

Emerging Trends in the Interpretation of the Constitutional Human Rights in Ethiopia: A case Study of the Council of Constitutional Inquiry's Decisions and Recommendations

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Abstract

This article delves into the fascinating realm of constitutional interpretation within the context of human rights in Ethiopia, focusing on the dynamic decisions rendered by the Council of Constitutional Inquiry (CCI). The emerging trends of the Council in interpreting human rights issues has been examined in this study taking eleven cases. These cases reveal a significant transformation in the Council's approach, where it shifted from initially ruling against applicants to subsequently submitting recommendations to the House of Federation (HoF) in their favor. One key aspect of this transformation lays in the Council's interpretation of the Constitution of the Federal Democratic Republic of Ethiopia (FDRE) in line with international human rights instruments. By citing these international human rights instruments, the Council has laid the groundwork for a more robust human rights framework in Ethiopia. The study adopts a doctrinal legal research approach that combines qualitative case analysis and comparative legal assessment. Through serious analysis, this article underscores the Council's evolving role as a guardian of human rights in Ethiopia. While the Council had previously rejected numerous human rights cases, it has recently displayed a commendable commitment to the enforcement of human rights. This shift not only highlights the Council's responsiveness but also reflects a broader positive trend in the protection and promotion of human rights within the Ethiopian constitutional landscape.

Key words: *Constitutional interpretation, human rights, constitutional inquiry, house of federation, Ethiopia*

1. Introduction

Constitutional review is the authority to entertain the constitutionality of laws and acts. Handling the constitutionality of the legislative and executive acts takes various forms in different countries. Regardless of unique features, most countries use some type of constitutional review.¹ For example, in the American/decentralized (diffused) form of judicial review of constitutionality, all regular courts at all levels have control over the constitutionality of legislative acts and executive acts. In the centralized European judicial review system, the power to rule on the constitutionality of legislation or activity is solely vested in a separate body tasked with acting as a constitutional court.²

The scope and nature of constitutional issues decided vary depending on the constitutional review approach used by states. Similarly, the parties allowed to file constitutional issues and complaints differ. In a centralized system, for example, the constitutional question of a law's unconstitutionality could be submitted to the court without presence of a real/

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¹ Yonatan Tesfaye (2006). Judicial review and democracy: A normative discourse on the (novel) Ethiopian approach to constitutional review. *African Journal of International and Comparative Law*, 14(3), 128-144.

² Takele Soboka (2011). Judicial referral of constitutional disputes in Ethiopia: From practice to theory. *African Journal of International and Comparative Law*, 19(2), 93-123.

concrete case. For example, in Germany, the country which follows the centralized constitutional court model, a wide range of institutions and individuals have the power to invoke a constitutional complaint "by way of action" in the absence of real case litigation.³ One of the tasks of constitutional review bodies is to safeguard constitutionally guaranteed rights. In this regard, in both diffused and central models, allegations of violations of human rights protected by the Constitution are typically incidental to case/concrete reviews.⁴ Constitutional complaints, or claims for violations of constitutional rights, can be filed against individual or governmental authorities. The process is also known as *certiorari* in the United States and *Amparo* proceeding in Latin American countries.⁵ Such constitutional complaints can be alleged to provide constitutional remedies to individuals or to resolve broad public interest concerns (*actio popularis*), such as violations of environmental rights.⁶

The Constitution of the FDRE employs a novel non-judicial approach to constitutional adjudication. The House of Federation (HoF) and the Council of Constitutional Inquiry (CCI) are constitutionally constituted bodies having the authority to examine and resolve constitutional disputes, as well as to ensure the Constitution's supremacy.⁷ The HoF is the ultimate adjudicator of the federal constitution. The organ is a non-legislative upper chamber made up of political representatives of the nation, nationalities, and peoples. The framers of the constitution argue that the Ethiopian approach sought to prevent judicial activism/tyranny by authorizing the responsibility of constitutional interpretation to the HoF, to whom the country's sovereignty resides.⁸ The constitutional approach has been criticized for its political technocrat composition, lack of independence and impartiality, working part-time and other shortcomings.⁹

The FDRE Constitution also establishes the CCI as having 11 members (Art.82). The CCI has the power and responsibility to investigate constitutional issues (Art.84). The investigation may provide a *prima facie* case requiring constitutional interpretation, in which case the CCI is obligated to "submit its recommendations" to the HoF or remand the matter and give a "decision" if it decides that constitutional interpretation is unnecessary.¹⁰ If the CCI dismisses the constitutional allegation, the dissatisfied party may appeal to the HoF.

The Constitution provides power for the CCI and jurisdiction in broad terms rather than in

³ Cappelletti, M. (1971). *Judicial review in the contemporary world*. Bobbs-Merrill, p. 81

⁴ Assefa Fiseha, (2007). *Constitutional adjudication in Ethiopia: Exploring the experience of the House of the Federation*. *Mizan Law Review*, 1(1), 1–32.

⁵ Patrono, M. (2000). *The protection of fundamental rights by constitutional courts: A comparative perspective*. *Victoria University of Wellington Law Review*, 31(2), 401–427.

⁶ Van Novák, A. M. M. (2011). *Individual complaint as a domestic remedy to be exhausted or effective within the meaning of the ECHR: Comparative and Slovenian aspects*. *Constitutional Court of Slovenia*. <http://www.concourts.net/lecture/constitutional%20complaint1.pdf>, accessed on 10 April 2024.

⁷ Article 82-84 of the Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995, *NegaritGazeta*, 1st Year, No. 1. (Hereafter FDRE Constitution).

⁸ Anchinesh Shiferaw, *The Jurisprudence and Approaches of Constitutional Interpretation by the House of Federation in Ethiopia* (2019), *Mizan Law Review*, Vol. 13 (3), P. 420.

⁹ C. Mgbako et al., *Silencing the Ethiopian Courts: Non-Judicial Constitutional Review and Its Impact on Human Rights* (2008), *Fordham International Law Journal*, Vol. 32 (1), P.285.

¹⁰ Assefa Fiseha, (2007), 12.

particular. The CCI's constitutional review power over human rights issues is not different. Although the Constitution does not precisely define what constitutes constitutional disputes or issues, the CCI's establishment proclamation, (Proclamation Number 798/2013, *Federal Negarit Gazeta*, Year 19, No. 65) and CCI Directive, (Directive No. 1/2012 E.C.) attempt to specify the type and nature of constitutional concerns.¹¹ Constitutional interpretation further aims to resolve questions of standing and jurisdiction. The CCI applies constitutional and legal rules, jurisdictional issues, and standing to human rights constitutional disputes and interpretations.

The Ethiopian federal system utilizes a distinctive non-judicial model of constitutional adjudication, designed to prevent judicial overreach. However, this system has been widely criticized for its lack of independence and impartiality, jurisdictional ambiguity, and procedural and structural limitations. Despite these issues, there is limited research on the role of CCI in promoting human rights. This study aims to fill this gap by investigating how the CCI interpreted constitutional human rights provisions over time. It seeks to identify patterns in its rulings and assess how these have evolved, focusing on specific cases of CCI rulings and recommendations. Additionally, this study evaluates whether the current approach adequately protects fundamental rights and whether it is influenced by political constraints.

