

SIGNED APPROVAL SHEET BY THE BOARD OF EXAMINATION

**THE ROLE OF MEDIA IN THE PROMOTION OF HUMAN RIGHTS IN
ETHIOPIA**

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**A THESIS SUBMITTED IN THE PARTIAL FULFILLMENT OF THE
REQUIREMENT FOR THE DEGREE OF MASTERS OF LAWS IN HUMAN RIGHTS
LAW,
FACULTY OF LAW**

**March, 2011
ADDIS ABABA**

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ACKNOWLEDGMENTS

I am indebted to the almighty God for opening opportunities and making my dreams come true. My mom, you have been there for me from the beginning to the end. Your courage is the source of my strength and I will always be grateful for that. Thank you very much for your priceless support and assistance.

I am grateful for all the people who assisted me and gave me information and ideas starting from the initial stage of this study. A special thanks goes to my supervisor Ato Yonas for his constructive comments and suggestions.

I am also thankful for my friends, class mates and the members of AAU community for making my stay enjoyable and easier.

LIST OF ABBREVIATIONS

ACHPR African Charter on Human and Peoples' Rights

ACRWC African Charter on the Rights and Welfare of the Child

AU African Union

CEDAW Convention on the Elimination of all forms of Discrimination against Women

CRC Convention on the Rights of the Child

EU European Union

ERTA Ethiopian Radio and Television Agency

FDRE Federal democratic Republic of Ethiopia

ICCPR International Convention on Civil and Political Rights

ICESCR International Convention on Economic, Social and Cultural Rights

PMC Population Media Center

NGOs Non-Governmental Organizations

UDHR Universal Declaration of Human Rights

UN United Nations

UNHCR United Nations High Commissioner for Refugees

UNICEF United Nations Children's Fund

US United States of America

Abstract

Promoting human rights is a vital means to ensure their protection and respect. In the 21st century, the word 'promotion' by itself is simply associated with the media. With the wide range access to different types of media and with the ever growing interest of the people to keep abreast of the topics of the day, the media has become irreplaceable choice to spread information of any kind. A person's perception of reality is the result of their beliefs and in the age of information many of the beliefs are the result of the mainstream media.

The main objective of this paper is to investigate and analyze the role of media in the promotion of human rights in Ethiopia. Accordingly three major media organization was selected to study the practical implications of international and national human rights in their day today activities. These organizations are The Reporter, Addis Admas and Ethiopian Radio and television Agency.

The research investigates the effects of nation a laws relevant to press and freedom of information. It identifies the gaps that have challenged the media in their effort to promote human rights in the country.

Chapter One

Introduction

1.1 Background of the Problem

Those who negotiated and signed the Charter of the United Nations (UN) opened a veritable floodgate to new possibilities of expanding international human rights as never before in the history of the world. Explicit provisions on specific human rights suddenly placed the signatory states and the organization itself on public record in international law as supporting universal respect for and observance of human rights for all. The members of the United Nations formally pledged themselves to promote this right without any distinction as to race, sex, language, religion or other status.

Advocates of human rights firmly believed that the vision proclaimed in the Universal Declaration of Human Rights and subsequent human rights treaties could never be realized in practice without widespread knowledge and popular support. The idea is that abuse can only be overcome by information made possible through freedom of expression, freedom of the press and the rights of members of the society to seek, receive and impart information.

Promotion of human rights, however, is habitually associated with the effort of some countries and the UN to create awareness about human rights through different means. The methods include diplomacy, publishing reports and statements, conditioning access to trade or aid on human right improvements, economic sanctions, and military intervention. These efforts add some real power to the international human right system. However, to the ordinary people of the world these efforts do not provide adequate personal information about human rights.

Without freedom of information and active involvement of the media, which are considered to be the primary sources of information for the majority of ordinary people in the world, these actions of the international community are less understood or known by the society.

