

## Revitalizing the Role of Non-Governmental Human Rights Organizations in Ethiopia

Fasil Mulatu Gessesse\* and Rubiyat Mohammed Seid\*\*

### *Abstract*

*In the year 2009, Ethiopia introduced Charities and Societies Proclamation, a law that regulates the activities of non-governmental human rights organizations among others. This law announced the birth of a new era in the operation of non-governmental human rights organizations. Due to the long established culture of foreign fund dependency, poor culture of philanthropy, fear and lack of confidence resulting from this unprecedented change in the operating environment, carrying out in line with the law has been overwhelming. Thus, most non-governmental human rights organizations have been forced to take drastic measures to survive. Those that continued advocating for human rights have been forced to downsize or cut their programmes, operating areas and employees. Others that are passionate to contribute in the promotion and protection of human rights have been discouraged. As a result, the contributions of national non-governmental human rights organizations have reduced significantly. This article provides ways to revitalize the role of these non-governmental human rights organizations in Ethiopia within the bounds of the law.*

**Keywords:** Ethiopian Charities and Societies Law, Civil Society Regulation, Non-governmental Human Rights Organizations, Promotion and Protection of Human Rights, Civil Society Revitalizing Strategies in Ethiopia, Human Rights Advocacy, Human Rights and Civil Society, Civil Society Law.

### **Introduction**

Ethiopia is party to various international and regional human rights instruments. It is also a member state of intergovernmental organizations such as the United Nations, the African Union and other organizations established for the promotion and protection of human rights. The Constitution of Ethiopia has allocated a third of its provisions to human

rights norms and principles.<sup>182</sup> It also recognizes that international human right instruments, to which Ethiopia is a party, are part and parcel of the law of the land. The interpretations of human rights laws should also be guided by talking into account international human rights norms and principles.<sup>183</sup>

By becoming party to various human rights instruments the country has vested itself with the duty to work for the realization of the human rights within its territory. Though the primary duty to protect human rights is vested upon the State, the move towards the realization cannot be undertaken by it alone. It requires the collaborative efforts of States and non-States actors. Particularly, the support of non-governmental human rights organizations is fundamental to inculcating the culture of human rights. In Ethiopia following the introduction of Charities and Societies Law in 2009, the contributions of these organizations have reduced radically.<sup>184</sup>

This article aims at providing strategies that would boost up the role of non-governmental human rights organizations. With this aim, the article is organized into six sections beside this introduction. It starts by briefly discussing the bases and legitimacy of non-governmental human rights organizations in the protection and promotion of human rights obligations. It further deals with the role and contribution of non-governmental human rights organizations prior to the coming into force of the Charities and Societies Law. It also provides an overview on the Charities and Societies Law followed by the outcome it has on the operation of non-governmental human rights organizations. Subsequently, the article deals with strategies that would revitalize the roles these organizations in the promotion and

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\* Fasil Mulatu Gessesse, LLB (Haramaya), LLM in Human Rights and Democratization in Africa (Pretoria) Lecturer and Child Rights Project Coordinator at Addis Ababa University, College of Law and Governance - Center for Human Rights. He can be reached at: [fasilomulatu@gmail.com](mailto:fasilomulatu@gmail.com)

\*\*Rubiyat Mohammed Seid, LLB (Addis Ababa), LLM in Human Rights Law (CEU), Federal Courts Advocate and Consultant. She can be reached at [rubiyatmohammed@gmail.com](mailto:rubiyatmohammed@gmail.com)

<sup>182</sup> Federal Democratic Republic of Ethiopia Proclamation No.1/1995(hereafter FDRE Constitution)Chapter 3, the FDRE Constitution allocated Chapter 3 to Human Rights under the title Fundamental Rights and Freedoms. The Constitution has 103 articles among which 33 are on directly on substantive human rights

<sup>183</sup>FDRE Constitution, art 9(4) & 13(2)

<sup>184</sup>Charities and Societies Proclamation No. 621/2009 came into effect in 13 February 2009

protection of human rights in the country. Finally, the article provides conclusions. The article primarily relies on secondary data sources and where appropriate it uses key informant interviews. In place of focusing on legal analysis and gaps in the law, the article takes a practical view point in dealing with issues.

### ***1. The Emergence and Bases for National Non-Governmental Human Rights Organizations***

Non-governmental human rights organizations (NGHROs) have long standing and distinguished history in the protection and promotion of human rights starting from the Anti-Slavery Society that was founded in 1838.<sup>185</sup> In the mid 20<sup>th</sup> century with the advent of different organizations that aim at upholding the higher norms of human rights such as the United Nations, human rights organizations became more visible.<sup>186</sup> Following these developments at the international level, various human rights instruments came into power with the recognition that though, the primary duty and responsibility to protect and promote human rights falls on States, NGHROs also play a vital role.<sup>187</sup> The Universal Declaration of Human Rights (UDHR), the benchmark in the development of human rights, provides that non-state actors are versed with a responsibility towards the realization of human rights within their territory.<sup>188</sup> One of these non-state actors is NGHROs regardless of their national and international status.<sup>189</sup> Other international human rights instruments state that NGHROs have the responsibility to support the protection and promotion of human rights through: empowerment, capacity building, monitoring States' and other stakeholders' adherence to human rights obligations, supporting the State's and other inter-governmental organizations initiative in their effort to comply with their duties and implementation of human rights and

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<sup>185</sup>Magdalena Sepúlveda and others, *Human Right Reference Handbook*, (3<sup>rd</sup> Edition, University for Peace, Costa Rica, July 2004), p 471

<sup>186</sup>Ibid, p 471

<sup>187</sup>All human rights instruments indicate the primary role of States.

<sup>188</sup>Universal Declaration of Human Rights adopted and proclaimed by the UN General Assembly in Resolution 17 A (III) of 10 December 1948 at (hereafter UDHR) Preamble, para 8

<sup>189</sup>The list of non -state actors include indigenous and minority groups; (semi-) autonomous groups; human rights defenders; terrorists; paramilitary groups; autonomous areas; internationalized territories; multinational enterprises; and, finally, individuals; Magdalena Sepúlveda and others, note 1above, p 474

fundamental freedoms.<sup>190</sup> At the regional level, even though it does not specifically recognize the role of non-governmental human rights organizations, the African Charter on Human and People's Rights (ACHPR) indirectly acknowledge the importance of non-governmental human rights organizations.<sup>191</sup>

In addition, international and regional human rights instruments recognize the right to freedom of association, assembly and expression which form part of the legal framework for the operation of NGHROs.<sup>192</sup> Individuals are entitled to come together to follow and advance collective benefits in groups.<sup>193</sup> Accordingly, individuals have the right to establish and become member of groups at will.<sup>194</sup> In order to be fully enjoyed, this right requires absolute freedom of groups from undue intrusion from government.<sup>195</sup> Individuals are also entitled to embrace thoughts, ideas, and beliefs without

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<sup>190</sup> Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms adopted by General Assembly Resolution 53/144 of 9 December 1998 (hereafter Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society), art 1,16 &18; African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990) entered into force Nov. 29, 1999 (hereafter ACRWC), art 14(2) I; Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in Vienna on 25 June 1993(hereafter Vienna Declaration and Program of Action), para 13,15,18; The Declaration of Responsibilities and Human Duties adopted by a high-level group chaired by Richrad J. Goldstone under the auspices of the City of Valencia and UNESCO initiated and organized by the Valencia Third Millennium Foundation Globalization 2002(hereafter The Declaration of Responsibilities and Human), art 2(5)&16;Consultative Relationship between the United Nations and Non-governmental Organizations adopted at the 49<sup>th</sup> plenary meeting of the UN Economic and Social Council on 25 July 1996 Resolution e/1996/31; the Charter of the United Nations specifies in art 71 that the Economic Social Council (ECOSOC) can create consultation forums for NGOs in operating in line with the council's mandate seems to leave a room for NGOs to partake in human rights issues

<sup>191</sup>African (Banjul) Charter on Human and Peoples' Rights (adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986 (hereafter ACHPR), art 45 (1) (a), (c) and 55; Magdalena Sepúlveda and others, note 1 above, p 473

<sup>192</sup>UDHR, art19 & 20, International Covenant on Civil and Political Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with art 49 (hereafter ICCPR), art 19,21 &22; ACHPR art 9, 10 &11; The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society, art6 & 7

<sup>193</sup>Magdalena Sepúlveda and others, note 1 above, p 302

<sup>194</sup>ibid

<sup>195</sup>ibid

intrusion.<sup>196</sup> They are entitled to the right to freely search, obtain and communicate thoughts, ideas and beliefs without restriction as to place or medium of communications.<sup>197</sup>

The legal basis for freedom of association, assembly and expression are firmly entrenched in the legislative framework of Ethiopia. The FDRE Constitution recognizes the freedom of association, expression and assembly.<sup>198</sup> Moreover, Ethiopia is party to core international and regional human rights instruments which provide for freedom of association, expression and assembly.<sup>199</sup> These international human rights instruments ratified by the country are also part of the law of the land and their interpretation should primarily rely on international norms and principles holistically.<sup>200</sup>

In ratifying human rights instruments, States have committed themselves to guarantee the full enjoyment of individual and group right to freedom of association, assembly and expression.<sup>201</sup> This commitment entails the duty to respect, protect and promote the right to freedom of association, assembly and expression.<sup>202</sup> Hence, State Parties are duty bound to refrain from any acts that has the tendency of violating these rights.<sup>203</sup> They should also safeguard these rights from violations by third parties.<sup>204</sup> In addition, States are required to take positive steps towards the advancement of these rights.<sup>205</sup> These steps take on various forms including the creation of enabling environment for the full enjoyment of the right.<sup>206</sup>

Despite NGHROs vital role in the protection and promotion human rights, it has been very difficult to come up with a term that defines them. This is mainly due to the fact that, NGHROs come in different size, shape, resource, capacity, constituencies, specializations, constructions, ideologies

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<sup>196</sup>ICCPR, art 19(1)

<sup>197</sup> *ibid*, art 19(2)

<sup>198</sup>FDRE Constitution, art 29,30& 31

<sup>199</sup>Ethiopia acceded to ICCPR in 11 June 1993 and ratified ACHPR in 15 June 1998

<sup>200</sup>FDRE Constitution, art 9(4) & 13(2)

<sup>201</sup>ICCPR, art 2; Declaration on Human Rights Defenders, art 2(1)

<sup>202</sup>Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004) (hereafter HRC General Comment No. 31)

