till demokrati och mänskliga rättigheter i Etiopien 1991/92 - 1994/95

1. Bakgrund

Svenskt bistånd till demokratiseringsprocessen i Etiopien under perioden 1991-94 har givits till tolv insatser till en totalkostnad av ca 24 mkr. De svenska bidragen har bestått av kontantbidrag, teknisk utrustning och rådgivning till statliga myndigheter, samt stöd till enskilda organisationer.

2. Syfte

Utvärderingens syfte är att ge SIDA en uppfattning om i vilken utsträckning insatserna har bidragit till en demokratisering respektive ökad respekt för mänskliga rättigheter i Etiopien. En sådan analys bedöms utgöra ett nödvändigt underlag för beslut om eventuella fortsatta insatser för demokrati och mänskliga rättigheter i Etiopien, samt vilken uppläggning sådana insatser bör ges.

3. Utvärderingens komponenter

Utvärderingen skall:

(i) beskriva och analysera den politiska utvecklingen i Etiopien 1991/92 - 1994/95 med avseende på demokratisering och respekt för mänskliga rättigheter;

(ii) sammanfatta innehållet i de SIDA-stödda insatserna och vilka konkreta resultat som uppnåtts (prestationer);

(iii) bedöma insatsernas relevans i förhållande till den rådande politiska situationen i Etiopien;

(iv) bedöma insatsernas effekter (grad av måluppfyllelse);

(v) ge en sammanfattande analys av varför måluppfyllelsen varit hög/låg;

(vi) ge en bedömning av meningsfullheten av att ge ytterligare stöd till demokrati och MR i Etiopien;

(vii) om bedömningen under punkt (vi) ovan är positiv, ge rekommendationer för uppläggning av framtida svenska insatser inom demokrati- och MR-området.

LIST OF APPOINTMENTS 9 - 17 JANUARY, 1996

9 Jan	a.m.	Addis Tribune - Tamrat Bekele Abugida - Abraham Abebe
	p.m.	Ethiopian Lawyers Ass'n - Nega Fanta Beyene Petros - CAFPDE
10 Jan	p.m.	Peace and Development Committee - Yusuf Hassan and Dr. Haile Selassie
11 Jan	a.m.	Congress of Ethiopian Trade Unions - Mulatu Gurmu, Dawey Ibrahim and Endale Azmateh
	p.m.	Swedish Save the Children - Per Tamm
	p.m.	German Embassy - Arne von Kittlitz
12 Jan	a.m.	EHRCO - Prof Mesfin Wolde Mariam
	p.m.	Abebe Balcha, Attorney at Law
15 Jan	a.m.	Ministry of Labour and Social Affairs - Ato Getaneh and Ato Urgessa Bedada
16 Jan	a.m.	Federal High Court, Addis Ababa - Ato Dessali
	p.m.	Central Supreme Court - Kemal Bedri and Yohannes Heroi
	p.m.	Special Prosecutor's Office - Girma Wakjira
17 Jan	p.m.	Ministry of Justice - Matemeh Solomon and Hagos Debassu

1995-11-24

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Diarienummer

Er ref

**Förtydningande till uppdragsbeskrivning avseende utvärdering
av MR/Demokratiinsatser i Etiopien**

Enligt referens till ambassaden i Addis Abeba och fax daterat 1995-11-13 skall konsulten utvärdera följande insatser, dels insatser som finansierats utanför landramen med särskilda anslag för MR/Demokrati, dels landrumsfinansierade insatser som ingår i stödet till förvaltningssektorn. Således har följande insatser finansierats utanför landramen:

- special prosecutor's office
- public defender's office
- national election board
- ✓ - CERTWID
- ✓ - APAP
- ✓ - EHRPC
- ✓ - Election 95 NGO Group

Inom landramen:

- Ministry of Justice
- Central Supreme Court

Bifogar kompletterande information avseende stödet till CERTWID, EHRPC samt Ministry of Justice och Central Supreme Court. För övriga ovannämnda insatser har information skickats i ett tidigare skede.

I övrigt gäller tidigare angivna villkor enligt avropsavtal respektive bifogade brev daterat 1995-11-08.

Med vänlig hälsning



Izabella Eriksson
Landansvarig Etiopien

Sida Evaluations

- 95/1 Educação Ambiental em Moçambique. Avaliação de um projecto no Instituto Superior Pedagógico na Beira
Kajsa Pehrsson
Dept. For Democracy and Social Development
- 95/2 Agitators, Incubators, Advisers - What role for the EPU's? An Evaluation of South African Education Units supported by Sweden
Joel Samoff
Dept. For Research Cooperation
- 95/3 Avaliação do Programa de Gemelagem Beira - Gotemburgo
Arne Heilemann, Lennart Peck Translation: Dulce Leiria
Dept. For Democracy and Social Development
- 95/4 Evaluation of the Establishing of the Bank of Namibia 1990-1995
Jon A. Solheim, Peter Winai
Dept. For Democracy and Social Development
- 96/1 The Beira-Gothenburg Twinning Programme - cooperation for municipal development
Arne Heileman, Lennart Peck
Dept. for Democracy and Social Development
- 96/2 Debt Management. Swedish Support to the Ministry of Finance, Kenya
Kari Nars
Dept. for Democracy and Social Development
- 96/3 Telecommunications. A Swedish Contribution to Development
Evaluation of BITS' support to telecommunications development
Lars Rylander, Ulf Rundin et al
Dept. for Infrastructure and Economic Cooperation
- 96/4 Biotechnology Project: Applied Biocatalysis
Prof. Karl Schügerl
Dept. for Research Cooperation
- 96/5 Swedish Assistance 1991-95 to Democratic Development and Human Rights in Ethiopia - An Evaluation
Christian Åhlund
Dept. for East and West Africa



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