The media plays a significant role in order to steer governments on the right path on their effort to protect, enforce and promote human rights. Sometimes, traditional free speech or freedom of expression arguments assume that the main concern is an individual in particular the rights of speakers to express their opinion to others. However, there are overwhelming arguments to extend freedom of speech to the mass media. The media provides readers, listeners, viewers with information and the range of ideas and opinions which enable them to participate actively in a political democracy and educate them about their basic human rights. The relationship between press freedom and freedom of speech is even sometimes considered to be equivalent. They have broadly the same meaning. Freedom of speech can simply refer to the speech freedoms of the media owners, journalists and editors.

The incontestable power of the media and its watchdog position as a fourth branch of the government has been proved in many instances. Numerous human rights violations have been revealed by the media and the concepts of human rights have reached the public through the media which in return informed many to promote and exchange information's about international human rights law.

In Ethiopia, printing press goes way back to the 19th century. In 1863, the first printing press was introduced in to East Africa by Emperor Theodros. Ras Teferi Mekonon, who later became Emperor Haile Sellasie took the credit for founding the first printing press on what is now the campus of Addis Ababa University. He has also credited for building the major electronic media organizations in the country including the national radio and television. However, in the past two consecutive regimes, the media in Ethiopia remained under strict control of the government with official censorship laws. It was considered to be a tool for propaganda and a mouthpiece of its repressive regimes.

During the regime of Haile Selassie the media essentially was used to spread information of royal nature with an objective of building the unchallengeable figure of the King. For the very few Ethiopians who had the access to newspapers and the electronic media or for those who were actually able to understand the contents of the media, information was a way of knowing and appreciating the “divine power” of the King and the magnitude of the feudal system.

Though Ethiopia is one of the founding members of the UN, human rights were barely an issue for the local media of the time. Since the media was under the complete control of the government and freedom of the press of the media was barely understood concept, it can be concluded that the media as an institution failed the role it could have played in promoting and preventing countless human rights violations which occurred during the Emperor regime. After the coming into power of the military regime, known as Derge the story was not any different. The media was even under more strict control of the government and censorship was one of the defining characters of the regime.

Comparatively, after the coming into power of the current regime in 1992, the media engaged with the disclosure of information not necessarily approved by the government. Primarily, the 1995 Constitution of Ethiopia recognizes the media the freedom from censorship and institutional protection for its effective operation and affirms the right of the people to seek, receive and impart information of all kinds regardless of frontiers. This right has been specified in subsidiary legislations. Proclamation for Freedom of the Mass Media and Access to Information guarantees the media with the necessary freedom by guaranteeing freedom of information and prohibiting censorships.

Nevertheless, with comparatively better legal and policy environment, the media in Ethiopia is criticized for avoiding human rights issues. Not only the media but also the government is accused for compromising constitutional rights on freedom of opinion, expression, and the press as well as the right of the public to seek, receive and impart information. In addition, the capacity of the media to engage actively in the promotion, protection and enforcement of human rights is questionable. Accordingly, there is a claim that the media is not moving forward towards as fast as it could to assist the government to fulfill its obligation to enforce, protect and promote human rights.

1.2 Statement of the Problem

Promoting human rights is a vital means to ensure their protection and respect. In the 21st century, the word 'promotion' by itself is simply associated with the media. With the wide range access to different types of media and with the ever growing interest of the people to keep abreast of the topics of the day, the media has become irreplaceable choice

to spread information of any kind. A person's perception of reality is the result of their beliefs and in the age of information many of the beliefs are the result of the mainstream media.

Only those who are aware of their rights are able to defend it. Knowledge about basic human rights builds confidence in claiming those rights, self-respect and respect for others. In addition, when the media is free to reveal human rights violations, it will enhance the confidence of individuals that violations will not go unpunished.

In addition, media involvement has a great deterrence effect on both the government and any other body who may have an intention or a plan to violate human rights. For that matter, the media will play a great role in supporting the role of the government in the enforcement, protection and promotion of international human rights law.

The history of media in Ethiopia stretches beyond one hundred years. However, for most of its history the media in general remains under government control and ownership with a strict censorship laws. This has led to the use of the media by successive governments to impart information about what the rulers wanted the people to believe.

Even now, in a time when the media is relatively free and both private and government media are comparatively accessible, the engagement of the media in the promotion of human rights is not as much as one might expect it. Most of the private newspapers do not cover the basic human rights that citizens are supposed to know. The government media is also critiqued for being indolent when it comes to promoting fundamental human rights. Hence, it is necessary to investigate the realities behind those claims by using specific questions.