<sup>203</sup>*ibid*

<sup>204</sup>HRC, General Comment No. 31(2004), para 8

<sup>205</sup>*ibid*

<sup>206</sup>*ibid*; Declaration on Human Rights Defenders, art 2(1); ICCPR, art 2

and schemes.<sup>207</sup> Due to these diverse, wide ranging and differing factors providing a single definition remains to be a challenge.<sup>208</sup> But, a common denominator that is shared by all NGHROs can be deduced. These may include non-profit making, autonomous, motivated to promote and protect the dignity of human kind by addressing social, development and human rights issues of the society they serve.<sup>209</sup> They are also known for being a channel and voice for those who are marginalized, disadvantaged and vulnerable.<sup>210</sup>

The emergence of NGHROs in Ethiopia is a recent occurrence.<sup>211</sup> These organizations came into existence only after the change of military regime in the year 1991.<sup>212</sup> Prior to 1991 the legal environment together with resources and opportunities were not conducive for the operation of human rights organizations.<sup>213</sup> Thus, NGOs were exclusively involved in relief and delivery of social services.<sup>214</sup> The 1991 transitional government of Ethiopia's move towards building a democratic society opened more space for the engagement of NGOs in governance, human rights, legal service and advocacy initiatives.<sup>215</sup> Since then human rights advocacy NGOs have

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<sup>207</sup>Magdalena Sepúlveda and others, note 1 above, p 471 & 474

<sup>208</sup>ibid, p 474

<sup>209</sup>ibid

<sup>210</sup>ibid

<sup>211</sup>Konjit Fekade, "Civil Society in Kenya, South Africa and Uganda: Lessons for Ethiopia" in Taye Assefa and Bahru Zewde (eds) *Civil Society at the Crossroads: Challenges and Prospects in Ethiopia* (Forum for Social Studies, 2008), p 38-39

<sup>212</sup> Ibid, p 39

<sup>213</sup>*Assessment of the Operating Environment for CSO/NGOs in Ethiopia*, (Consortium of Christian Relief and Development Association, Addis Ababa, December 2006), p 7 available at <http://www.crdaethiopia.org/Documents/Assesment%20of%20NGOs%20Operating%20Environment%20in%20Ethiopia.pdf> (accessed 24 October 2014)

<sup>214</sup>Jeffrey Clark, *Civil Society, NGOs, and Development in Ethiopia: A Snapshot View* (World Bank, Washington DC, 2000), p 5

<sup>215</sup>Dessalegn Rahmato, Akalewold Bantirgu and Yoseph Endeshaw, *CSOs/NGOs in Ethiopia, Partners in Development and Good Governance: A Report Prepared for the Ad Hoc CSO/NGO Task Force* (Consortium of Christian Relief and Development Association, Addis Ababa 2008) p 79 available at <http://www.crdaethiopia.org/Documents/CSOs-NGOs%20in%20Ethiopia%20-%20Partners%20in%20Development.pdf> (accessed 23 September 2014)

increase in numbers, expanded in geographic coverage and diversify their thematic areas.<sup>216</sup>

## **2 The Role of National Non-governmental Human Rights Organizations Prior to the Charities and Societies Law of Ethiopia**

Since their emergence local NGHROs in Ethiopia have made commendable contribution in the country's effort towards the realization of human rights through empowering the society to clam rights; providing support to public institutions; and advocate for change of policies, laws, programs, plans measures and actions of the State that may undermine the human rights obligations.<sup>217</sup>

### **2.1 Empowering the Society to Clam Rights**

National NGHROs have been engaged in enlightening the society with special emphasis to vulnerable, marginalized and disadvantaged sections of the society to use their rights and the law to change and gain control over their lives.<sup>218</sup> They have been executing this mission through human rights education, enhancing the level of participation, ensuring accessibility of legal aid.<sup>219</sup> In order to reach the general public, empowerment programs mainly targeted grass root, religious, mass based and community based organizations.<sup>220</sup>

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<sup>216</sup>Dessalegn Rahmato, "The Voluntary Sector in Ethiopia: Challenges and Future Prospects" in Taye Assefa & Bahru Zewde (eds) *Civil Society at the Cross Road*, (Forum for Social Studies and The European Union, Addis Ababa, 2010) p 98-102

<sup>217</sup>The writers categorized non-governmental human rights advocacy organizations' contribution based on the definition of advocacy provided in "A practitioners' Guide to Human Rights Monitoring: Documentation an Advocacy" (The Advocates for Human Rights, Minneapolis, 2011), p 83-84

<sup>218</sup>Sisay Gebre-Egziabher, *The Role of Civil Society Organization in the Democratization Process in Ethiopia*, paper presented in the Fifth International Conference of the International Society for the Third Sector Research (ISTR), on the theme 'Transforming Civil Society, Citizenship and Governance: The Third Sector in an Era of Global (Dis)Order', University Of Cape Town Cape Town, South Africa, 7-10 July 2002, p 7

<sup>219</sup>ibid, p 8-9; Dessalegn Rahmato, Akalewold Bantirgu and Yoseph Endeshaw, note 34 above, p 81-83; William Emilio Cerritelli, Akalewold Bantirgu and Raya Abagodu, *Updated Mapping Study of Non State Actors in Ethiopia Vol I* (European Commission Civil Society Fund, Addis Ababa, 2008) p 99 available at [http://eeas.europa.eu/delegations/ethiopia/documents/eu\\_ethiopia/ressources/main\\_report\\_en.pdf](http://eeas.europa.eu/delegations/ethiopia/documents/eu_ethiopia/ressources/main_report_en.pdf) (accessed 24 December 2014)

<sup>220</sup>The Ad Hoc CSO/NGO Task Force, *CSOS/NGOS in Ethiopia: Partners in Development and Good Governance: Summary of Main Report* (Consortium of Christian Relief and

**2.1.1 Human Rights Education:** the first step to the creation of a just society as well as the ultimate goal of human rights as stated in all human rights instruments is awareness and the development of a human rights culture.<sup>221</sup> Where there is awareness there will be attitudinal and behavioral change, which fosters the transformation of a society into one that upholds human rights.<sup>222</sup> This makes human rights education and information dissemination an essential component of the promotion and protection of human rights.<sup>223</sup>

In order to sensitize the society, various NGHROs have been engaged in providing human rights education to various sections of the society. For instance, Ethiopian Women Lawyers' Association (EWLA) has been providing trainings on various topics on the human rights of women to female students and workers.<sup>224</sup> Action Professionals' Association for the People (APAP) used to providing non-formal training to different community based organizations on different human rights thematic areas.<sup>225</sup> The African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN), a former child rights advocacy organization, was engaged in providing training on the Family Law, the Revised Criminal Code, the United Nations Convention on the Rights of the

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Development Association, Addis Ababa, November 2008), p 5 available at <http://www.crdaethiopia.org/Documents/CSOs-NGOs%20in%20Ethiopia%20-%20Partners%20in%20Development%20-%20Summary%20of%20Report.pdf> (accessed 25 January 2013)

<sup>221</sup>World Programme for Human Rights Education: Second Phase, Plan of Action (United Nations, 2012), p 2

<sup>222</sup>*ibid*

<sup>223</sup>*ibid*

<sup>224</sup>The Ethiopian Women Lawyers' Association (hereafter EWLA) is a private, non-profit and non-partisan, voluntary organization founded by a group of Ethiopian women lawyers to pursue the legal, economic, social and political rights of Ethiopian women. EWLA was founded in 1995, immediately following the ratification of the Constitution of the Federal Democratic Republic of Ethiopia. EWLA, Activity Report, November 1999-December 2000

<sup>225</sup>Action Professionals' Association for the People (hereafter APAP) was an indigenous non-profit human rights organization established in the year 1993 with the view to create a just society where human rights are protected and promoted. Since 2010 APAP changed its focus area due to the ChSP

Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC), child development, child abuse, neglect and exploitation.<sup>226</sup>

These organizations have also been conveying knowledge about human rights and the skills required to promote, defend and apply human rights in a daily life through information and education materials such as leaflets, posters and brochures. In this regard, APAP had an educational biannual magazine that targeted community based organizations known as “*Fitih Lehulum*”-which stands for justice for all. EWLA also had biannual magazine known as “*Dimtsachen*” (*Our Voice*), in English and Amharic and ‘*Birchi*’ which stands for “*you can do it...keep up the struggle*”, the annual Journal of the Ethiopian Women’s Association.<sup>227</sup> ANPPCAN Ethiopia used to organize radio and television talk shows, documentaries, newsletters, booklets, brochures, posters and bill boards in line with ANPPCAN Ethiopia's thematic areas of focus including children's rights, child participation, child trafficking, harmful traditional practices (HTP) and HIV/ AIDS.<sup>228</sup>

NGHROs have also utilized print media as another strategy particularly newspapers such as ‘The Reporter’ to publish articles on various human rights issues.<sup>229</sup> Radio based human rights education in collaboration with different radio stations have also been employed as a strategy to disseminate human rights information to the general public. Panos Ethiopia and EWLA had programs on national radio broadcasts on gender based violence (GBV) and women’s rights; Ethiopian Human Rights and Civic Education Promotion Association (EHRCEPA) on the other hand, used to broadcast programs on child rights, women’s rights and gender, HIV/ AIDS and civic education every two weeks through the Amhara Mass Media

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<sup>226</sup>The African Network for the Prevention and Protection against Child Abuse and Neglect (hereafter ANPPCAN) *Annual Report 2007*, p 8 available at <http://www.anppcan.org/newsite/files/ANPPCAN%20Annual%20Report%202012%209.pdf> (accessed 16 February 2014)

<sup>227</sup>*Dimtsachen* aims to bring to the fore the wide range of issues that affect the rights and well-being of women in Ethiopia, expose the gender bias and discrimination that women suffer, build awareness of these fundamental issues among women and the population at large, and encourage efforts towards realization of the principles of gender equity. The magazine on the other hand is geared towards encouraging Ethiopian women. EWLA, Annual Activity, November 1999-December 2000

<sup>228</sup>ANPPCAN, note 45 above, p10

<sup>229</sup>Dessalegn Rahmato, Akalewold Bantirgu and Yoseph Endeshaw, note 34 above, p 82

Agency since August 2004.<sup>230</sup> Forum for Social Studies (FSS) has radio programs on FM 97.1 in Addis Ababa and FM 100.9 in Awassa that deal with a variety of public issues.<sup>231</sup>