To achieve this, this study adopts a doctrinal legal research approach that combines qualitative case analysis and comparative legal assessment. The methodology includes case selection and analysis, assessment of the legal and normative frameworks, and doctrinal and comparative analyses. In line with this objective, the results of the investigation are presented in the subsequent sections. Overall, the findings indicate that while structural reforms are necessary to enhance impartiality and efficiency, the CCI's evolving interpretive methodologies provide a foundation for the stronger enforcement of human rights.

2. Fundamental Human Rights and Freedoms Protected under the Constitution of FDRE

More than one-third of the FDRE Constitution's content is dedicated to guaranteeing fundamental human rights and freedoms. The Constitution provides human and democratic rights as one of its fundamental principles of the constitution.

2.1. Classification of rights

The Constitution takes a unique approach of categorizing human rights into 'Human Rights' (Articles 14-28) and 'Democratic Rights' (Articles 29-44). As Article 10 of the Constitution indicates, whereas human rights are acquired from nature/inborn, democratic rights are associated with democracy. The explanatory note of the preparatory document of the Constitution goes on to say that human rights are inextricably tied to the nature of humanity,

¹¹ Yadeta Gizaw, *The Legal and Practical Challenges of Constitutional Adjudication in Ethiopia: The Case of the Council of Constitutional Inquiry* (2021) *Ethiopian Journal of Federal Studies*, Vol. 7 (1), P. 10.

which is guaranteed for all mankind.¹² The government has a primarily negative obligation to respect 'human rights', whereas democratic rights are equated with exercising political rights. The latter rights are essentially reserved for citizens and place positive obligations on the government to regulate and to fulfill essential facilities to ensure the full enjoyment of the rights.¹³

Despite such classifications, both rights are interconnected; therefore, realizing the rights under the 'Human Rights' category facilitates the enjoyment of the rights under the 'Democratic Rights', and vice versa. For example, it is difficult to enjoy the freedom to manifest religion (Art. 27) without recognition of freedom of expression (Art. 29). Furthermore, contrary to the justification for the FDRE preparation document, all human beings, regardless of nationality, enjoy a number of rights grouped under 'Democratic rights', such as freedom of expression, marriage, personal, and family rights (Art. 34), and the right to justice (Art. 37).

2.2. Recognition and limitation of rights

The Constitution recognizes a wide spectrum of rights, traditional civil and political rights as well as socioeconomic and solidarity rights. The majority of the civil and political rights enshrined in the Constitution are founded on the Universal Declaration of Human Rights (UDHR) provisions.¹⁴ The list contains the right to life (Art. 15), personal security (Art. 16), liberty (Art. 17), and protection from cruel or degrading treatment or punishment (Art. 18). The Constitution further guarantees the right to equality and equal protection of the law (Art. 25); the right to privacy (Art. 26); freedom of religion, belief, and opinion (Art. 27); freedom of thought and expression, including access to information of public interest (Art. 29); the right of assembly, demonstration, and petition (Art. 30); the right to association for any cause or purpose (Art. 31); freedom of movement, the right to leave and return; the right to a nationality (Art. 33); the right to vote and to be elected (Art. 38) and the property right (Art. 40).

The right to substantive and procedural justice is also protected by the Constitution.¹⁵ Accordingly, Article 37 of the Constitution recognizes the rights of individuals and groups to access justice and receive a decision or judgment on any justiciable case in a court of law or other competent body with judicial authority. Concerning criminal justice, the Constitution guarantees numerous rights to those who have been arrested, accused, or convicted. An arrested person has the right to remain silent; to be swiftly informed of the reasons for their detention in a language she or he understands; to be taken before a court within 48 hours; and to habeas corpus. The Constitution further establishes the right to bail against

¹² የአትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ ሕገ መንግሥት ማብራሪያ [Constitution of the Federal Democratic Republic of Ethiopia, Explanatory Note]. (1995). Abyssinia Law. <https://www.abysinnialaw.com/decisions/federal-supreme-court-cassation-decisions/the-1995-ethiopian-constitution-explanatory-note-amharic-version>, accessed on 01 April 2024.

¹³ Ibid.

¹⁴ Adem Kassie Abebe, Human Rights under the Ethiopian Constitution: A Descriptive Overview (2011), *Mizan Law Review*, Vol. 5 (1), P. 50.

¹⁵ Ibid

outlaws' confessions or admissions obtained through coercion.¹⁶

An accused person has the right to a public trial in an ordinary court within a reasonable time; to be informed with the particulars of the charge; the right against self-incrimination; the right to the presumption of innocence; the right to access to and to defend evidence presented against him/her; the right to present evidence on his/her behalf; the right to be represented by legal counsel; and if he/she unable to pay for such counsel and if miscarriage of justice would happen, to be provided with one at the expenses of the state.¹⁷

The criminally convicted person also has the right to appeal Art. 20 (6); the right to treatment with dignity in prisons and the right to communicate with a range of individuals, including his/her spouse or partners, close relatives, friends, religious counselors, medical doctors, and legal counsel. This ensures that the right to maintain personal, spiritual, and professional connections is protected (Art. 21); the right to be protected from the retroactive application of harsher criminal penalties (Art. 22); and the right to be protected from double jeopardy. The Constitution also indirectly guarantees the right to be pardoned and amnestied, except for crimes against humanity (Art.28).

Marital, personal, and family rights, with equal rights for both sexes before, during, and after marriage (Art. 34), as well as women's rights to equality, protection from harmful customary and religious practices, right to maternity leave, right to acquire property, equal employment opportunities, and access to family planning education and information, are all protected.¹⁸ This is supported by the right to affirmative action. Article 36 of the Constitution recognizes children's rights to name and nationality, as well as the right to be free from corporal punishment or cruel and inhuman treatment in schools and other childcare institutions. It further stipulates that the child's best interests are the primary guiding principle.

Articles 40-42 of the Constitution provide various economic, social, and cultural rights (ESCR). This is further bolstered by the "National Policy Principles and Objectives" provided in Art. 85-92, promotes a democratic order and economic and social development. The recognized rights include property rights (Art. 40), labor rights (Art. 42), and the freedom to engage in economic activities; the right to choose one's "means of livelihood, occupation, and profession"; and "the right to equal access to publicly funded services" (Art. 41).

The Ethiopian Constitution's ESCR rights differ slightly from the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The ESCR under the Constitution is guaranteed only for the benefit of Ethiopians and focuses on imposing a duty on the state rather than protecting individual/collective rights, in a manner comparable to state policy principles and objectives (Articles 85-92 of the FDRE Constitution).¹⁹ The broad and obligation-based formulation makes it tough to assess whether these rights are justiciable. Because the Constitution does not state that they are unjusticiable, it is possible to argue that these rights are justiciable, at least in the HoF

¹⁶ FDRE Constitution, Art. 19 (6).