1.3 Objective of the Study

The main objective of the thesis is to investigate the role and the contribution of the media in the enforcement, respect and promotion of human rights in Ethiopia. More specifically, the study will explore the role and activities of the media in the promotion of human rights as well as the effort of the national human rights organizations to use the media as a means for the achievement of their specific goals.

The thesis will examine the normative framework of the international and national laws in creating a positive environment for the media to engage actively in the promotion and enforcement of human rights. In addition, it will reveal the legal and institutional gaps and weaknesses that caused the problem for the media, the state and the concerned organs to engage actively in the promotion and education of specific human rights for the society. This will lay a foundation to evaluate the role of the media, owing to their potential, accessibility and valuable assets, in the enforcement, promotion and protection of international human rights law.

Based on the findings, possible measures and recommendations will be proposed as a way forward in alleviating the problem related to the role of the media in the protection and promotion of international human rights law within the framework of the international system in general and in Ethiopia in particular.

1.3.1 General Objectives

The general objectives of the thesis are:

1. Evaluating whether or not the media, as a complementary actor, is working to the level of their potential and expectation in the full realization of human rights in Ethiopia.
2. Investigating the contribution and achievements of the media in the enforcement, protection and promotion of international human rights law in Ethiopia, at the national level, in the regional and international level.
3. Assessing the legal, policy and institutional framework of the media in order to find out the gaps and the challenges of the media as an institution to engage actively in the enforcement, protection and promotion of international human rights law in Ethiopia.

1.3.2 Specific Objectives

In particular, this study attempts to:

- Examine the conceptual and theoretical framework set up for the media for its role in the enforcement, protection and promotion of international human rights law.
- Investigate the gap between the federal laws and policies in relation to the media and its task to promote human rights
- Evaluate the contribution already made by the media in the promotion of human rights in Ethiopia
- Identify the challenges faced by the media with regard to the promotion of human rights and come up with a solution that might facilitate the effort of the media in the promotion of human rights in Ethiopia.

1.4 Research Questions

The existence of viable media is vital for efficient promotion of human rights and exposure of violations. Consequently, the thesis examines the strong and weak points of the media in Ethiopia in terms of promotion of human rights. It also dwells upon the effectiveness of the co-operation between government organs, the people and the press to work towards promoting and protecting human rights. Moreover, the thesis explores the internal challenges facing the media, both government and private, in their effort in promoting human rights.

Therefore, an attempt will be made to address the following questions:

- Who are to be conceptualized as media and what is their role in the promotion of human rights?
- What mechanisms are available to the state to promote human rights?

- How far freedom of the press protects the media for uncovering most controversial human right violations in Ethiopia?
- Which laws govern the relationship between state and media and what are the gaps in terms of promotion of human rights?
- What are the basic internal and external challenges both state and private media the media face in their effort to promote human rights?
- What are the practical contributions of the media so far in advancing the promotion of human rights in Ethiopia?
- What mechanisms and measures should be taken as a way forward in alleviating the challenge of the media in the promotion of human rights?

1.5 Research Methodology

With the objective of evaluating the role of media in the promotion of human rights in Ethiopia, the thesis will principally make use of the following methods.

Literature review: the study will attempt to review relevant literatures on the role, contributions and challenges of the media related to enforcement, protection and promotion of international human rights law. In view of this, the study will set up the proper conceptual, legal and institutional frame work, which serves as a foundation to determine the role and contribution of the media in the enforcement, promotion and protection of international human rights law in Ethiopia.

Documentary analysis: international human rights instruments, resolutions, different general comments, recommendations, guidelines and action plans related to the protection, promotion and enforcement of international human rights law will be assessed. Domestic policies, legislations, directives and guidelines will also be used to evaluate the adequacy and effectiveness of the existing environment for the formation and free operation of the media in the protection, promotion and enforcement of international human rights law.