NGHROs have also employed other convenient means to educate the society. In the year 2001, for instance APAP held human rights awareness raising program that educated more than 25,000 people on human rights and corruption, mainly through stage drama, puppet show and public speech.<sup>232</sup>

**2.1.2 Enhancing Public Participation:** increasing the level of public participation in matters that affect their lives has been another engagement area of NGHROs. This is a very crucial intervention as enhancing public participation is the means as well as the end of rights-based approach.<sup>233</sup> ANPPCAN, “Ethiopia Goji Limadawi Dirgitoch Aswegaje Mahiber” (EGLDAM), Forum for Street Children-Ethiopia (FSCE), EWLA, Integrate Family Services Organization (IFSO) and Organization for Child Development and Transformation (CHADET) have played vital role in the establishment and functioning of child right clubs that have been instrumental in enhancing children’s participation.<sup>234</sup> These child rights clubs functioned on different thematic issues such as HTPs/female genital mutilation or cutting (FGM/C), violence against girls and corporal punishment.<sup>235</sup>As a result of this initiative child rights clubs have been recognized as extra-curricular structures in primary schools.<sup>236</sup>ANPPCAN-Ethiopia and Mary Joy, on the other hand, have established networks of child rights clubs, children’s councils and children’s parliaments to create a forum for children outside of the school setting.<sup>237</sup> These structures have created a platform for children to participate in decision making on matters

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<sup>230</sup>ibid

<sup>231</sup>The Forum for Social Studies (hereafter FSS) was set up by a group of academics and professionals in 1998. Two main objectives underscored the establishment of FSS: the pursuit of independent policy research and the provision of public forum for debates and consultations on policy issues. In carrying out its program activities, FSS aims to contribute its share to the fostering and expansion of the democratization process. Forum for Social Studies, No. 21 June 2009 Policy brief available at <http://www.fssethiopia.org/publicationfile/no.%2021e.pdf> (accessed 08 October 2014)

<sup>232</sup>Sisay Gebre-Egziabher, note 37 above, p 7

<sup>233</sup>Dessalegn Rahmato, Akalewold Bantirgu and Yoseph Endeshaw, note 34 above, p 83

<sup>234</sup>ibid

<sup>235</sup>ibid

<sup>236</sup>ibid

<sup>237</sup>ibid

affecting them and also in the affairs of the community outside of the school environment.<sup>238</sup>

The establishment and efficiency of various youth, women, people living with disability (PLD), and people living with HIV/AIDS (PLHA) and other associations of the poor and vulnerable sections of the society could also be owed to NGHROs' initiative.<sup>239</sup> Organizations such as APAP were renowned for empowering "Idirs"<sup>240</sup> and other community based organizations to take part in the decision making processes affecting their lives, and implementation, monitoring and evaluation of projects in their locality.<sup>241</sup>

**2.1.3 Provision of Legal Advice and Representation:** legal aid is a vital component of realization of the right of access to justice which is one of the core norms of human rights.<sup>242</sup> Particularly in criminal cases, States are vested with the primary duty to provide free legal aid to the indigent.<sup>243</sup> NGHROs have been engaged in ensuring accessibility of justice by introducing free legal aid provision schemes. Among civil societies, EWLA and APAP are pioneer organizations in introducing free legal aid provision schemes in the country.<sup>244</sup> This scheme has been taken by different government institutions like the Ethiopian Human Rights Commission (EHRC), Ministry of Women, Children and Youth Affairs (MoWCYA) and Law Schools of public academic institutions.<sup>245</sup> EWLA has been engaged in the provision of direct service through paid or volunteer staffs whereas APAP was engaged in the provision of legal aid through paralegals. EWLA has been providing legal advice, counseling and representation to victims of GBV/VAWC in criminal and civil cases.<sup>246</sup> APAP established community

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<sup>238</sup>ibid

<sup>239</sup>ibid

<sup>240</sup>APAP, Annual Reports (2007-2010)

<sup>241</sup>Dessalegn Rahmato, Akalewold Bantirgu and Yoseph Endeshaw, note 34 above, p 83

<sup>242</sup>UDHR, art 11

<sup>243</sup> ICCPR, art 14(1) d

<sup>244</sup>Debebe H/Gabriel, *Contributions of Charities and Societies for the Achievements of MDGS and PRSP in Ethiopia*, (Poverty Action Network in Ethiopia, Addis Ababa, 2012), p 16

<sup>245</sup>ibid

<sup>246</sup>Ghetnet Mitiku Wolde Giorgis, *The Role and Contributions of Ethiopian Civil Society in the Provision of Free Legal Aid Services*, p 2 available at <http://www.slideshare.net/gmgiorgis/role-contributions-of-ethiopian-cs-os-in-legal-aid-english> (accessed 8 October 2014)

based resource centers in collaboration with “*Idirs*”.<sup>247</sup> They provided general information on human rights, legal matters, free legal advice and representation to community members. Moreover, legal aid centers were established in different correctional centers to provide legal advice through the trained paralegals.<sup>248</sup> From the year 2005-2007, more than 4,000 people have benefited from these centers.<sup>249</sup> The former Ethiopian Bar Association (EBA) and Addis Ababa University Faculty of Law used to provide free legal aid services through the two legal aid centers established in the premises of Federal First Instance Court *Lideta* and *Arada* branch in collaboration with APAP.<sup>250</sup>

ANPPCAN – Ethiopia has established a help line for victims of child abuse called ‘Reporting Center’ in Addis Ababa that works for 10 hours per day. The Report Center provided counseling and legal services for victims of child abuse.<sup>251</sup> It also used to provide counseling and legal advices to children traumatized by exploitation and neglect.<sup>252</sup> The former EBA, the African Child Policy Forum (ACPF) through its Children’s Legal Protection Center (CLPC), have been providing legal advice, counseling and representation to children and other vulnerable portion of the society based on their priority target groups.<sup>253</sup> In general, in the year 2007 alone, 30,025 have benefited from free legal aid services of APAP, ANNPCAN, ACPF and EWLA.<sup>254</sup> It should also been noted that FSCE, ANNPCAN, ACPF, the then Save the Children Sweden and Norway were vital in introducing Children Protection Units (CPU) in the police structure as well as child

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<sup>247</sup>Ten human rights resource centers have been established in Addis Ababa, Awassa, Assela, Bahir-Dar, Dire-Dawa, Debreberhan, Harar, Jimma, and Adama Towns

<sup>248</sup>Dessalegn Rahmato, Akalewold Bantirgu and Yoseph Endeshaw, note 34 above, p 83  
<sup>249</sup> *ibid*

<sup>250</sup>Ghetnet Mitiku Wolde Giorgis, *Access to Justice and Legal Aid in Ethiopia*, available at <http://abyssinialaw.com/our-blog/entry/15-access-to-justice-and-legal-aid-in-ethiopia> , p 9 (accessed 8 October 2014)

<sup>251</sup>Dessalegn Rahmato, Akalewold Bantirgu Yoseph Endeshaw, note 34 above, p85

<sup>252</sup>Ghetnet Mitiku Wolde Giorgis, note 65 above, p 2

<sup>253</sup>In the year 2007, 7,226 poor section of the society, 663 Child victims of abuse and neglect, 4123 Children deprived of their liberty and child victims of abuse, 18013 Women and girl victims of GBV have received legal aid from APAP, ANPPCAN, Children’s Legal Protection Center of the African Child Policy Forum (ACPF/CLPC), EWLA respectively Dessalegn Rahmato, Akalewold Bantirgu and Yoseph Endeshaw, note 34 above, p 85

<sup>254</sup>Ghetnet Mitiku Wolde Giorgis, note 65 above, p 2

friendly bench in the courts.<sup>255</sup> These mechanisms have played a very essential role in increasing the societies' level of awareness and empowerment by using the law.<sup>256</sup>

**2.2 Providing Support to Public Institutions:** The promotion and protection of human rights particularly relies on the competence and good organization of the law making, the administrative, the judiciary, the law enforcement and other government agencies.<sup>257</sup> Even where good laws and policies that take into consideration the needs of the poor, disadvantaged and vulnerable sections of the society are in place, the enforcement and implementation capacity of the government organs is prerequisite for attaining the good of the public.<sup>258</sup> In Ethiopia such problem is severe at the lower levels of governance and justice administration organs.<sup>259</sup> NGHROs have also been engaged in ameliorating the State through creating common platforms and undertaking joints projects.<sup>260</sup> Further they have been able to bring remarkable change by conducting capacity building trainings, establishment of structures targeting law enforcement officials, judges, legislators and administrative officials.<sup>261</sup> FSCE has been providing training targeting the police.<sup>262</sup> On the other hand, APAP has been providing human rights education and trainings for judges, prosecutors, administrators and police officials in different parts of the country.<sup>263</sup>

**2.3 Advocate for a change of policies, laws, programs, plans measures and actions o that may undermine the human rights obligations of the State**  
NGHROs have also been supporting the role of the State by identifying challenges that have not been recognized by the government through advocacy, monitoring and evaluation.<sup>264</sup> By utilizing the then existing

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<sup>255</sup>Debebe H/Gabriel, note 63 above, p16; at end of 2012 the seven members of Save the Children were merged and became a single Save the Children International; *see also* 'If not Aid then What' , Interview with John Graham Country Director of Save the Children International, Addis Fortune Newspaper, Published on November 24, 2013 [Vol 14, No 708] available at <http://addisfortune.net/interviews/if-not-aid-then-what/> (accessed 15 October 2014)

<sup>256</sup>Debebe H/Gabriel, note 63 above, p16

<sup>257</sup>Dessalegn Rahmato, Akalewold Bantirgu and Yoseph Endeshaw, note 34 above, p 89

<sup>258</sup>ibid

<sup>259</sup>ibid

<sup>260</sup>ibid

<sup>261</sup>ibid

<sup>262</sup>Sisay Gebre-Egziabher, note 37 above, p10

<sup>263</sup>ibid

<sup>264</sup>ibid, p 9

mechanisms NGHROs have undertaken various advocacy initiatives to bring change in polices, laws, government structures to make them more open to the needs of the poor sections of the society.<sup>265</sup> In this regard, EWLA had the opportunity to get a seat in the Parliament in its move for the revision of the Family of 1999.<sup>266</sup> These organizations have produced research reports addressing the different human rights issues of the poor, disadvantaged and vulnerable sections of the society.<sup>267</sup> Although most of these activities were conducted with the purpose of feeding internal initiatives, some have been important in informing decision making process at the government level.<sup>268</sup> APAP, EWLA, Society for the Advancement of Human Rights Education (SAHRE) and Peace and Development Committee (PDC) are good examples in this aspect.<sup>269</sup>