¹⁷ FDRE Constitution, Art. 20.

¹⁸ FDRE Constitution, Art. 35.

¹⁹ Adem, *Supra* note 15, P. 54.

and the CCI.²⁰

The Ethiopian Constitution additionally sets forth what are known as third-generation, collective, or solidarity rights. “The right to self-determination up to secession” the right to a clean and healthy environment” (Art.44) are all clearly stated. The clauses of the “National Policy Principles and Objectives” further affirm that the state is responsible for safeguarding the political self-rule of the nations, nationalities, and peoples (including cultural enrichment), as well as ensuring a clean and healthy environment and equitable development in the country.²¹

Aside from recognition, the FDRE Constitution includes limitations on exercising rights. Unlike the UDHR, which offers general limitations that apply to all human rights, the FDRE Constitution contains individualized limitations on each clause. Furthermore, international human rights law, particularly the UDHR, requires a three-part test for limiting human rights: legality, legitimate aim, and proportionality/necessity.²²

However, most constitutional prohibitions are plagued by claw-back clauses. They solely refer to the legality element using terms like 'prescribed by law', 'determined by law', and others.²³ Several constitutional clauses, such as the right to equality (Art.25) and freedom of movement (Art.32), remain silent on the limiting of rights. Claw-back clauses allow governments to abuse their power by restricting rights without adequately reviewing the legitimacy and necessity standards.²⁴

In general, the Ethiopian Constitution enshrines a progressive set of rights. The Constitution's most salient features are the recognition of ethno-linguistic diversity and the readiness to accommodate their interest through the right to self-determination. The provisions on socio-economic and cultural rights are, however, poorly designed. There are also limitations inherent within the clauses of the Constitution as they fall short of international human rights norms, which may have a chilling effect on law enforcement.

²⁰ Yadeta, *Supra* note 12, P. 18. For example, in the *Biratu Terga v SNNPRS* case, the applicant, a Derg regime soldier who fought in the Ethiopia-Somalia conflict, lost his right leg during military training. The applicant filed a lawsuit with the CCI, claiming that, under Article 41(5) of the Constitution, the government was obligated to provide him with rehabilitation and economic support, given the country's existing economic capacity. The council decided against the petitioner. The ruling was based on two considerations. The first is procedural: the ruling states that the applicant must first file his case to the government organ in charge of the duty and must only present the case to the council if the decision of such organs violates his constitutional right. The council's second argument on the merits of the issue was no fact that shows the infringement of the applicant's fundamental right. The council's verdict in the first place did not adequately address the issue raised. It is unclear whether a government agency is entrusted with providing economic assistance to a person with physical disability. Regarding the case's merits, the council did not analyze or investigate any relevant evidence supporting the country's economic potential.

²¹ See FDRE Constitution, Article 88,89, 91 and 92.

²² Artur Bilgorajsk, *Boundaries and limitations of human rights. A contribution to the discussion* (2023), *Scientific Journal of Bielsko-Biala School of Finance and Law*, Vol. 27 (3), P. 70.

²³ Adem Kassie Abebe, *Limiting Limitations of Human Rights under the FDRE and Regional Constitutions* (2011) *Ethiopian Constitutional Law Series*, Vol. 4, P. 87.

²⁴ *Ibid.*

2.3. Status and Interpretation of Rights Protected under the FDRE Constitution

The FDRE Constitution broadens the scope of human rights by referring to international and regional human rights treaties as benchmarks for the interpretation of its human rights provisions. This perspective is based on international human rights instruments adopted by Ethiopia. Contemporary constitutions often require that their bill of rights be construed widely and holistically.²⁵ The Bill of Rights, as stipulated in Article 13(2), "shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and international instruments adopted by Ethiopia". This provision provides guidance of the interpretation of human rights under the Constitution, although it is fraught with controversy from a variety of perspectives as discussed below.

2.3.1. Status and Applicability of International Human Rights Instruments

In certain nations, such as Colombia and Costa Rica, ratified international human rights law equals or supersedes domestic constitutions.²⁶ The FDRE Constitution does not specifically state the status of international human rights. The status of international human rights law in the Ethiopian legal order is contentious.²⁷ On the one hand, Article 9(1) of the Constitution declares itself as the *supreme law* of the land, without providing an exception. Besides, Article 9(4) of the Constitution provides that "All international agreements *ratified* by Ethiopia are an integral part of the law of the land". Moreover, Article 55(12) of the Constitution makes it clear that the power to *ratify* international agreements is vested in the House of Peoples' Representatives (the Ethiopian Parliament).

Thus, the cumulative reading of these three provisions, Articles 9(1), 9(4) and 55(12) of the Constitution, seems to indicate that international instruments ratified by Ethiopia, are equivalent to subsidiary law (statute) enacted by the parliament, which is usually termed as a proclamation. In this sense, international human rights law is hierarchically below the Constitution since the Constitution has declared its own supremacy without exception. On the other hand, Article 13(2) of the Constitution stipulates that the human and democratic rights' provisions of the very Constitution have to be interpreted in *conformity* with the Universal Declaration of Human Rights, international covenants on human rights and other international human rights instruments *ratified* by the country. This stipulation (Article 13(2)) apparently indicates that international human rights law is either supreme to the Constitution or at least on equal footing with it. The argument that international human rights law is on equal footing with the Constitution, if not supreme to it, seems both normatively appealing and practically desirable for the prevalence of human rights and

²⁵ Adem, *Supra* note 14, P. 46.

²⁶ Lidija Knuth and Margret Vidar, *Constitutional and Legal Protection of the Right to Food around the World*, UN FAO, 2011, p. 28.

²⁷ . For a detailed analysis on the nature of this debate, see Takele Soboka Bulto, 'The Monist-Dualist Divide and Supremacy clause: Revisiting the Status of Human Rights Treaties in Ethiopia' (2008) 23 *Journal of Ethiopian Law* 132. See also, Chi Mgbako and others, 'Silencing the Ethiopian Courts: Non-Judicial Constitutional Review and its Impact on Human Rights' (2008) 32 *Fordham International Law Journal* 258

freedoms in the country.

The new HoF Proclamation No. 1261/2021 also empowers the HoF to identify and implement principles outlined in continental and international human rights instruments after 'ratified' by the *Ethiopian parliament*.²⁸

2.3.2. International human rights instruments as guidance for constitutional interpretation

Chapter three of the Ethiopian Constitution contains commendable interpretation clauses on the fundamental human rights and freedoms.²⁹ Accordingly, the Constitution requires that the provisions in Chapter three be interpreted in accordance with the 'principles' of human rights treaties.³⁰ The HoF Proclamation incorporates similar provisions. These principles comprise "the universality, indivisibility, and interdependence of all human rights, the duty to respect, protect, and fulfill, and the principle that limitations on rights are the exceptions"³¹ (emphasis added). During constitutional interpretation, international human rights treaties can also be used as a source of inspiration in the ascertainment of the meaning of otherwise ambiguous constitutional provisions. This means that specific provisions of international instruments would be used to determine the content and scope of rights protected in very broad terms. To the degree that the rights protected by these instruments are guaranteed by the Ethiopian Constitution, the treaty provisions would supplement them,³² particularly when the constitutional text aligns or draws from these international obligations.