Questioners and interviews: media professionals will be a target by the questionnaire to determine their capacity to promote human rights law in Ethiopia. In addition, the questionnaire will be used to identify the extent of sensitivity of the media organizations in the promotion of human rights law. Interviews will also be conducted with stakeholders including media organization owners, journalists, editors, national human rights organizations and non-governmental organizations. This will be used to see the encouraging or inhabiting environment for the effective operation of the media and to asses the role and contributions of the media in the promotion, protection and enforcement of human rights.

1.6 Scope of the Study

The study, with the objective of investigating the role of the media in the promotion, protection and enforcement of international human rights law, evaluates the different activities of media organizations, both private and governmental, in the country. However, given the time and resource limitations, the thesis will focus only on the prominent media organizations that have relatively active participation in the human rights issue and have a nationwide accessibility.

In addition, the thesis will evaluate the role of the media in light of its collaboration with national human rights institutions and private actors in the promotion of human rights in Ethiopia.

1.7 Significance of the Study

The findings of this thesis hopefully, will demonstrate the role of the media in the promotion, protection and enforcement of human rights in Ethiopia. This way, the research will reveal the flaws and weaknesses of the media and the government towards the full realization of human rights in Ethiopia. The finding will assist the government, media organizations and other concerned bodies to take corrective measures in encouraging and strengthening the media to play effective role in the promotion rights in Ethiopia.

The measures taken in this regard will, ultimately benefit individual citizens and the public at large in building an informed society that has a strong human rights culture and respect for one another.

1.8 Limitations of the Study

In investigating the encouraging and inhibiting environment for the media and its role and contribution in the promotion of human rights in Ethiopia, the fear of the writer is that it might be difficult to get sufficient and reliable documentations and data from local media institutions regarding their activities on human rights.

1.9 Organization of the Study

In this thesis, attempt will be made to show the role of media in the protection, promotion and enforcement of human rights. To this end, the thesis is organized in five chapters. The first chapter of the paper will introduce the background of the problem, objective of the study, research methodology, and scope of the study, significance of the study and limitation of the study.

The second chapter gives a brief explanation on the theoretical, normative and institutional frame work set up for the promotion of international human rights law. In addition, this chapter assesses the power, role and responsibilities of the media to engage actively in the promotion of human rights. In view of this, the chapter will address the main challenges and constraints of the media in the promotion, protection and enforcement of international human rights law.

Chapter three will attempt to overview the background history of the media in Ethiopia in relation to human rights. Briefly, the role and contribution of the media in the promotion of human rights in the past will be evaluated. The activities of the media in times of major human rights violations in Ethiopia will be used as a reference point in evaluating the media activity regarding human rights. In addition, this chapter will try to investigate the legal and policy environment for the media to operate and engage actively in the promotion, protection and enforcement of human rights in Ethiopia.

Chapter four will evaluate the practical activities and engagements of the media in the promotion of human rights in Ethiopia. This will be assessed in light of the media activity, coverage and the relationship of the media with national human rights organizations. Accordingly, the relationship of the media with Ethiopian Human Rights Commission and the Institution of Ombudsman will be assessed. Private actors and NGOs who engage in human rights advocacy will also be investigated in view of identifying their role in employing the media to the promotion of human rights. Finally, this chapter will try to identify the legal, policy and institutional gaps and practical challenges for the media in its role in the promotion of human rights.

The last chapter, chapter five, as a way of conclusion, will forward certain measures to be taken in alleviating the problems related to the activities of media and its roles in the promotion of human rights in Ethiopia.

Chapter Two

The Concept of Human Rights and Promotion of Human Rights

2.1 The Notion of Human Rights

Every person, by virtue of humanity, is entitled to certain natural rights is the recurring theme throughout the history of mankind. This idea can be traced as far back thousands of years to landmark historical documents. These include the Code of Hammurabi, Magna Carta, the French Declaration on the Rights of Man and the Citizen, and the American Bill of Rights. The Code of Hammurabi, the first codification of laws that contains reference to individual rights about 4000 years ago, protects the people from arbitrary persecution and punishment.¹ This document, though considered as barbaric by today's human rights standards, is a sign that the concept of human rights existed even in times immemorial.