NGHROs have also been undertaking human rights monitoring activities. Ethiopian Human Rights Council (EHRCO) has been reporting on human rights violations such as extra-judicial killings, arbitrary detention, torture, forced disappearances, unlawful and arbitrary confiscation of property, violation of privacy, unlawful dismissal of employees, and denial of the freedom of conscience, religion, expression and association.<sup>270</sup> The organization has the mandate to issue reports yearly on 'The Human Rights Situation in Ethiopia,' and special investigations reports on specific issues. In the year 2008, EHRCO documented 9,000 reports of human rights abuse.<sup>271</sup>

In 2009 a civil society coalition was formed to submit parallel reports to the Universal Periodic Review (UPR) process. The coalition was supported by United Nations Office High Commissioner for Human Rights (UNOHCHR) and Ethiopian Human Rights Commission (EHRC). The coalition comprised of APAP (Chair), EHRCO, EWLA, EBA and OSJI.<sup>272</sup>

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<sup>265</sup>Dessalegn Rahmato, Akalewold Bantirgu and Yoseph Endeshaw, note 34 above, p 87

<sup>266</sup>ibid, p10

<sup>267</sup>ibid, p 87

<sup>268</sup>ibid, p 87

<sup>269</sup>Sisay Gebre-Egziabher, note 37 above, p 9

<sup>270</sup>ibid, p 11

<sup>271</sup>Amnesty International, *Stifling Human Rights work: The Impact of Civil Society Legislation in Ethiopia*, 1<sup>st</sup> edition (Amnesty International, London, 2012), p 24

<sup>272</sup>APAP was the Chair of the Civil Society Coalition for Parallel Reporting under the UPR process: Fasil Mulatu Gessesse, (the then Project Officer at APAP and the Coordinator of the Civil Society Coalition for Parallel Reporting under the UPR process)

NGHROs' scope of intervention covered all segments of the community, all sectors and structures of government organs. They also networked with other Human Rights NGOs at the domestic, regional and international levels which has enabled them to avoid duplications and introduce better human rights protection and promotion mechanism such as rights-based approach and free legal aid provision schemes. They have been able to empower right holders to use the law to bring change in their lives. The capacity of duty bearers in the executive, legislative and judiciary starting from lower strata of administration- the kebele- have been enhanced through their intervention. Through their advocacy efforts they have been able to bring the attention of the law makers to address loopholes in the laws. They have contributed to the promotion of accountability and transparency in the government operation.

### ***3 An Overview of the Charities and Societies Law in light of Non-Governmental Human Rights Organizations in Ethiopia***

In February 2009, the government of Ethiopia issued the Proclamation of Ethiopian Charities and Societies No. 621/2009 (hereafter ChSP) which regulates, among others, the establishment and function of national NGHROs in Ethiopia. ChSP has introduced two classifications of organizations: Charities and Societies.<sup>273</sup> Charities are basically established entirely for charitable purposes to benefit the society.<sup>274</sup> On the other hand Societies focus on advancing the rights and interest of its members and other lawful objectives.<sup>275</sup> Charities and Societies are further classified into Ethiopian Charities and Societies, Ethiopian Resident Charities and Societies, and Foreign Charities and Societies.<sup>276</sup> In addition, ChSP recognizes five categories of Charities: Charitable Endowment, Charitable Institution, Charitable Trust, Charitable Society and Charity Committee.<sup>277</sup>

The ChSP sets criteria that should be fulfilled puts steps by Ethiopian Charities so as to be recognised as established and operate legally.<sup>278</sup> These are formation, registration and licensing.<sup>279</sup> Formation refers to the actual gathering of the founders to work on the basic requirements for the

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<sup>273</sup>Charities and Societies Proclamation No. 621/2009 (hereafter ChSP), art 2(2), 14, 55

<sup>274</sup>ibid, art 14

<sup>275</sup>ibid, art 55

<sup>276</sup>ibid, sec 3 & 4

<sup>277</sup>ibid, art 15 & 46

<sup>278</sup>Ibid, sec 5

<sup>279</sup>ibid

establishment of an Ethiopian Charity.<sup>280</sup> Organizations are considered to be formed when they fulfil all the registration requirements set by the ChSP.<sup>281</sup> Once they are formed organizations need to apply for registration within three months.<sup>282</sup> Ethiopian Charities that commence operating in Ethiopia without registration shall not be recognized before the law.<sup>283</sup> In other words, mere formation does not grant legal personality.<sup>284</sup> It is only through registration that organizations can assume legal personality.<sup>285</sup> If the organization incurs debts prior to registration and before assuming legal personality, it will accrue on its founders until it's legally recognized.<sup>286</sup> Moreover, before assuming legal personality Ethiopian Charities are prohibited from generating more than 50,000 birr.<sup>287</sup> Applicants are required to submit application and fulfil requirements.<sup>288</sup> Following the registration, Ethiopian Charities will get a license which will be valid for three years.<sup>289</sup> The organ assigned to govern the registration, licensing, functions of Ethiopian Charities is the Charities and Societies Agency (the Agency).<sup>290</sup> The Agency is a Federal organ vested with the power to regulate functions of NNGHROs starting from their establishment.<sup>291</sup>

During their operation, all Ethiopian Charities also have the duty to ensure at least 70% of their budget is spent in the implementation of their programmes and the remaining 30% for administrative costs. <sup>292</sup> Administrative cost is defined as “costs incurred for emoluments, allowances, benefits, purchasing goods and services, travelling and entertainments necessary for the administrative activities of a charity or society”.<sup>293</sup> Moreover, Ethiopian Charities are required to keep records of

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<sup>280</sup>User’s Manual For charities and Societies Law (CSO Task Force on Enabling Environment for Civil Society Organizations in Ethiopia, Addis Ababa, 2011), p19; ChSP art 64

<sup>281</sup>ChSP, art 64(1)

<sup>282</sup>ibid, art 64(2)

<sup>283</sup>ibid, art 65(2)

<sup>284</sup>ibid, art 65(1)

<sup>285</sup>ibid, art 65(2)

<sup>286</sup>ibid, art 65(2)

<sup>287</sup>ibid, art 65(3)

<sup>288</sup>These requirements are prescribed in ChSP art 64(1), 68(3) & (4)

<sup>289</sup>ibid, art 76(1)

<sup>290</sup>ibid, art 6(1)

<sup>291</sup>ibid art 2(6) cum 4(2), 5& 6,7; 64, 65(4), 68(2), 104(1),104 (2), 104 (3)

<sup>292</sup>ibid, art 88(1)

<sup>293</sup>ibid, art2(14)

their accounts.<sup>294</sup> These records should indicate the daily financial transactions of the organization as well as purpose of the transactions including assets and liability of the organization and identification of the source of their finance.<sup>295</sup> They are also required to submit activity and financial reports to the Agency on annual basis in line with standard provided by it.<sup>296</sup> In addition, they have to notify the Agency about their bank accounts annually or upon request.<sup>297</sup> The Agency has been given the power to investigate the activities of Ethiopian Charities every now and then.<sup>298</sup> Besides that the Agency can request information regarding any aspect of an organization and search the document.<sup>299</sup> During the investigation if the Agency is convinced that there has been maladministration of the resources it can take measures such as suspending the responsible person or order the organization to change its manner of management.<sup>300</sup> Until the Ethiopian Charity implements the recommendations of the Agency, it can enforce sanctions such as banning the organization from making financial commitments.<sup>301</sup> Besides that, the organizations have the duty to inform the Agency about any meetings of the General Assembly.<sup>302</sup>

#### ***4 Impact of the Charities and Societies Proclamation on National Non-Governmental Human Rights Organizations***

Previously, besides the Civil Code of Ethiopia and the Associations Registration Regulation of 1966, there was no other law in the country that accommodated the growing nature and types of non-governmental organizations in the country.<sup>303</sup> It can be said that the ChSP contributes to addressing the challenges faced in the administration of national NGHROs

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<sup>294</sup>ibid, art 77

<sup>295</sup>ibid, art 77(2) & 77(3)

<sup>296</sup>ibid, art 78(1) & art 80(1)

<sup>297</sup>ibid, art 83

<sup>298</sup>ibid, art 84(1)

<sup>299</sup>ibid, art 85(1)

<sup>300</sup>ibid, art 90 (1) a & b

<sup>301</sup>ibid, art 90(2) a & b

<sup>302</sup>ibid, art 86

<sup>303</sup>Comments of Ethiopian Civil Society Organizations on the Charities and Societies Draft Proclamation

presented to the FDRE Ministry of Justice (13th May 2008)

operating in the country.<sup>304</sup> It would also heighten the level of transparency and accountability of national NGHROs.<sup>305</sup> Moreover, as a result of this law there is an Agency along with a Board that registers and supervises the activities of Charities and Societies.<sup>306</sup> Individuals also have alternatives on how to organize themselves.<sup>307</sup> The law acknowledges the formation of consortium by NGOs. It also vests government organs with the responsibility to foster the activities of respective charities and societies and allows income generating activities by NGOs.<sup>308</sup> Though the existence of a system of regulation is a commendable development, the requirements introduced by the ChSP creates restricting environment for the operations of national NGHROs. This is due to, among others, taking the present economic situation of the country, culture and values of the society and the capacity and attitude of national NGHROs themselves.<sup>309</sup>

One of the hand the classification introduced by the ChSP has its own impact on the types of activities that can be undertaken.<sup>310</sup> The advancement of human rights is restricted only to Ethiopian Charities.<sup>311</sup> These organizations are established under Ethiopian laws composed of Ethiopians with a financial means based in Ethiopia; raising not more than 10% of their budget from sources abroad and under total management of Ethiopians.<sup>312</sup> As a result organizations are prohibited from engaging in the promotion and protection of human rights work by soliciting much of their funds from abroad.

Factors such as the long standing history of poverty, absence of culture of supporting advocacy organizations and lack of skills and knowhow to generate fund from local sources has been a challenge to adapt to the

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<sup>304</sup>ibid

<sup>305</sup>*Analysis of Ethiopia's Draft Civil Society Law*, (Human Rights Watch, 13, October, 2008) available at <http://www.hrw.org/news/2008/10/13/analysis-ethiopia-s-draft-civil-society-law-0> (accessed 12 June 2014).