Practice demonstrates that CCI has interpreted and, in many circumstances, directly applied constitutional provisions in accordance with international human rights treaties.³³ In addition, legal professionals have used international human rights conventions in applying for constitutional interpretations. The CCI interprets and applies constitutional review allegations in conforming to international treaties, and some of the CCI decisions listed below demonstrate these tendencies and practices. The FDRE Constitution, however, does not address the direct implementation of the principles of constitutional interpretation which are applied in other countries. The new HoF Proclamation No. 1261/2021 authorizes the HoF 'to identify and implement principles of constitutional interpretation which are applied ...in other countries'³⁴ (*emphasis added*). HoF's proclamation introduces a new approach to applying constitutional interpretation principles that have been applied in other jurisdictions.

However, the proclamation re-enacts to strengthen and specify the CCI's powers and

²⁸ A Proclamation to Define the Powers and Functions of the House of Federation Proclamation (HOF Proclamation), Federal Negarit Gazette, Proclamation No. 1261/2021, Art. 14.

²⁹ Adem, *Supra* note 14, P. 48

³⁰ *Ibid*

³¹ *Ibid*.

³² Sisay Alemahu Yeshanew, The Justiciability of Human Rights in the Federal Democratic Republic of Ethiopia (2008), *African Human Rights Law Journal*, 2008, Vol. 8, P. 285

³³ Anchinesh, *Supra* note 9, P. 437.

³⁴ HOF Proclamation 1261/2021, Art. 14.

functions and contains no clause that allows or forbids the CCI from applying to concepts used in foreign constitutional interpretation. I argue that the HoF proclamation indirectly authorizes the CCI to consult foreign jurisprudence while making rulings and recommending to the HOF. This is due to the fact that the mandates of HoF and CCI in interpreting the Constitution are interdependent.

3. Constitutional Interpretation Through a Human Rights Lens: The Role of The CCI

The CCI is entrusted with the authority to interpret the Constitution of the FDRE. The general constitutional interpretation procedure, notably in terms of jurisdiction and standing, is quite broadly outlined in the Constitution. Nevertheless, the proclamation and directive of the CCI have addressed certain crucial procedural issues. The proclamation classifies constitutional issues into three categories and outlines processes for submitting them to the Council. These are justiciable matters for courts, justiciable matters of administrative bodies, and unjusticiable matters.³⁵ Accordingly, constitutional adjudication of issues pertaining to human rights may arise from legislation enacted by a lawmaker or from decisions or acts made by federal or state organs or officials. Article 3(1) of the CCI Proclamation No. 798/2013, and Article 2(9) of the CCI Directive No. 1/2012 E.C state that “[a]ny person who alleges that his fundamental rights and freedoms provided in the Constitution have been violated due to the final decision rendered by government organ or official may submit his case to the Council,”

The provision states that any person whose fundamental rights and freedoms have been violated as a result of action of a government organ or official may bring the case before the Council. The CCI proclamation likewise defines government organs as “the legislative, executive, and judicial branches of the federal government or regional states”³⁶. “Any decision made by federal or state government organs or officials could be subject to constitutional review, provided that the party bringing the matter proves an infringement of human rights and freedoms and has exhausted all local remedies”.³⁷ According to the categorizations of the proclamation, this could be a justiciable matter of courts, a justiciable matter of administrative organs, or other government organs or officials' decisions, particularly executive decisions.³⁸

The majority of constitutional cases presented to the CCI are court cases in which applicants invoke constitutionally granted fundamental rights and freedoms.³⁹ When constitutional issues, including human rights issues, are presented to the Council, “the registrar of the

³⁵ Council of Constitutional Inquiry Proclamation (CCI Proclamation), Federal Negarit Gazette, Proclamation No. 798/2013, Art. 3.

³⁶ CCI Proclamation 798/2013, Art. 2(6)

³⁷ CCI Proclamation 798/2013, Article 3(2)(b)).

³⁸ CCI Proclamation 798/2013, Article 4. Executive decisions are distinct from the justiciable matters of administrative bodies. It is argued that the term “justiciable matter of administrative organs” refers to quasi-judicial or administrative tribunals with judicial authority rather than executive judgments in the common sense.

³⁹ Yadeta, *Supra* note 11, P. 16.

secretariat admits and screens the case at the initial stage” (CCI Directive, Article 14). The Directive sets separate procedural standards for constitutional complaints and constitutional question petitions. For example, if the petition involves a constitutional complaint (most of the time involving human rights violations), the interested party can file the case with the CCI.⁴⁰

The CCI Directive noted that interested parties could become litigant parties in the disputes. It is unclear if other individuals or institutions can pursue such cases before the CCI on behalf of interested parties.⁴¹ The CCI proclamation and directive both specify that local remedies must be exhausted. As a result, the interested party must exhaust all local remedies available under the law before bringing the case to the Council registrar.⁴² There is no exception to the exhaustion of local remedies. Other jurisdictions and human rights instruments provide exceptional circumstances to the exhaustion of local remedy such as where there is an unreasonable delay in disposing of cases; urgent cases such as claims on electoral rights or when the independence and impartiality of the tribunal are put into doubt and so on.⁴³

Once the matter is accepted and filed at the CCI secretariat, ‘it will be disseminated to the concerned department for review and opinion.⁴⁴ There is no distinct or special procedure for human rights constitutional lawsuits. Some cross-cutting issues concerning human rights violations are prioritized over other cases in order to expedite the trial process.⁴⁵ For example, if the applicant has been arrested and convicted of a crime, their case will be given priority over others. Women's and children's issues will be prioritized over others in several circumstances.

Overall, constitutional interpretation issues handled by the CCI are typically concrete cases involving constitutionally guaranteed human rights.⁴⁶ The CCI resolves justiciable constitutional interpretation issues that challenge ordinary court or administrative decisions, as well as challenges against legislation that may impede the full enjoyment of constitutionally guaranteed fundamental human rights and freedoms.

⁴⁰ Ibid.

⁴¹ In the context of Ethiopian constitutional interpretation, the question of who qualifies as an "interested party" varies depending on the type and nature of the constitutional issue brought before the **Council of Constitutional Inquiry (CCI)**. For instance, for court referral cases, the interested parties are typically the litigants involved in the dispute. For unjusticiable matters, the definition of "interested party" is broader, potentially including government bodies, institutions, regional states, or political groups depending on the nature of the issue. For instance, in the *Tigray Democratic Party v Tigray Regional State* case, the council in its decision clearly defined “interested party” by making reference to Article 37(2) of the Constitution. Accordingly, the “interested party” referred to under Article 82(2) of the FDRE Constitution and Article 5(3) of the CCI proclamation includes any association representing the collective or individual interests of its members, or any group or person who is a member of, or represents, a group with similar interest.