In Magna Carta (1215) King John promised to the people of England, in addition to good governance, peace to God's church and people, repression of violence in men of every rank, and justice and mercy in all judgments.² Magna Carta was a contract between subjects (the barons), the King and his descendents and their descendents "forever."³ Therefore, most of its provisions applied to specific abuses of the time. For example, it guarantees the freedom of the English Church from royal interference, protected the property and inheritance rights of underage heirs and widows, limited taxes, established standing and roving courts to deal with criminal and civil issues, stated that punishment should fit the crime, and forbade officials to steal from citizens, noble or freeborn commoners.⁴ It also puts on paper, for the first time, the English concepts of due process of law and forbade bribery of judges and other legal authorities.⁵

¹ Germander Alfredsson & Jonas Grimheden, *International Human Rights Monitoring Mechanisms*, (2001, Martinus Nijhoff Publishers) p15.

² McKechnie W., *Magna Carta, a Commentary on the Great Charter of King Johan, with Historical Introduction* (1914, Glasgow Maclehose), p 32.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

Though the above documents have irrefutable historical relevance, it is the French Declaration on the Rights of Man and Citizen (1789), and the US Constitution and Bill of Rights (1791) that are considered as initial documents in the history of the human rights movement.⁶ The American Declaration of Independence of 4 July 1776 was based on the assumption that all human beings are equal. It also referred to certain inalienable rights, such as the right to life, liberty and the pursuit of happiness.⁷ The French *Déclaration des Droits de l'Homme et du Citoyen* of 1789, as well as the French Declaration of 1793, reflected the emerging international theory of universal rights and contained for the first time the term "human rights".⁸

The end of World War II was a critical moment for the development of modern international human rights law. At that time the atmosphere of the world was desperate for a step toward the recognition and observance of human rights for all.⁹ Certainly, there was a desire for a new beginning, and an expectation of change had been created by wartime developments such as Roosevelt's "Four Freedoms" speech and the Atlantic Charter.¹⁰

President Franklin D. Roosevelt, in his speech addressed to the Congress in 1941 said that the future world is founded up on four essential human freedoms.¹¹ The first freedom basic to the foundation of the post war world is freedom of speech and expression everywhere in the world, the second is freedom of every person to worship God in his own way, the third is freedom from want which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants and the fourth is freedom from fear which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression

⁶ *Defining human rights*, available at <http://www.peacebuildinginitiative.org/index.cfm?pageId=1847> (Last visited on June 12/2010)

⁷ Ibid.

⁸ Ibid.

⁹ Charles Beitz, 'What Human Rights Mean', *Daedalus On International Justice*, Vol. 132, No. 1, The MIT Press on behalf of American Academy of Arts & Sciences, 2003. p36.

¹⁰ Ibid

¹¹ Franklin D. Roosevelt, *the "Four Freedoms" Address to Congress*, January 6, 1944, available at <http://www.wnorton.com/college/history/ralph/workbook/ralprs36b.htm>. (Last visited on June 17/2010)

against any neighbor-- anywhere in the world.¹² These four freedoms are reflected in the Charter of the UN, and from that stemmed the idea of an international “Bill of Rights”.¹³

When representatives of four major powers met in 1944 at Dumbarton Oaks, in Washington DC, the two world wars which were fought in less than 30 years were very much in fresh memory.¹⁴ Shocked by what had happened during these wars, especially World War II, the leaders felt responsible to make sure there will not be third world war. The result was a plan to establish the United Nations. The UN was a vision for the leaders to make the world a peaceful and secured place for every one.¹⁵ They assumed it is healthier for nations and peoples of the world to live together and to sort out their problems using the organization as a common neutral ground. UN was meant to be in charge of giving nations an opportunity to arrive at peaceful solutions to their problems.

While establishing the UN, leaders of the world who met in San Francisco included an important reference to human rights under the UN charter. The preamble of the UN charter says “We the people of the United Nations are determined.....to reaffirm faith in fundamental human rights, in the dignity and worth of human person, in the equal rights of men and women and of nations large and small.”