<sup>306</sup>Bekalu Tilahun, "Implications of the Ethiopian Charities and Societies Proclamation for the Current Operations of CSOs/NGOs", *Journal of Ethiopian Civil Society Organizations* Vol 1, No 1 (2011), p 38

<sup>307</sup>ibid

<sup>308</sup>ibid

<sup>309</sup>Amnesty International, note 90 above, p 5

<sup>310</sup>Wondemagegn Tadesse, "Rights-based Approach and CSOs in Ethiopia: Not totally lost", *Journal of Ethiopian Civil Society Organizations* Vol1, No1 (2011), p 51

<sup>311</sup>ChSP, note 92 above, art 14

<sup>312</sup>ibid, art 2(2)

existing cumbersome legal environment.<sup>313</sup> According to a World Bank Report, Ethiopia is among the countries that comprise 70% of the world's extreme poor.<sup>314</sup> The 2014 Human Development Report further indicates that 96% of the population residing in the rural parts of Ethiopia is poor whereas for the urban population the percentage of poverty is 54%.<sup>315</sup> Despite the current reported progress made in growth, the country has a long way to go to eradicate extreme poverty.<sup>316</sup> Moreover, the short history of NGHROs is tied with foreign funding. Except for some community based organizations that have narrow scope of applications, NGHROs have been either established or function with the engagement of foreigners and foreign funds.<sup>317</sup> It can be said that, local institutions were not at the forefront in promoting the initiatives to advocate for human rights. Due to this fact Ethiopian local institution, non-governmental sectors and the community at large are not well acquainted with the culture of supporting the works of non-governmental advocacy organizations.

Besides, NGOs are new to soliciting funds from domestic funds. They lack the experience, the skills, knowledge and research regarding raising domestic funds. Moreover, the culture of professional volunteerism has not been developed in the country.<sup>318</sup> Besides that, the traditional community based organizations such as "Idirs" that are established to help one other mostly in funerals and mourning have not evolved to advocate for the betterment of public services, democracy, governance and human rights. The long established culture of foreign fund dependency together with poor culture of philanthropy has made operating within the new environment overwhelming to those working as national NGHROs.

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<sup>313</sup>Abera Hailemariam, "The Implication of Charities and Societies Proclamation No. 621/2009 for Freedom of Association", *Journal of Ethiopian Civil Society Organizations* Vol 1, No1 (2011), p 21

<sup>314</sup>Global Monitoring Report 2014/15 (A world Bank Group Flagship Report), available at [http://www.worldbank.org/content/dam/Worldbank/gmr/gmr2014/GMR\\_2014\\_Full\\_Report.pdf](http://www.worldbank.org/content/dam/Worldbank/gmr/gmr2014/GMR_2014_Full_Report.pdf) (accessed on 12 August 2014)

<sup>315</sup>Human Development Report (UNDP, 2014) available at <http://hdr.undp.org/sites/default/files/hdr14-report-en-1.pdf> (accessed 12 August 2014)

<sup>316</sup>Ethiopia's Economic Overview, available at <http://www.worldbank.org/en/country/ethiopia/overview> (accessed 12 August 2014)

<sup>317</sup>Bekalu Tilahun, note 125 above, p 33

<sup>318</sup>ibid

Moreover, it is discouraging factor to those who are interested to engage in human rights advocacy.<sup>319</sup>

ChSP provides that organizations cannot allocate more than 30% of their fund for administrative costs. Administrative costs refer to expenses that will be incurred by the simple existence of an organization disregarding the existence of program activities.<sup>320</sup> This expense include office rent, telephone, electricity, water bills, salaries for the administrative staffs as well as cost of stationery and equipment utilized by the administrative office.<sup>321</sup> Program costs on the other hand are related to the costs incurred by an organization while implementing its program activities.<sup>322</sup> These costs include salaries of program staff, cost of equipment, goods and services procured for the implementation of the organization's program activities, including consultancy services as necessary.<sup>323</sup> However, the ChSP tends to include salaries of program staff and payment for consultancy services as administrative but not as operational costs.<sup>324</sup> Moreover, costs that will be incurred while conducting training such as refreshments costs for the participants, venue rental, facilitators' per dime, lodging and travel expenses; consultants fee which also include professional fee, per dime, lodging and travel expense are termed as administrative costs.<sup>325</sup> Besides that baseline surveys conducted through staff or consultants and

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<sup>319</sup>UPR Submission by Ethiopian Human Rights Council (hereafter EHRCO) April 2009, para 7. *See also* Yalemzewd Bekele Mulat, Cherice Hopkins, and Liane Ngin Noble, *Sounding the Horn, Ethiopia's Civil Society Law Threatens Human Right Defenders*, Center for International Human Rights, North Western University School of Law, November 2009 at p 4; Mahder Paulos, Director EWLA interview with BBC (Posted 06 January 2009) available at <http://news.bbc.co.uk/2/hi/africa/7814145.stm> (accessed 25 June 2013); Yousef Mulugeta, Secretary General EHRCO, interview with the BBC (Posted 26 November 2008) available at <http://news.bbc.co.uk/2/hi/africa/7736417.stm> (accessed 25 June 2013); *see also* Amnesty International, *note 90 above*, p 12

<sup>320</sup>Users' Manual for the Charities and Societies Law, *note 99 above*, p 45

<sup>321</sup>*ibid*, p 45

<sup>322</sup>*ibid*

<sup>323</sup>*ibid*

<sup>324</sup>*ibid*; Charities and Societies Administrative and Operational Costs Regulation Directive No.2/2011, art 8 (2/2003)

<sup>325</sup>Bezuayehu Temesegen Wale, Ethiopia CSA New Directive is Going to Close NGOs Working in Ethiopia (May 27, 2012) available at <http://www.topix.com/forum/world/ethiopia/TTG025AO2L3DA258M> (accessed 12 June 2014); Directive 2/2003 above

monitoring and evaluation costs are also part of administrative costs.<sup>326</sup> These listed costs account for more than half of the implementation of program activities in national NGHROs.<sup>327</sup> As the only service provided by these organizations is knowledge and professional-service based, it would be impossible to fulfill such requirement and carry out their activities. In other words, the vague definition of administrative costs has made the operation of Charities and Societies challenging.<sup>328</sup> Failure to meet the 70/30 administrative costs allocation requirements results a fine up to 10,000 birr.<sup>329</sup>

The unprecedented change in the operating environment has created lack of confidence and uncertainty. As a result, most national NGHROs had been forced to take drastic measure to continue to exist. A number of them that could not raise 90% of their fund from domestic source have been closed.<sup>330</sup> Many have changed their strategic directions, programs, organizational structures and abandoned a rights-based approach. This resulted in the decrease in the number of national NGHROs functioning in the country.<sup>331</sup> In the year following the coming into force of the ChSP, 1239 CSOs reregistered as Ethiopian Resident and Foreign Charities while only

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<sup>326</sup>ibid

<sup>327</sup>ibid

<sup>328</sup>Debebe Hailgebriel, "Ethiopia" *The International Journal of Not-for-Profit Law* Vol12, Iss 2 (ICNL) (February 2010)available at [http://www.icnl.org/research/journal/vol12iss2/special\\_2.htm](http://www.icnl.org/research/journal/vol12iss2/special_2.htm) ; *The Impact of CSO law on Human Rights Council* (Human Right Council, July 2011), p 5

<sup>329</sup>ChSP, art 102

<sup>330</sup>*Analysis of Ethiopia's Draft Civil Society Law* (Human Rights Watch, October 13, 2008) at p 4; *Steadfast in Protest: The Observatory for the Protection of Human Rights Defenders: Annual Report 2010* (International Federation for Human Rights and World Organization against Torture,2010), p 50; ICNL, Ethiopia: NGO Law Monitor available at <http://chilot.files.wordpress.com/2011/08/ngo-law-monitor-ethiopia.pdf> (accessed 12 June 2013)

<sup>331</sup>APAP abandoned it rights-based approach and focused on organizational development of community based organizations and nurturing volunteerism. Similarly Organization for Social Development also engaged in development works. Human Rights Advocates and their role in the realization of Constitutional Rights in Ethiopia Chapter 6, p 14, available at <http://repository.up.ac.za/xmlui/bitstream/handle/2263/23887/06chapter6.pdf?sequence=7&isAllowed=y> (accessed 15 January 2014); see also Amnesty International, note 90 above, p 5; International federation for Human Rights & World Organization against torture; Steadfast in Protest; The Observatory for the Protection of Human Rights Defenders; Annual Report 2010, p 51

203 re-registered as Ethiopian Charities and Societies.<sup>332</sup> At least seventeen organizations have apparently changed their organizations direction towards development including two of the most renowned national NGHROs such as APAP and OSJI.<sup>333</sup>

Those organizations who have decided to remain Ethiopian Charities and Societies are facing huge challenge to function in the existing legal and administrative environment. Their operating capacity has also been greatly diminished.<sup>334</sup> Ethiopian Charities have considerably scaled down their operational areas, minimized their operation and lay off employees and their financial sources dramatically shrunk.<sup>335</sup> EHRC was forced to shut down nine branches out of the twelve branches<sup>336</sup> and had to decrease its employees by 70 per cent and during 2010 and 2011 it had nearly ceased to function.<sup>337</sup> On the other hand, foreign financial partners have also been forced to reconsider their plan to implement long term programs that could bring about an actual impact.<sup>338</sup>

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<sup>332</sup>Lealem Mersha, *Adaptation Mechanisms of Human Rights NGOs to the Charities and Societies Proclamation*, (Addis Ababa University, School of Law and Good Governance, Centre for Human Rights, unpublished master's thesis, 2013), p 94

<sup>333</sup>APAP and OSJI are two members of a coalition of four of the leading human rights organizations in the country, which submitted a parallel report to the UN Universal Periodic Review process see Amnesty International, note 90 above, p 12. APAP retained it's name but OSJI changed it to Organization for Social Development (OSD)

<sup>334</sup>ICNL, Ethiopia: NGO Law Monitor available at <http://chilot.files.wordpress.com/2011/08/ngo-law-monitor-ethiopia.pdf> (accessed 12 June 2013)

<sup>335</sup>Seife Ayalew Asfaw, Collision of Norms-Domestic Politics and International Human Rights Standards: Commentary on the Ethiopian Charities and Societies Proclamation 'in' Benedek and others (eds) *Ethiopian and Wider African Perspectives on Human Rights and Good Governance*, NWV Verlag, Vienna Graz:2014 p169

<sup>336</sup>Rachel Hayman and others, Legal Frameworks and Political Space for Non-Governmental Organizations: An Overview of Six Countries (EADI Policy Paper Series European Association of Development and Training Institute July 2013) p15; see also Amnesty International, note 90 above, p 13