⁴² CCI Directive, Article 13(2)

⁴³ Mizanie Abate Tadesse, *Rethinking Litigation Grounded Enforcement of Constitutional Rights in Ethiopia* (2020), *Journal of Ethiopian Law*, Vol. 32, P. 158.

⁴⁴ Yadeta, *Supra* note 11, P. 22.

⁴⁵ Council of Constitutional Inquiry Directive No. 1/ 2012 E.C (Federal CCI Directive), Article 22.

⁴⁶ Takele, *Supra* note 3, P. 100; Assefa, *Supra* note 5, P. 14; Anchinesh, *Supra* note 9, P. 422.

3.1. Constitutional interpretation mandate of the CCI and HoF

The relevance of examining the mandates and functions of the two institutions is crucially important due to the fact that the cases analyzed in this paper were initially dismissed by the CCI; and except one, all were not brought to the HoF by way of appeal. Though some scholars mistakenly characterize CCI as a mere advisory body⁴⁷ to the HoF in constitutional interpretation, normative and practical evidences clearly refute such assertion. Article 62 of the Constitution provides that the HoF has ‘the power to interpret the Constitution’. This provision attributes a broad power of constitutional interpretation to the HoF. Article 83(1) indicates a specific function of the HoF in the areas of constitutional interpretation i.e., resolving constitutional disputes.

Article 84(1) and 84(2) provides that the CCI would ‘investigate constitutional disputes’. The investigation may result in a prima facie case calling for interpreting the Constitution, in which case the CCI is required to ‘submit its recommendations’ to the HoF or remand the case and render a ‘decision’ if it finds that there is no need for constitutional interpretation. In the latter case, the party dissatisfied with the decision of the CCI may appeal to the HoF. Thus, it is clear that the CCI if it believes the case does not merit constitutional interpretation; it can dismiss the case by way of decision. Unless the party dissatisfied by the decision takes appeal to the HoF, the decision of the CCI remains final.

Regarding incidental review, Article 84(3)(a) of the Constitution clearly indicates that the CCI can determine whether a case brought to it in the form of incidental review has a constitutional issue. If it is of the view that there is no constitutional issue, it can remand the case back to the court, which is a way of power to decide on constitutional issue even if a negative power. With all other constitutional issues, the constitutional investigative, recommendation and decision making powers of the CCI and the final decision-making power of the HoF is not clear from the Constitution. In order to get some clarity on the role of the two institutions in relation to constitutional interpretation, one needs to examine the two proclamations detailing the powers and functions of the CCI and the HoF.

The preamble of the CCI Proclamation No. 798/2013, which defines the role of the CCI in constitutional interpretation, refers to the two main roles of the CCI in this respect. These are the general power of the CCI to ‘conduct constitutional inquiries and present its findings to the [HoF]’, and to ‘investigate constitutional disputes’. This implies that the CCI is expected to be involved in all activities concerning constitutional interpretation and conduct the first inquiry into the constitutional issues in question. It is the CCI that looks first into all issues of constitutional interpretation. The HoF proclamation indicates the possibility of directly submitting cases either to HoF or CCI. If the case is brought to the HoF, it forwards the case to the CCI⁴⁸ for early investigation.

This implies that no issue of constitutional interpretation could directly go to the HoF without first being investigated or inquired into by the CCI. The Constitution and the Proclamation provide the HoF with a broad power of constitutional interpretation and

⁴⁷ Assefa Fiseha, (2007), *Supra* note 5, 14. Takele Soboka (2011), *supra* note 3, 123.

⁴⁸ HOF Proclamation 1261/2021, Article 11.

specific powers of dealing with appeals against the decisions of the CCI to dismissed cases on the ground that no constitutional issue is involved.

The decision of the CCI is appealable to the HoF. Therefore, the relationship between the CCI and the HoF with regard to constitutional cases decided (not recommended) by the CCI is purely appeal. If the party aggrieved by the CCI decision does not lodge an appeal to the HoF, the CCI decision remains final. Practice reveals that since its inception, the CCI has decided more than 4600 cases and out of which only about 800 cases were brought for review by the House by way of appeal and all the remaining decisions of the CCI remained final.⁴⁹

The other crucial question is whether the analysis provided by the CCI when dismissing or deciding a case constitutes constitutional interpretation. This issue can be illustrated by a specific case referred to the CCI by the Federal Supreme Court. The Court inquired about the applicability of the federal and state courts' jurisdictional power division to federal and state Sharia religious courts. In its ruling, the CCI decided that the division of power between federal and state courts, as outlined in the Constitution, does not extend to religious courts. This is because the structure of the Federal Government, including the judicial power division in the Constitution, does not apply to religious institutions.⁵⁰ The CCI after analyzing the non-applicability of Articles 80(2) and 78(2) of the Constitution to the religious courts, it dismissed the case by way of decision. The CCI has further pointed out that it applies the provisions of Articles 78(2) and 80(2) of the Constitution to the decisions/cases that the Federal Supreme Court refers to it. Although the CCI renders decision in this case, it has clearly provided constitutional interpretation by analyzing the scope of Articles 80(2) and 78(2) of the Constitution in its decision. This clearly shows that the decision of the CCI is crucial for enforcing human rights provision through constitutional interpretation.

4. Emerging trends of the CCI Constitutional Decisions and Recommendations: A case analysis

Over the years, the CCI has grappled with practical challenges. Many of the human rights constitutional issues brought before it often lacked sufficient citation and reliance on human rights provisions. There is the tendency of bringing more legal and factual analysis to the CCI than relying entirely on constitutional provisions. The general public considers CCI as an appellate court next to the Federal Supreme Court cassation bench and most of the constitutional complaint applications focus more on legal and factual matters than constitutional human rights issues. This misunderstanding raises important questions about the public's perception of the CCI's role and function. To address this issue, further research is needed to explore the causes of this misconception and to propose solutions. Investigating how public awareness can be improved and what roles the HoF and the CCI can play in clarifying their functions could provide valuable insights. Such a study should also consider potential strategies to enhance public education and strengthen the proper use of

⁴⁹ CCI First quarter report, 2016 E.C, (data with author)

⁵⁰ The case between Mohamed Umer v Sadiya Mohamed, case referred by the Federal Supreme Court to the CCI, CCI file No 6338/14 decision on October 26/2016 E.C

constitutional interpretation mechanisms in Ethiopia.

The following section examines eleven cases involving the decision and the recommendations of the CCI revealing a notable pattern in its emerging approach to human rights interpretation- starting from an initially tendency to reject and gradually embracing a more active role in promoting and enforcing the rights. Today the CCI is evolving and making a conscious shift towards basing its recommendations and decisions firmly on human rights provisions and international human rights instruments. This transformation is not arbitrary but instead substantiated by a comprehensive analysis of eleven carefully selected cases, each of which provides concrete evidence of the CCI's increasingly human rights-centric approach. Next will delve into these eleven selected cases, which show how the CCI's recommendations have evolved in light of new commitment and justifications behind transformative journey, and in fact how the HoF also confirmed the recommendations.