The preambular reference of human rights under the UN charter was followed up by six additional references throughout the charter. Further, under article 68 of the Charter, the Economic and Social Council was required to set up a commission in the human rights area. The outcome was the establishment of a Commission on Human Rights. The Commission’s first task was to develop International Bill of Rights.

As a first step towards preparing the International Bill of Rights, the Commission decided to work on a declaration instead of a binding treaty.¹⁶ It also decided that the declaration should contain both civil and political rights and economic social and cultural rights.¹⁷ The

¹² Ibid.

¹³ Ibid.

¹⁴ James W. Nickel, *Making Sense of Human Rights*, (2nd ed., Blackwell Publishing, 2007) p 17.

¹⁵ Ibid.

¹⁶ United Nations, *United Nation Action in the Field of Human Rights*, (1980, New York), p 9.

¹⁷ Ibid.

declaration was viewed as a relatively brief, inspirational and energizing document usable by ordinary people. It was meant to be the foundation and a cornerstone for the International Bill Rights. This view is probably the main reason used by the commission to avoid the more difficult and controversial problems like the role of the state in enforcing and promoting the rights in its territory, and whether the mode of enforcing civil and political rights is different from that of economic and social rights.¹⁸

The commission named the document Universal Declaration of Human Rights (UDHR). The declaration, as identified by one of the main drafters Rene Cassin, has four pillars. These pillars are dignity, liberty, equality and brotherhood.¹⁹ The 27 substantive provisions of the declaration were divided among these four pillars.

With the objective of establishing mechanisms for enforcing the UDHR, the UN Commission on Human Rights proceeded to draft two treaties: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).²⁰ The Commission completed its preparation of the two Covenants and they were open for signature in 1966. After they were ready for signature the Covenants waited almost 10 years to receive number of ratification or accession required for their entry into force. Finally, in 1976 the Covenants entered into force.²¹ Together with the Charter of the UN provisions on human rights and UDHR the two Covenants form the International Bill of Rights.

In addition to the International Bill of Rights, UN promulgated different multilateral human rights instruments dealing with problems such as genocide, racial discrimination, and discrimination against women, religious intolerance, and the rights persons with disabilities, freedom from torture, and the rights of the child.

2.2 The Concept of Human Rights Promotion

¹⁸ Michelin R. Ishay, *The History of Human Rights*, (2008, University of California Press), pp3-4.

¹⁹ Ibid.

²⁰ Nancy Flowers, *Human Rights Here and Now, Celebrating the Universal Declaration of Human Rights*, available at <http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/images/header2.gif>. (Last visited on June 14/2010).

²¹ Michelin R. Ishay, Supra note 18, p 17.

The promotion of human rights can be defined as education, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and molding of attitudes directed to:²²

- The strengthening of respect for human rights and fundamental freedoms;
- The full development of the human personality and the sense of its dignity;
- The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
- The enabling of all persons to participate effectively in a free and democratic society governed by the rule of law;
- The building and maintenance of peace;
- The promotion of people-centered sustainable development and social justice."
- Creating awareness about the existence and the promises of international human rights law

The obligation to promote and ensure the enjoyment of human rights is the prime responsibility of States, thereby conferring on states responsibility for the human rights of individuals.²³ Many human rights are owed by States to all people within their territories. Basically, under international human rights law, states have specific obligations to respect, protect, and fulfill the rights contained in the different human rights treaties.²⁴ Failure to perform these obligations constitutes a violation of such rights. A UNDP practice note details these obligations, which help understand the obligation of States in the protection of human rights:²⁵

- The obligation to respect requires State Parties to refrain from interfering with the enjoyment of rights.

²² *Human Rights Promotion & Protection: Definition & Conceptual Issues*, available at <http://www.peacebuildinginitiative.org/index.cfm?pageId=1847> (Last visited on July 2/2010).

²³ Ibid.

²⁴ Ibid.

²⁵ *An overview of insider and outsider actors involved in human rights*, available at <http://www.peacebuildinginitiative.org/index.cfm?pageId=1849> (Last visited on June 4/2010).

- The obligation to protect requires State Parties to prevent violations of rights by third parties.
- The obligation to fulfill requires State Parties to take appropriate legislative, administrative, budgetary, judicial and other measures toward the full realization of rights. This includes the obligation to promote human rights.

