



HUMAN RIGHTS INFRASTRUCTURE WORKING GROUP

Terms of References

1. Background

Reform initiatives have been taking place in Ethiopia since the change of leadership in April 2018. The change occurred due to widespread popular protest across the nation. The change transformed Ethiopia's domestic and foreign policies. The new government led by Prime Minister Abiy Ahmed (PhD) normalized the relationship with the neighboring State of Eritrea. At domestic level, the government took several reform initiatives and widened the political space; it released political prisoners, dropped terrorism charges, removed some political organizations from terrorist list and permitted several media organizations to operate in the country.

In this context of political changes, the Attorney General has been undertaking legal and institutional reforms. The Attorney General found that it was necessary to design reform programs, evaluate their implementation, collect practices and evidence and analyze them based on scientific methods. It also emphasized that the reform of justice and democratic institutions require the participation of professionals and the general public. For these reasons, the Attorney General issued Directive No 24/2018 and established Legal and Justice Affairs Advisory Council on 29 June 2018.

a) Advisory Council

The Legal and Justice Advisory Council was established with three main objectives: to provide research and evidence based advice; to ensure the quality of draft bills; and to provide ideas and directions for the successful implementation of the legal and justice system reform programs. The Advisory Council consists of 13 legal professionals. The members of the Advisory Council were appointed for a three-year term, which can be extended. The Advisory Council establishes different working groups to carry out its mandate.

b) Working Groups

The Advisory Council has established working groups on different themes, including working groups on Judicial Affairs, Civil Society, Anti-Terrorism Proclamation, Media Law, Democratic Institutions, Law-Making Process and Administrative Law, Criminal Justice, Commercial and Civil Law, Freedom of Movement, Freedom of Assembly and Protest, and Human Rights Infrastructure. The Advisory Council established the working groups to undertake technical work and research necessary to discharge its mandate.

Members of the working groups are composed of subject-area experts who work on a voluntary basis. Working groups are supported by fulltime and part-time experts and national and international

consultants. Each working group is headed by a chairperson. When a working group is large in terms of membership or when it is working on a narrow timeframe, the Secretariat assigns a coordinator for the Chairperson. Each working group has its own specific mandate, deliverables and timeline. The general mandate of the working groups includes, among other things, adopting evaluative frameworks, undertaking diagnostic studies, conducting consultation forums, proposing reform packages and drafting legislative bills. The term of members of the working groups is the term of the Advisory Council. Membership in a working group could be terminated upon the decision of the Advisory Council for cause or by the resignation of a member.

c) Achievements of the Advisory Council and Its Working Groups

The Advisory Council and its Working Groups have completed draft laws which were finally enacted into law by the House of Peoples' Representatives. These laws are critical for the democratic transition of the country and include Organizations of Civil Societies Proclamation (No. 1113/2019), A Proclamation to Establish the National Electoral Board (No. 1133/2019), Ethiopian Electoral, Political Parties Registration and Election's Code of Conduct Proclamation No 1162/2019, Prevention and Suppression of Terrorism Crimes Proclamation No 1176/2020, Federal Administrative Procedure Proclamation No 1183/2020, and Prison Commission Establishment Proclamation (No. 1183/2012). The Advisory Council and its working groups have prepared draft laws, which are at different level of the law-making process. These draft laws, which are important for the implication of human rights, include the draft amending the Ethiopian Human Rights Commission Establishment Proclamation, the draft proclamation on Right to Freedom of Assembly, draft Media Proclamation, draft Computer Crimes Proclamation, draft Access to Information Proclamation, draft Proclamation to Provide for the Regulation of Legal Practice and a Draft Criminal Procedure Code.

2. Responsibilities

The members of the Working Group on Human Rights Infrastructure provide pro bono services. They will:

- adopt a framework for evaluating laws and institutions important for the implementation of human rights;
- undertake diagnostic studies which assess laws, institutional frameworks, practices and procedures relevant to human rights;
- conduct consultation forums on the findings of the diagnostic studies;
- propose programmatic reform packages that improves human rights laws, institutions and their procedures;
- draft human rights bills and submit to the Advisory Council for adoption; and
- conduct other activities assigned to it by the Advisory Council.

3. Thematic Areas

In addition to working on matters that may be suggested by and in support of other Working Groups, the Human Rights Infrastructure Working Group continuously identifies laws and institutions to be

reformed. Pending any changes or additions that may be suggested by the Advisory Council, other Working Groups, or members of the Working Group itself the thematic areas the Working Group will cover including the following:

- Judicial enforcement of human rights;
- Public interest litigation;
- Human rights impact assessment;
- Child rights;
- Women’s rights; and
- Rights of older persons.

4. Members

The members of the Working Group on Human Rights Infrastructure are

1. Abdi Jibril, chair
2. Adem Kassie (LLD)
3. Amerti Solomon
4. Girmachew Alemu (PhD)
5. Kalkidan Aberra
6. Kalkidan Negash (PhD)
7. Mekdes Tadele (PhD)
8. Mizanie Ababe (PhD)
9. Samuel Tilahun
10. Takele Soboka (PhD)
11. Yemserach Legesse
12. Zelalem Teferra (PhD)
13. Abadir Mohamed Ibrahim (JSD)