In the first case between the applicants Anteneh Negash representing (61 other employees) vs Ethiopian Income and Custom Authority⁵¹ is a landmark battle within the Ethiopian constitutional interpretation system, fundamentally challenged the balance between administrative discretion and constitutional rights. The applicants brought the case to the Civil Service Administration Court; the court rejected the case due to the reason that it has no jurisdiction. The applicants appealed to the Federal Supreme Court and the Court ruled against the applicants. Finally, the applicants submitted the case to the Council of Constitutional Inquiry (CCI).

The case centered on the constitutionality of the Council of Ministers Regulation, specifically Regulation number 155/2008 Article 37, which granted the Director General of the Custom and Revenue Authority (currently the Ethiopian Custom and Revenue Authority) the unchecked power to dismiss employee suspected of corruption without any avenue for judicial review. The key issue of this case was whether this regulation, by denying employees the right to challenge their dismissal in a court of law, violates their constitutionally protected rights. Central to this inquiry were Articles 37(1) and 20(4) of the FDRE Constitution, as well as Article 14(3)(b)(e) of the International Covenant on Civil and Political rights (ICCPR). This initial case handed down by CCI upheld the constitutionality of the regulation, concluding that it did not violate Article 37 (1) of the FDRE Constitution or the ICCPR. However, what makes this case particularly intriguing is that subsequent, identical case, the case of the Ministry of Civil Service Administration Court vs Ethiopian revenue and Custom Authority⁵² involving the same regulation were referred to CCI after ten years of the previous decision, and in these subsequent cases, CCI adopted a different stance. It ruled in favor of the applicants, by submitting its recommendation to the HoF and the House also confirmed the recommendation and rendered final decision,⁵³ signaling a

⁵¹ Anteneh Negash representing (61 other employees) v. Ethiopian Income and Custom Authority CCI decision file No 231/2002

⁵² Ministry of Civil Service Administration Court v. Ethiopian Income and Custom Authority, Recommendation 6 February 2011 E.C, File No. 2189/2009. Author's translation

⁵³ Ministry of Civil Service Administration Court v. Ethiopian Income and Custom Authority, HoF decision, file No 72/11 June 2/2011 E.C

noteworthy shift in its interpretation of human rights and access to justice.

Another similar case was submitted after two years of this second decision, in the case between Tesfaye Belete vs Oromia Revenues Authority,⁵⁴ where the applicant faced disciplinary action resulting in termination. When the applicant brought an appeal to the Oromia Regional Public Service Court, the court declined to accept the appeal. The court refused the case due to the main reason that according to the newly amended Oromia Regional Revenue Authority Regulation number 8/2008, the decision of the Regional Revenues Authority is final and is not subjected to appeal. The CCI in its recommendation argued that, the Authority's earlier regulation, specifically regulation number 3/2006 Article 27 permitted individuals facing disciplinary measure to appeal to the regional Public Service Court. However, this specific provision, which was amended by regulation number 8/2008 denies the right to appeal and access to justice as outlined in Article 37(1) of the FDRE Constitution. Therefore, the amended Revenue Authority Regulation of the Oromia Regional State violates this constitutional provision and hence makes null and void. The HoF again confirmed the recommendation of the CCI.⁵⁵ The shift is indicative of the evolving commitment of CCIs and HoF to upholding constitutional values and ensuring access to justice.

Similarly, in the Ethiopian visually impaired national Association v. Oromia Education Bureau and Jimma Teachers Education College⁵⁶ marked another critical juncture in Ethiopian constitutional landscape concerning the constitutional rights of visually impaired individuals to access education. The central issue in this case revolves around the denial of visually impaired students to join Teachers' Education College, a decision that raised question about constitutional rights and equal access to education. The Ethiopian Visually impaired National Association, acting as the voice of the applicants, brought this case before the Federal Regular court seeking redress for the violation of the rights of visually impaired students. It is unclear why the case was submitted to the Federal Court, other than the Oromia Regional Court, which typically has jurisdiction over such matters. The reason for by passing the Regional Court is not evident from the case details. The Federal Court referred the case to the CCI for constitutional interpretation.

The rights in question were explicitly guaranteed under Articles 25 and 41(2) of the FDRE Constitution. However, CCI ruled against the applicants, invoking a procedural matter, relate to its own jurisdictional issue. The CCI contended that according to Article 84(2) of the FDRE Constitution and Proclamation 250/1993 E.C Article 7(2), if at issue is constitutionality of other matters than state or federal proclamations, it will not be for the CCI to decide but for the Courts. According to the ruling, the mandate of the CCI is limited to review constitutionality of proclamations of both levels of government, and not regulations or

⁵⁴ Tesfaye Belete v. Oromia Revenue Authority, CCI recommendation file No. 2176/09, December 7/2013 E.C

⁵⁵ Tesfaye Belete v. Oromia Income Authority, HoF decision file No. 95/13, May 30/2013 E.C

⁵⁶ Ethiopian visually impaired national Association vs Oromia Education Bureau and Jima Teachers Education College Decision 1 December 1996 E.C, File No. 16-3-96. Author's translation, this case was decided by the CCI in the year 1996 E.C whereas the next identical case was decided in 2007 E.C it was decided after 10 years of the previous case.

decisions⁵⁷ such as those pertaining to admission criteria for educational institution, could not be subjected to constitutional review, and hence the CCI has no power to entertain the case.

In an unexpected twist, after ten years' subsequent cases involving identical issues were referred to CCI, prompting a pivotal shift in its approach. This shift signaled a significant evolution in CCI's interpretation of the scope of its jurisdiction and the constitutional protection of individual rights in the case of *Ato Wesen v. Amhara National Regional State Justice Professional Training Institute*⁵⁸, CCI continued its new approach by ruling that the denial of visually impaired legal experts from becoming judges contravened Articles 25 and 41(2) of the FDRE Constitution and the International Convention on the Rights of Persons with Disabilities and submitted its recommendation for constitutional interpretation to the HoF. The HoF also accepted the recommendation of the CCI and rendered a final decision.

The CCI didn't focus on the procedural issues in this case as it did in the previous case, but directly engaged itself into the merit of the case and analyzed whether the denial violates the fundamental rights of individuals with disability or not. Notably, these decisions did not merely cite the provisions of the Constitution and international human rights instruments but also underscored the significance of ensuring equal access to employment opportunities for visually impaired individuals.

The other significant case is *Ato Alemayehu v. East African Locus Prevention Organization*⁵⁹ underscores a critical legal dispute involving an Aircraft Engineer who sought to claim unpaid salary, unused annual leave, and other entitlements specific to the organization he was employed by. The organization, in response, asserted diplomatic jurisdictional immunity. Initially, the regular court had ruled in favor of the organization, citing diplomatic immunity, and consequently striking out the applicant's case. Faced with this setback, the applicant resorted to the CCI, contending that his right to access to justice was unjustly hampered and sought constitutional interpretation. CCI's ruling in this case was based on the principle that international organizations have the right to enter into bilateral agreements, and as part of such agreements, any criminal or civil matters involving individuals and the organization should be resolved through the Arbitration Directorate of the Ministry of Foreign Affairs. Consequently, the Directorate has tried to settle the issue, as a result of which payment was ready for the applicant. Finally, the CCI concluded that regular courts did not have jurisdiction to entertain such matter. The CCI decided the case in 2009 E.C, yet the applicant didn't take an appeal until 2015 E.C (6 years) and until the next similar case was recommended by the CCI and the final decision was rendered by the HoF.