<sup>337</sup>Amnesty International, note 90 above, p 13

<sup>338</sup>Debebe Hailegebriel "Restrictions on Foreign Funding of Civil Society, Ethiopia" The International Journal of Not-for-Profit Law Vol 12, Iss 3, (May 2010) available at [http://www.icnl.org/research/journal/vol12iss3/special\\_3.htm](http://www.icnl.org/research/journal/vol12iss3/special_3.htm) (accessed 20 January 2014); Rachel Hayman and others, note 155 above p 16; For instance The Heinrich Böll Foundation ceased operating in Ethiopia due to the restrictive working environment and some USAID-funded NGOs that used to provide capacity building to local NGOs for monitoring and reporting human rights abuses have terminated their programs

The task of protection and promotion of human rights cannot be achieved single-handedly by the State. Moreover, Ethiopia has committed itself to international commitments such as Millennium Development Goals (MDGs) and designed ambitious national plans such as the Growth and Transformation Plan (GTP), which can be effectively met, among others, with the contribution of Charities and Societies.<sup>339</sup>

Despite a multifaceted challenges faced by NGHROs due to the ChSP, a new dawn of hope was signaled by the Agency. The Ethiopian Amharic Reporter newspaper on December 03, 2014 announced that, the Agency has revised its 30/70 regulation on administrative and program cost. <sup>340</sup> The revision provides that some activities that use to be considered as part of the administrative cost were shifted to be included under program budget. This shift particularly entails purchase of vehicles, transportation and fuel costs for the freight of items for humanitarian purposes, costs for environmental protection and cultivation of seedlings, costs of hiring consultancy firms, and costs for the provision of trainings.<sup>341</sup>

## **5 Ways to Revitalize Non-governmental Human Rights Organizations in Ethiopia**

### **5.1 Building and Strengthening Constituencies**

Establishing and strengthening constituencies can be one strategy to work in line with the ChSP.<sup>342</sup> Such membership based strategy has various advantages. Members are believed to have sense of ownership and responsibility to partake in organizations' involvement more than donors.<sup>343</sup> The creation of a bond with the community as a result of greater participation can contribute in ensuring the sustainability of the organizations. Organizations with strong constituencies will not only be separate organizations delivering services to the community but they will

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<sup>339</sup>Bekaul Tilahun, note 125 above, p 37-38

<sup>340</sup> Wudneh Zenebe, The Charities and Societies Agency has revised the Directive on the 30/70 Requirement ( 30/70 ) Reporter Amharic Newspaper (Posted 03 December 2014) available at <http://www.ethiopianreporter.com/index.php/news/item/8105> (accessed 10 December 2014)

<sup>341</sup>ibid

<sup>342</sup>User's Manual on the Charities and Societies Law, note 99 above, p 66

<sup>343</sup>Sasha Daucus, How can memberships benefit my nonprofit organization? available at <http://www.fundraiserbasic.com/library/fruniv/96-how-can-memberships-benefit-my-nonprofit-organization.html> (accessed 23 June 2014)

be part of the community.<sup>344</sup> Moreover, the member's financial contributions such as membership fees will help raise funds from domestic sources that will contribute in meeting the financial requirements set by the ChSP.<sup>345</sup> It can also serve as a great source of skilled human resource by setting up constituency volunteer schemes.<sup>346</sup>

Once there is a consensus on the need to build and strengthen constituencies, the next step is targeting members. Ethiopian Charitable Societies can target profit making organizations, community based organizations, youth, women and other associations as well as individuals of different age group, capacity and profession.

In order to make this effective there should be a well-developed promotion strategy. This strategy can include creating a bond between the community, organizations and the human rights activities they carry out. The concept of corporate social responsibility which will be discussed in subsequent sections can also be another strategy in this regard. This promotional work requires the active engagement of all members of the organization including employee and concerned individuals. But Board of Directors of the organization takes the lion's share.<sup>347</sup> Board members have the capacity to connect the organization with the community and with all interested individuals and organizations by undertaking various promotional works.<sup>348</sup>

According to data gathered from the Agency most organizations are registered as Charitable Societies.<sup>349</sup> Hence, all provisions pertaining to Societies are applicable to Charitable Societies.<sup>350</sup> Charitable Societies refer to organizations established with a General Assembly, an Executive or Boards, auditor and management, led by the Executive Director/General Manager and geared towards serving individuals outside their members.<sup>351</sup>

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<sup>344</sup> User's Manual for the Charities and Societies Law, note 99 above, p 66

<sup>345</sup> *ibid*

<sup>346</sup> *ibid*

<sup>347</sup> George Lawrence, The Role of Board Members for Nonprofit Organizations, available at <http://smallbusiness.chron.com/role-board-members-nonprofit-organizations-21291.html> (accessed 23 June 2014)

<sup>348</sup> *ibid*

<sup>349</sup> Users' Manual for the Charities and Societies Law, note 99 above, p 73

<sup>350</sup> ChSP, art 47

<sup>351</sup> Users' Manual for the Charities and Societies Law, note 99 above, p 73

This is a set up similar to what most national NGHROs used to have prior to the coming into force of the law.<sup>352</sup>

Building constituencies requires strong membership programs.<sup>353</sup> Strong membership programs consider effective ways to tune to the situation of the community.<sup>354</sup> One way of doing so is setting up different levels of membership.<sup>355</sup> The membership should have different categories for individuals and organizations. These categories may include honorary membership, ordinary fee based membership, special membership with yearly or monthly contributions in terms of money or items, skill based memberships and other types of memberships based on the needs and focus area of the organization.

In order to ensure lasting membership programs there should be a mechanism to make it attractive with benefits and special recognitions.<sup>356</sup> Once the culture of supporting the works of Charitable Societies is entrenched in the society such incentives would not be required. Some of these benefits may include the provision of certificates, awards, recognitions on newsletters, publications and the media, internship and scholarship opportunities, and the opportunity to take part in international conferences, workshops and trainings.

## **5.2 Promoting Volunteerism and Working with Volunteers**

Ethiopian Charitable Societies have been putting efforts to promote volunteerism and work with volunteers.<sup>357</sup> Volunteers have strong value to non-profit organizations. Besides members' increment and support to Ethiopian Charitable Societies' programs, the sense of ownership that results from volunteer engagement strengthens Charitable Societies.<sup>358</sup> In

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<sup>352</sup>ibid

<sup>353</sup>George Lawrence, note 166 above

<sup>354</sup>Sasha Daucus, note 162 above; *see also* User's Manual for the Charities and Societies Law, note 98 above p 66-67

<sup>355</sup>User's Manual for the Charities and Societies Law, note 99 above, p 66

<sup>356</sup>ibid

<sup>357</sup>EWLA is delivering its free legal aid program through volunteers. Information from Ethiopian women Lawyers' Association, Activity report, November 1999-December 2000. On the other hand Action Professionals' Association has a program on volunteerism where it promotes and also creates an opportunity for volunteers

<sup>358</sup>International Erosion Control Association (IECA), IECA Leadership Training; The Role of Volunteers in Non-Profit Organizations, available at [https://www.ieca.org/chapter/CLRC/volunteer\\_management/RoleOfVolunteers.pdf](https://www.ieca.org/chapter/CLRC/volunteer_management/RoleOfVolunteers.pdf) (accessed 03 February 2014 )

addition, volunteers provide extra skills, experiences and human resource to undertake activities that would not have been accomplished otherwise.<sup>359</sup> Volunteerism is a tangible financial cost saving mechanism.<sup>360</sup> It is also a very powerful strategy to cut in public participation of individuals in solving human rights challenges in their society which increases individuals' participation and independence.<sup>361</sup> Volunteerism can also serve as a great strategy to an effective empowerment program.<sup>362</sup>

Engaging volunteers requires strong and effective volunteer programs that result in bringing different individuals with a variety of skills and experiences, and creating strong tie between the community and Ethiopian Charitable Societies.<sup>363</sup> Charitable Societies can access volunteers by setting up their own volunteer programs. In this regard, the first step to successful and long lasting volunteer programs is setting up volunteer policy.<sup>364</sup> Designing a policy lays the foundation and ensures the organization's commitment, fairness and consistency when dealing with volunteers; and also enables the volunteers to know what is expected from them.<sup>365</sup> In order to develop volunteer policy organizations should conduct a needs assessment. This helps to clearly understand how volunteers fit in the organization's mission, vision and program goals; how volunteers' best meet the program's as well as the organization's goals.<sup>366</sup> There are no set standards for volunteer policy but it is advisable to address issues such as recruitment, support and supervision, diversity and expenses.<sup>367</sup>

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<sup>359</sup>Action Professionals' Association for the People (APAP), *Volunteer Mobilization Guideline* (December 2010), p 7

<sup>360</sup>Richard D. Young, *Volunteerism: Benefits, Incidence, Organizational Models, and Participation in the Public Sector*, University of South Carolina, College of Liberal Arts, Institute for Public Service and Policy Research, p 5 available at <http://www.ipspr.sc.edu/publication/Volunteerism%20FINAL.pdf> (accessed 12 June 2014)

<sup>361</sup>Action Professionals' Association for the People (APAP), note 178 above, p 7, *see also* Richard D. Young, note 179 above, p 5

<sup>362</sup>*ibid*

<sup>363</sup>Rick Lynch and Nikki Russell, *Volunteer Management: Challenges and Opportunities Facing Non-Profits* (United Way of King County, 2009) p 3

<sup>364</sup>The National Center for Volunteering, *Get it Right from the Start Volunteer policies : The Key to Diverse Volunteer Involvement*, p 4 available at <http://www.eyo2011.eu/press-kit/item/download/505> (accessed 15 June 2014)

<sup>365</sup>*ibid*

<sup>366</sup>*Starting a Volunteer Program*, p 1-2, available at [http://www.handsonnetwork.org/files/resources/BP\\_StartingVolunteerProgram\\_2010\\_HON.pdf](http://www.handsonnetwork.org/files/resources/BP_StartingVolunteerProgram_2010_HON.pdf) (accessed 9 September 2014)

<sup>367</sup>The National Center for Volunteering, note 183 above, p 5

The next step is to develop formalities which include application modalities, agreements and position records.<sup>368</sup> The third step in building good volunteer program is setting up tracking mechanism. In this regard, there is no limit to who can volunteer; anyone be it retirees, experts, amateurs, young people, elders, interns, professional can be a volunteer.<sup>369</sup> However, the program focus and the required service may dictate the kind of volunteer to be recruited. In the case of NGHROs, limiting category of the volunteers to advanced students and professionals can be advantageous. Besides academic institutions, organizations such as Voluntary Service Overseas (VSO)-Ethiopia; professionals' association such as Ethiopian Young Lawyers Association and Young Men Christians Associations; clubs such as Rotaract, Toast Masters' Speech Association and the Ethiopian Scouts Association may serve as good starting point and source of volunteers. Similarly such venture needs strong promotion and tracking mechanism. Setting up simple and accessible application procedures to all interested volunteers also helps in attracting volunteers. Organizations should as much as possible make application processes convenient both online, postal application procedures beside the usual office hours where volunteers can drop in their credentials.