This was occurred in *Gizaw Dembe v CISSA Case*,⁶⁰ which was submitted after three years and bore similarities to *Alemayehu's* case. In the *Gizaw Dembe* case, the applicant was a

⁵⁷ Getachew Assefa, All about words: Discovering the true intention of the makers of the Ethiopian Constitution on the scope and meaning of constitutional interpretation (2010), *Journal of Ethiopian Law*, Vol. 24(2), P. 153.

⁵⁸ *Ato Wesen et al. v Amhara National Regional State Justice Professional Training Institute*, Recommendation 10 October 2007 E.C, HoF decision, file No 019/08 October 2/2009 E.C

⁵⁹ *Alemayehu vs East African Locus Prevention Organization*, CCI decision file number 1745/08 September 1/2009 E.C Author's translation

⁶⁰ *Gizaw Dambe VS CISSA*, CCI recommendation file number 1674/08

security guard who had been terminated from his duties after eight years of service.

Like in the previous case, the Arbitration Directorate of the Ministry of Foreign Affairs attempted to mediate a resolution, but the organization's representative rejected the claim. The regular court summoned the organization to appear but was met with diplomatic jurisdictional immunity, leading to the case being struck out. Finally, Gizaw Dembe, the applicant sought redress through the CCI, emphasizing that his right to access justice was being obstructed. In a notable shift from its earlier stance in the Alemayehu case, CCI ruled that when the Arbitration Directorate of the Ministry of Foreign Affairs failed to settle the matter amicably, the regular courts should assume jurisdiction to protect and guarantee the constitutional right to access justice for the applicant and submitted its recommendation to the HoF for constitutional interpretation. The HoF confirmed the recommendation and rendered final decision.⁶¹ Surprisingly, after deciding on Gizaw Dembe's case based on the CCI recommendation, the applicant Alemayehu took an appeal to the HoF after five years of the CCI decision, and the HoF ruled in favor, by reversing the CCI decision. The HoF's decision in Gizaw Dembe's case played a significant role in this reversal.

The HoF Proclamation sets 180 working days of appeal on the decision made by the CCI. Exceptionally, appeals on crimes against humanity (Art.28 of the FDRE Constitution), the rights of nations, nationalities and peoples; and issues relating to the division of power are not subject to periods of limitations. However, the legal framework of the HoF Proclamation does not allow such exceptional circumstances or extraordinary appeals. The HoF didn't mention any justifiable reasons in its decisions how and why it admits the case after the period of limitation has lapsed. However, it could be argued that the case has constitutional significance and implication which can warrant admitting the case even after the period of limitation has passed. The HoF attempted to balance the interest of the justice with the defendant's right, ensuring that the right to a fair trial and access to justice is upheld. However, there seems to be inconsistency regarding the period of limitation for submitting fresh constitutional issue to the CCI compared to appealing decisions to the HoF. The former does not have any specified limitation period, whereas the latter imposes time limit for lodging appeals.

In Alemayehu's case, the HoF emphasized that despite the fact that the defendant's claim that the issue had been settled amicably between the litigants through the mediation of the Arbitration Directorate of the Ministry of Foreign Affairs, there is no evidence presented on this side, the letter presented as evidence does not demonstrate a formal mediation process. The Ministry is expected to engage both litigants in a structured and formal mediation process and there is no proof regarding the applicant receiving the agreed-upon funds from the concluded agreement. Therefore, the applicant should get the unpaid salary, unused annual leave, and other entitlements from the defendant.⁶²

These cases collectively reflect a dynamic evolution in CCI's and HoF's interpretation of

⁶¹ HOF Decision file number 74/12 June 13/2012 E.C

⁶² HoF Decision file number 720/15 September 2016 E.C, Alemayehu filed an appeal with the HoF on May 11, 2015 E.C, as explicitly stated in the decision. Subsequently, the HoF ruled in September 2016 E.C.

constitutional rights and access to justice within the context of diplomatic immunity and international organizations. While Alemayehu's case initially favored the protection of diplomatic immunity, Gizaw Dembe's case demonstrated a more assertive approach by CCI in ensuring access to justice for individuals when diplomatic channels failed to provide resolutions. Later, the HoF followed Gizaw Dambe's case while reversing the decision of the CCI itself. This evolving legal landscape highlights the significance of the CCI and HoF in safeguarding constitutional rights and ensuring access to justice for all individuals, even in the face of complex international legal doctrines.

The decisions marked a pivotal moment in recognizing and protecting the rights of persons with disabilities in Ethiopia. In sum, these cases serve as a testament to the evolving nature of constitutional interpretation and the expanding recognition of the rights of marginalized communities in Ethiopia. It signifies a maturation of Ethiopia's legal landscape, wherein the principles of access to justice, fairness, equality, and the protection of individuals' rights have come to the fore. In essence, this case study serves as a valuable illustration of the dynamic nature of constitutional interpretation and human rights enforcement in Ethiopia. It underscores the Council's capacity to adapt and evolve, ultimately promoting a more robust human rights framework within the country.

4.1. Factors justifying the evolution of the CCI

The eleven cases presented here, which involved the CCI'S emerging approach to constitutional interpretation and human rights enforcement, offer valuable insights into the dynamics of constitutional adjudication in Ethiopia. While initially rejecting all human right cases, the CCI later shifted its stance and submitted recommendations to the HoF in favor of the applicants on identical cases, upholding human rights principles and access to justice. The HoF also followed the stands of the CCI and confirmed all recommendations discussed in this study. Several factors can be considered to justify this transformation. The CCI's ability to adapt and evolve its interpretation of constitutional human rights demonstrates the newly emerging trends. The appointment of the new Chairperson and Deputy Chairperson of the CCI in 2018, amidst political change in the country, can be seen as a catalyst for the transformation observed within the CCI institution. Each new leadership brings its own perspectives, priorities, and approaches to the role, contributing to the ongoing development and strengthening of the institution. By shaping and promoting a principle-based framework for constitutional interpretations of human rights, leaders help ensure that the institution remains adaptable, consistent, and capable of upholding justice across different contexts and generations. In the context of the cases discussed, except one, all the remaining recommendations of the CCI were passed during the new leadership. The other factor is the rotation and new appointment of the legal experts of the CCI Members, significantly contributed to the observed transformation. This new appointment has brought forth fresh perspectives, experiences and skills that can influence the dynamics and interpretation of human rights within CCI.

With a strong institutional foundation in place, this positive trend of human rights interpretation is expected to continue, ensuring that future leaders will build on these advancements while upholding a consistent commitment to human rights.