So as to systematically manage volunteers, Ethiopian Charitable Societies can adjust the advanced students and the professionals according to their level of education and experience. Such category can be junior students/professionals, intermediate students/professionals and senior students/professionals.

Together with the aforementioned mechanisms, Ethiopian Charitable Societies should embark on promoting volunteerism in Ethiopian. APAP has been working to strengthening the notion of voluntarism in the country. The organization has been undertaking various activities to raise awareness and also create channels for volunteerism. The other option to working with volunteers is signing an agreement with academic institutions. In this regard, it is good to cite the example of Ethiopian Lawyers Association (ELA) that has signed a Memorandum of Understanding with the Addis Ababa University's Centre for Human Rights to work with the post graduate students of the centre to participate

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<sup>368</sup>Developing Your Volunteer Program  
<http://www.idealists.org/info/VolunteerMgmt/Developing> (accessed 9 September 2014)

<sup>369</sup>Action Professionals' Association for the People (APAP), note 178 above p 7

in the free legal aid.<sup>370</sup> Taking up this initiative with all the law schools and other academic disciplines both graduate and undergraduate programs by all the Ethiopian Charitable Societies can be one practical solution.

Academic institutions should also help in nurturing volunteerism. These institutions ought to design and incorporate volunteering as part of their teaching-learning, research and community service endeavours. Besides creating a sustainable source of volunteers to Ethiopian Charitable Societies, it will help address the gap in the understanding and value attached to volunteerism in the country.

The other option to access volunteers is establishing a national volunteers' mobilization organization. This organization will have the mandate to promote volunteerism and also avail volunteers to Ethiopian Charitable Societies. This would help to mobilize volunteers in a coordinated, effective and efficient manner.

### **5.3 Linking and Promoting Corporate Social Responsibility with Supporting Human Rights Causes**

Corporate social responsibility (CSR) is a concept that has grown to be an essential feature of corporate business.<sup>371</sup> CSR has been defined in various ways making it difficult to find universal meaning.<sup>372</sup> But the main concern remains to be the social contract between corporations and stakeholders.<sup>373</sup> Nowadays, corporate business organizations are becoming increasingly aware of the fact that the key to remain fruitful and competitive is the duty of being socially responsible.<sup>374</sup> Companies' have realised that their relationships with their employees, the community they reside in as well as the market greatly matters in their sustainability.<sup>375</sup> There are no agreed areas where companies can engage in building good relationships with the society they reside in besides making profit.<sup>376</sup> The EU Commission stated in this regard that CSR is a concept that enables corporate business

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<sup>370</sup>Lealem Mersha, note 151 above, p 72

<sup>371</sup>David Crowther and Guler Aras, *Corporate Social Responsibility* (Ventus Publishing 2008) p 10

<sup>372</sup>Olefemi Amao, *Corporate Social Responsibility, Human Rights and the Law: Multinational Corporations in Developing Countries* (Routledge New York, USA, 2011), p 67

<sup>373</sup>David Crowther and Guler Aras note 190 above, p 11-12

<sup>374</sup>Victoria Baird, Christina Kraimer and David Wofford, *What is Corporate Social Responsibility: 8 Questions and Answers*, CATALYST Consortium, July 2002, p 3

<sup>375</sup>ibid

<sup>376</sup>David Crowther and Guler Aras, note 190 above, p 11

organizations to address societal and environmental concerns in the society they reside in voluntarily.<sup>377</sup> In the United States and Europe thousands of companies are engaged in similar activities.<sup>378</sup> The practice of social responsibility is not new to developing countries. Evidence shows businesses in countries such as India, Indonesia, Brazil, Egypt, and the Philippines practice CSR.<sup>379</sup>

The practice of CSR is not new in Ethiopia either but it's not widely practiced.<sup>380</sup> Organizations such as Ethiopian Airlines<sup>381</sup> Saint George Beer Factory<sup>382</sup> and MIDRCO Ethiopia<sup>383</sup> are some examples engaged in relief and service provisions. Besides these pieces of engagements, the CSR is not widely practiced among the corporate world in the country. Moreover, there are no comprehensive policy, guideline and programs that integrate CSR into main strategies and operations of the private enterprises.<sup>384</sup>

In Ethiopia, there are over 20,000 private business establishments, which show the great potential of the private sector in revitalizing the role of Ethiopian Charitable Societies by mainstreaming CSR.<sup>385</sup> These establishments can support the human rights organizations by becoming member of these organizations and making substantial financial contributions. Much should be done by Ethiopian Charitable Societies and other stakeholders to promote CSR as a key to remain fruitful and

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<sup>377</sup>European Commission, Final Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a Renewed EU strategy 2011-14 for Corporate Social Responsibility (Brussels, 25.10.2011 COM (2011) 681(Final) para 1 available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0681:FIN:EN:PDF> (accessed 12 June 2014)

<sup>378</sup>Victoria Baird, Christina Kraimer and David Wofford, note 193 above, p 4

<sup>379</sup>ibid, p 4

<sup>380</sup>Users' Manual for the Charities and Societies Law, note 99 above, p 82

<sup>381</sup>Ethiopian Corporate Social Responsibility Newsletter, available at [http://www.flyethiopian.com/en/docs/downloads/CSR\\_newsletter\\_03\\_2011.pdf](http://www.flyethiopian.com/en/docs/downloads/CSR_newsletter_03_2011.pdf) (accessed 14 November 2014)

<sup>382</sup>BGI Ethiopian PLC, available at <http://www.addismap.com/bgi-ethiopia> (accessed 14 November 2014).

<sup>383</sup>Corporate Citizenship, MIDROC Ethiopia PLC, available at [http://www.midroc-ethiopia.com.et/md04\\_citizenship.html](http://www.midroc-ethiopia.com.et/md04_citizenship.html) (accessed 14 November 2014)

<sup>384</sup>Mikiyas Belay, "Corporate Social Responsibility" in Corporate Social Responsibility, Information Bulletin Vol 1, (August 2014) Organization for Social Development, Addis Ababa, p 9

<sup>385</sup>ibid

competitive in the society. The idea of good relationship with the employees, the community and the market as a foundation for corporate sustainability should be widely entrenched in the corporate society and linked with supporting human rights promotion activities. Similar to the other strategies discussed above, since the idea of linking the concept of CSR with supporting human rights promotional activities is still fresh in the Ethiopian society, there should be strong advocacy in this regard. Civil society coalitions, which will be discussed in the next section, can be a good opportunity to put in place strong advocacy strategies such as those directed towards the development of policy, legislation and coordinating body that govern this undertakings and incentives such as tax reduction. Currently, there are initiatives aimed at promoting CSR by organizations such as Chamber of Commerce, Organization for Social Development, Fana Broadcasting Agency.<sup>386</sup> Based on current developments a national steering committee is planned be established to work on the way forward on CSR in Ethiopia.<sup>387</sup> Besides undertaking their own endeavours through their coalitions, Ethiopian Charitable Societies should be part of the above mentioned initiatives.

#### **5.4 Strengthening Charities and Societies Coalitions**

Another entry point is strengthening network and leadership. The Directive of the ChSP issued in 2011 encourages the establishment of consortiums among organizations with similar identity.<sup>388</sup> Networks are platforms where likeminded organizations, associations, individuals come together to further pursue their common aspirations through human resource and materials interchange, sharing information and skills.<sup>389</sup> Networks have been effective in creating mutual learning, reinforcing validity and status for members, and build economic power and ability to adapt to unprecedented circumstances.<sup>390</sup> Networks play a vital role in

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<sup>386</sup>Workshop on Children and Corporate Social Responsibility on the theme 'Developing Strategic Approach for Child Welfare in the Context of Business', held on the 20<sup>th</sup> November 2014, Addis Ababa, organized by Organization for Social Development, Chamber of Commerce, Fana Broadcasting Corporate

<sup>387</sup>ibid

<sup>388</sup>Charities and Societies Administrative and Operational Costs Regulation Directive No.2/2011, art 9

<sup>389</sup>Darcy Ashman and others, Supporting Civil Society Networks in International development programs, AED Center for Civil Society and Governance (December 2005), p 7

<sup>390</sup>Martha Lagace, Non Profit Networking the New Way to Grow May 2005 available at <http://hbswk.hbs.edu/item/4801.html> (accessed 12 September 2014)

accomplishing tasks that will be hard to undertake alone.<sup>391</sup> Networks are easy way to share information, resources and to design ways to implement programs.<sup>392</sup> In the present context networks facilitate the creation of an enabling environment in the function of Ethiopian Charitable Societies in line with the current operational environment.<sup>393</sup> This can create an environment where Ethiopian Charitable Societies come together to further pursue their goals. It may also serve as an opportunity to build constituencies, to attract volunteers and to discuss challenges they face while undertaking their programs and learn from good experiences. It also gives an opportunity to make successful contributions and adequate use of the scarce resources by avoiding duplication of efforts. Despite such benefits previous experiences show that coalitions have not been effective in Ethiopia due to lack of sustainability and consistent participation of member organizations and domination by the organ established to administer them.<sup>394</sup> Moreover, engagement in coalition has not been pursued among non-governmental human rights organizations.<sup>395</sup>

As the other strategies, Ethiopian Charitable Societies should take the first step of duly acknowledging the importance of joining or establishing networks. One manifestation will be the inclusion of building and engaging in networks or coalitions as one of their organizations strategy to achieve their objectives and missions. Once this is acknowledged in their strategic direction, the establishment and maintaining of networks ought to be incorporated in their annual plans.