5. Conclusion

The FDRE Constitution takes a unique approach of organizing CCI and HoF for constitutional interpretation and enforcement of human rights provisions. Despite the initial challenges, including the rejection of many crucial human rights matters by the CCI, recent developments have signaled a notable shift, with changes in leadership, the appointment of new Council legal experts (Members) and many other factors. The CCI's changing stance in these cases and submitting recommendations to the HoF in favor of the applicants than rejecting as cases not entailing constitutional interpretation reflects commendable commitments to the protection and promotion of human rights within Ethiopia. It demonstrates that the constitutional interpretation system is responsive to societal shifts and evolving understanding of constitutional interpretation and CCI's role in safeguarding the rights and liberties of all citizens, regardless of their circumstances or challenges. The HoF proclamation provided that the decision of the HoF has equal status with constitutional provisions and binding. The HoF decision sets a precedent that future case involving human rights issues should also be decided in accordance with those decisions. This can indeed be seen as a guarantee for the enforcement of human rights and reinforces the consistency of constitutional interpretation in future similar cases.

References

- Adem Kassie (2011a). Human rights under the Ethiopian Constitution: A descriptive overview. *Mizan Law Review*, 5(1), 41–71.
- Adem Kassie (2011b). Limiting limitations of human rights under the FDRE and regional constitutions. *Ethiopian Constitutional Law Series*, 4, 81–122.
- Getachew Assefa (2010). All about words: Discovering the true intention of the makers of the Ethiopian Constitution on the scope and meaning of constitutional interpretation. *Journal of Ethiopian Law*, 24(2), 139–169.
- Bilgorajsk, A. (2023). Boundaries and limitations of human rights: A contribution to the discussion. *Scientific Journal of Bielsko-Biala School of Finance and Law*, 27(3), 68–71.
- Takele Soboka (2011). Judicial referral of constitutional disputes in Ethiopia: From practice to theory. *African Journal of International and Comparative Law*, 19(2), 93–123.
- Cappelletti, M. (1971). *Judicial review in the contemporary world*. Bobbs-Merrill.
- Yonatan Tesfaye (2006). Judicial review and democracy: A normative discourse on the (novel) Ethiopian approach to constitutional review. *African Journal of International and Comparative Law*, 14(3), 128–144.
- Assefa Fiseha, (2007). Constitutional adjudication in Ethiopia: Exploring the experience of the House of the Federation. *Mizan Law Review*, 1(1), 1–32.
- Yadeta Gizaw, (2021). The legal and practical challenges of constitutional adjudication in Ethiopia: The case of the Council of Constitutional Inquiry. *Ethiopian Journal of Federal Studies*, 7(1), 1–35.
- Knuth, L., & Vidar, M. (2011). *Constitutional and legal protection of the right to food around the world*. , UN FAO, 1–35. <http://www.fao.org/3/i2430e/i2430e.pdf>

- Mgbako, C., Gebre, T., & Getachew, A. (2008). Silencing the Ethiopian courts: Non-judicial constitutional review and its impact on human rights. *Fordham International Law Journal*, 32(1), 259–298.
- Patrono, M. (2000). The protection of fundamental rights by constitutional courts: A comparative perspective. *Victoria University of Wellington Law Review*, 31(2), 401–427.
- Anchinesh Shiferaw (2019). The jurisprudence and approaches of constitutional interpretation by the House of Federation in Ethiopia. *Mizan Law Review*, 13(3), 419–441.
- Mizanie Abate (2020). Rethinking litigation-grounded enforcement of constitutional rights in Ethiopia. *Journal of Ethiopian Law*, 32, 125–176.
- United Nations Human Rights Committee. (2004). General comment No. 31: *The nature of the general legal obligation imposed on states parties to the covenant* (CCPR/C/21/Rev.1/Add.13). <https://undocs.org/CCPR/C/21/Rev.1/Add.13>
- Van Novák, A. M. M. (2011). Individual complaint as a domestic remedy to be exhausted or effective within the meaning of the ECHR: Comparative and Slovenian aspects. *Constitutional Court of Slovenia*. <http://www.concourts.net/lecture/>.
- Sisay Alemahu (2008). The justiciability of human rights in the Federal Democratic Republic of Ethiopia. *African Human Rights Law Journal*, 8(2), 1–23.
- የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ ሕገ መንግሥት ማብራሪያ [Constitution of the Federal Democratic Republic of Ethiopia, Explanatory Note]. (1995). Abyssinia Law. <https://www.abysinnialaw.com/decisions/federal-supreme-court-cassation-decisions/the-1995-ethiopian-constitution-explanatory-note-amharic-version>, accessed on 01 April 2024.
- Constitution of the Federal Democratic Republic of Ethiopia, 1995, Proc. No. 1/1995, Federal NegaritGazeta, 1st year, No. 1.
- Council of Constitutional Inquiry Directive, Directive No. 1/2012 E.C.
- Council of Constitutional Inquiry Proclamation No. 250/2001, Federal Negarit Gazeta Year 7 No. 40.
- Council of Constitutional Inquiry Proclamation No. 798/2013, Federal Negarit Gazeta, Year 19, No. 65.
- House of Federation Proclamation No. 1261/2021, Federal Negarit Gazeta, Year 27 No. 43
- Alemayehu v. East African Locus Prevention Organization. (2009 E.C.). Council of Constitutional Inquiry (CCI), File No. 1745/08.
- Alemayehu v. East African Locus Prevention Organization. (2016 E.C.). House of Federation (HoF), Appeal File No. 720/15.
- Anteneh Negash (representing 61 other employees) v. Ethiopian Income and Customs Authority. (2002 E.C.). Council of Constitutional Inquiry (CCI), Decision File No. 231/2002.
- Ethiopian Visually Impaired National Association v. Oromia Education Bureau and Jima Teachers Education College. (1996 E.C.). Council of Constitutional Inquiry (CCI), Decision File No. 16-3-96.
- Gizaw Dembe v. CISSA. (2012 E.C.). Council of Constitutional Inquiry (CCI), Recommendation File No. 1674/08.
- Gizaw Dembe v. CISSA. (2012 E.C.). House of Federation (HoF), Decision File No. 74/12.
- Ministry of Civil Service Administration Court v. Ethiopian Income and Customs Authority.

(2011 E.C.). Council of Constitutional Inquiry (CCI), Recommendation File No. 2189/2009.

Ministry of Civil Service Administration Court v. Ethiopian Income and Customs Authority. (2011 E.C.). House of Federation (HoF), Decision File No. 72/11.

Tesfaye Belete v. Oromia Income Authority. (2013 E.C.). Council of Constitutional Inquiry (CCI), Recommendation File No. 2176/09.

Tesfaye Belete v. Oromia Income Authority. (2013 E.C.). House of Federation (HoF), Decision File No. 95/13.

Wesen v. Amhara National Regional State Justice Professional Training Institute. (2007 E.C.). Council of Constitutional Inquiry (CCI), Recommendation.