## **5.6 Strengthening and Popularizing Government's Support Schemes and Incentives**

The government is currently undertaking commendable task by supporting the activities of the Ethiopian Charitable Societies through its funding programs.<sup>396</sup> One of these support programs is the European Civil Society Fund which is a European Commission's program designed based on the

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<sup>391</sup>ibid

<sup>392</sup>Darcy Ashman and others, note 208 above, p 5

<sup>393</sup>User's Manual for the Charities and Societies Law, note 99 above, p 23

<sup>394</sup>Ibid, p 68

<sup>395</sup>ibid

<sup>396</sup>European Commission Civil Society Fund in Ethiopia, CSF News: Supporting Non State Actors Build Partnerships, Vol 1, Iss 1 (December 2007) available at [http://www.eeas.europa.eu/delegations/ethiopia/documents/eu\\_ethiopia/ressources/csf\\_issue\\_1\\_en.pdf](http://www.eeas.europa.eu/delegations/ethiopia/documents/eu_ethiopia/ressources/csf_issue_1_en.pdf) (accessed 12 September 2014)

Cotonou Agreement.<sup>397</sup> The Civil Society Support Program (CSSP) is another large scale initiative geared towards enhancing the non-state actors' contribution to the countries development and democratization process in line with the government's plan.<sup>398</sup> These programs have been able to address and fill some of the financial gaps Ethiopian Charitable Societies are facing. Similar financial support schemes under the auspices of the United Nations and other international and regional intergovernmental organizations could also be another possibility to broaden the financial alternatives of NGHROs in Ethiopia.

The government should further expand and increase its Ethiopian Charitable Societies support schemes. One way of widening these government support schemes is setting up similar channels through the different Ministries that have relevance to human rights. The Ministries have the mandate to take on capacity building activities in its area of jurisdiction.<sup>399</sup> By progressively interpreting this mandate to extend to non-governmental entities, the Ministries could conduct capacity building initiatives meant to benefit Ethiopian Charitable Societies including the establishment of Civil Society Fund scheme. However, there should be a stricter rule that could practically govern the maintaining of independency and protection from undue influence by the government.

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<sup>397</sup>The overall objective of the programme is to create an enabling environment by building the capacity of the Ethiopian civil society to increase their participation and contribution in the countries development and democratisation process. It is a five years program (2006-2010) scheduled to be implemented in two phase with a 10 Million Euros budget. The support is planned to be executed through the grant funding on identified issues. The European Commission acts as the contracting party on behalf of the government for the implementation of the programme. Assessment of the Operating Environment for CSO/NGOs in Ethiopia Commissioned by CRDA (December 2006), p 18; *see also* European Commission Civil Society Fund in Ethiopia, EU Civil Society Fund Project Monitoring Strategy, p 1

<sup>398</sup>It is a five years programme which was recently implemented in the year 2011 through the task force for enabling environment of civil society in Ethiopia. It mainly focuses on building the capacity of civil society organizations serving marginalized, disadvantaged and vulnerable groups of the society. The programme has a 35 Million Euros budget which has been solicited from a number of partners; Denmark, the Netherlands, Norway, Sweden, and the United Kingdom and led by Ireland. Civil Society Support Programme, Annual Report 2012-13, p 9

<sup>399</sup>A Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia (Proclamation No. 691/2010) art10 (1) d

### **5.7 Strengthening the Support of National Human Rights Institution**

The Ethiopian Human Rights Commission (EHRC) has been supporting legal aid activities of Ethiopian Charities and Societies through project based small grants.<sup>400</sup> A joint steering committee has been established by the Commission to promote its partnership with CSOs.<sup>401</sup> The Commission expressed its devotion to taking up initiatives to increase its engagement with NGOs.<sup>402</sup>

EHRC vested with wide competence to promote and protect human rights.<sup>403</sup> This wider mandate also includes the indirect duty to promote non-state actors to actively engage in human rights activities which may requires, among others, the availability of a conducive policy, legal and administrative environmental to function freely. EHRC should collaborate with national NGHROs and the government to find ways and alternatives to revive once again their active role in the promotion and protection of human rights.

Similarly, the Ethiopian Institute of the Ombudsman (EIO) can play a similar role. It has the mandate to undertake activities that are geared towards establishing good governance that ensure human rights, guided by rule of law and with an effective accountability setting mechanism.<sup>404</sup> Thus it ought to create a program that supports the activities of Ethiopian Charitable Societies' programs that focus on ensuring good governance and other activities related with EIO's duties and responsibilities.

### **5.8 Conducting Impact Evaluation of the ChSP and Advising the Government**

Impact evaluation is an appraisal following the implementation of a law or policy for some time on the short term outcomes and a long term

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<sup>400</sup>Ghetnet Metiku Woldegiorgis, note 65 above, p 4

<sup>401</sup>ibid

<sup>402</sup>The speech by Ambassador Tiruneh Zena (Chief Commissioner of EHRC), addressing participants of the Civil Society Forum organized by the Ethiopian Human rights Commission (EHRC) at the Intercontinental Hotel on October 6, 2010, the Chief Commissioner, available at <http://www.ehrc.org.et/NewsEvents/News/tabid/107/Default.aspx> (accessed 23 September 2014)

<sup>403</sup>*Ethiopian Human Rights Commission Establishment Proclamation No 210/2000 article 6 and see also Principles relating to the Status of National Institutions (The Paris Principles) Adopted by General Assembly resolution 48/134 of 20 December 1993, art 1*

<sup>404</sup> Proclamation No. 211 /2000, art 6(7)

predictable and unforeseen outcomes.<sup>405</sup> Impact evaluation can be undertaken by lawmakers, policy makers, non-governmental organizations and pertinent academic institutions, independent human rights monitoring institutions and other organs and provide recommendations to take appropriate measures based on the evidence and actual impact.<sup>406</sup> Impact evaluation provides the opportunity to recognise the positive aspects of the law and to come up with workable solutions for the negative effects that resulted from the implementation of the law.<sup>407</sup> Hence, by conducting an impact evaluation valid information can be collected on the outcome of the ChSP. Based on the outcome of the assessment aspects of the law can be recognized and the negative aspects can be adjusted.

### **5.9 Organizational Capacity Development and Transformation**

The requirements of the ChSP that focus on utilizing domestic resources require self-transformation of the organizations, the creation and nurturing of new the operational behaviours and outlooks. Most of the revitalizing mechanisms mentioned above also reflect such paradigm shift in the organizational culture. They require non-governmental human rights organizations to change their attitudes, beliefs and values as well as change the attitudes of the society towards them. This is completely a different route to what has been the trend in the operations of national NGHROs for long. Transforming oneself and the society is not an easy task. For this to take place, an organizational development strategy is required that can transform NGHROs operational pattern and the overall perception and attitude.

Organization development (OD) has been defined in different ways but the most applied definition is the one made by Richard Beckard, a pioneer leader in the field of OD.<sup>408</sup> He stated that OD refers to a 'strategic effort led by top management to enhance organizations' overall productivity through scheduled interventions in the organizations programs, activities by applying behavioural science'.<sup>409</sup> The present understanding of the term OD is owed to Bennis who defined it as a response to change, a complex

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<sup>405</sup>Louise Sylwander, *Child Impact Assessments, Swedish Experience of Child Impact analyses as a Tool for the UN Convention on the Rights of the Child* (Sweden, Ministry of Health and Social Affairs and Ministry of foreign Affairs, 2001), p 22

<sup>406</sup>ibid

<sup>407</sup>ibid

<sup>408</sup>What is Organizational Development?, p 2, available at [http://www.sagepub.com/upm-data/41238\\_1.pdf](http://www.sagepub.com/upm-data/41238_1.pdf) (accessed 23 September 2014)

<sup>409</sup>ibid

educational strategy to change beliefs, attitudes, values and structures of organizations so that they can better adapt to new technologies, markets and challenges and the dizzy rate of change itself'.<sup>410</sup>

OD has three major components; diagnosis, action and program management that involves unfreezing the old behaviour or situation, moving to a new label of behaviours, refreezing the behaviour at a new level through the application of behavioural science.<sup>411</sup> Diagnosis focuses on identifying problems and their causes so as to lay the ground for structural, behavioural, technical interventions to enhance the organization's effectiveness.<sup>412</sup> Once the above mentioned issues are identified and cleared, the next step is identifying interventions to enhance the functioning of the organization.<sup>413</sup> The program management end of the OD consists of managing the implementation of activities designed to improve the activities of the organization.<sup>414</sup> These interventions may involve the above mentioned revitalizing strategies and others depending on the focus area of the organizations.

## 6 Conclusions

The Charities and Societies law introduced a new setting for the operation of civil societies in Ethiopia. The requirements introduced by the law entail the mobilization and utilization of domestic resources and opt for local financial sources. Due to the pre-existing factors such as absence of culture of philanthropy, volunteerism and limited adaptability experience; Ethiopian Charitable Societies have found it difficult to continue contributing to the protection and promotion of human rights in Ethiopia. The long walk to the realization of human rights requires non-state actors' contributions and support to the government. This article identified some practical ways to reinvigorate the roles, effectiveness and impacts of national NGHROs once again in the existing legal and policy environment. These methods include, building and strengthen constituencies, promoting volunteerism and work with volunteers, collaborating and networking with

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<sup>410</sup>Gary N. Mclean, *Organization Development: Principles, processes and performance* (Berrett-Koehler Publishers 2005) p 7

<sup>411</sup>Pratiksha Patil, *Organizational Development* (2012) available at [http://www.slideshare.net/PratikshaDekate/organizational-development-12137618?utm\\_source=slideshow02&utm\\_medium=ssemail&utm\\_campaign=share\\_slideshow\\_loggedout](http://www.slideshare.net/PratikshaDekate/organizational-development-12137618?utm_source=slideshow02&utm_medium=ssemail&utm_campaign=share_slideshow_loggedout) (accessed 23 September 2014)

<sup>412</sup>ibid

<sup>413</sup>ibid

<sup>414</sup>ibid

themselves, strengthening and popularizing government's support schemes and incentives and strengthening the support of National Human Rights Institutions. Moreover, Ethiopian Charitable Societies ought to widen their horizon, and employ self-transformation modalities to working in line with the law. Conducting an impact evaluation is also another restorative strategy which provides an opportunity to assess the outcome of the law and recommend ways to address some of the negative aspects and effects of the law.

These options could be employed singly or in combination based on the specific organization's need and focus area. However, some strategies such as Organizational Development (OD) are quite fundamental for every organization to adapt to the existing legal and policy environment. Voluntarism is also an important tool to mobilize qualified experts with no or little cost, irrespective of the type and focus area of the organization. Nevertheless, it is recommended that a holistic use of the strategies is essential for successful and sustainable undertakings on human rights advocacy by civil societies in the country.