Primarily, states are expected to create a legal and policy environment for those who are actively engaged in human rights advocacy and awareness creation. NGOs are commonly known for their activities on the education and training human rights.²⁶ They usually, among other activities, train the society on human rights issues, orientation and training courses for civil servants, including judges, prosecutors, lawyers, media professionals, prison staff, police and security personnel.²⁷ In addition, NGOs are known for their approach for using the media to get their message across. Mostly, they sponsor human rights programs, train media professionals and support the media in logistic and expertise for human rights advocacy works.²⁸

In addition, to its partnership with NGOs, the media it self is known for its activities in the promotion of human rights. The activities of the media in circulating human rights and related information on the radio, newspapers, television and other mass media; drama, sports, artistic and cultural events has proved to be effective way of reaching the population often cut off from human rights discourse.²⁹ This activities of the media facilitates efforts of the state to promote values, beliefs and attitudes that encourage individuals to uphold their rights and those of others.³⁰ Promotion of human rights makes an essential contribution to the prevention of abuses and conflict and helps create a society in which all persons are valued and respected just because of their humanity.³¹

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ Paul Gordon Lauren, *the Evolution of Human Rights*, (2003, University of Pennsylvania Press), p 255.

Without a widespread culture of human rights, even democracy is not by itself a guarantee of respect of human rights.³² It is a general agreement that abuse can only be overcome by information made possible through freedom of expression.³³ As observed by many writers, governments move slowly except under the pressure of opinion or events and that without an informed public the effort on behalf of human rights would lose its most important factor.³⁴ This observation concludes that the only way governments will be pressured to fulfill their obligations under human rights instruments is when they have inhabitants informed about the existence of human rights and the promises it held for everyone.

Indeed, an essential prerequisite for the realization of human rights is popular awareness and support for the universally accepted human rights norms and standards by each and every individual.³⁵ Therefore, promoting human rights at a national level is the most effective option to the full realization of international human rights law.

One of the greatest paradoxes of the progress of human rights thinking is that many prominent governments, who adopt human rights treaties basically, consider human rights as only relevant for other countries.³⁶ The promotion of rights by superpower, mostly, is a mere formality and poor member states have shown the inability to implement the rights of its people.³⁷

³² Hannah Arendt, *Human Rights awareness*, available at <http://www.hrawareness.org/> (Last visited June 15/2010).

³³ Ibid.

³⁴ Id, p 256.

³⁵ Abdurrahman P Vijapur and Kumar Suresh (ed.), *Perspectives on Human Rights*, (1999, MANAK Publications), p281.

³⁶ Richard Falk, *Human Rights Horizons-The Pursuit of Justice in Globalization world*, (2000, Routledge publishing), p57.

³⁷ Gaurav Virk, *Promoting Human Rights- a Strategy to Promote the Rights of Ordinary People*, available at <http://www.articlesnatch.com/Article/Promoting-Human-Rights--A-Strategy-To-Promote-The-Rights-Of-Ordinary-People/1516176> (Last visited June 14/2010).

Human rights instruments are treated, most of all, as instruments of foreign policy. They are often used and undermined by ideological and strategic interest.³⁸ This takes away the focus from promoting human rights for those who needs it to a mere propaganda by government's to show other countries their commitment to international human rights law. As a result, human rights promotion is greatly associated with the effort some countries made to promote and protect human rights in other countries.³⁹

Seriousness on human rights has to start from the proposition that human rights begin at home, that is where infractions are most sensitive and hurtful. A strong human rights culture is a necessary underpinning of an effective regime of human rights.⁴⁰ The development of a moral, legal and spiritual sense of solidarity among all people on the issue of human rights is a powerful and useful normative architecture to build brighter prospects for the development of human rights culture.⁴¹ The first step in achieving these goals is to awaken and transfer the society to the awareness of human rights and make each and every individual part of this revolution. Information plays an enormous role in this process.

If the end product of information is to be used to transform society, it is essential that the medium content, access, and the timing of the information and communication together have taken seriously.⁴² Under these conditions, it is possible to create a society aware of its basic and fundamental rights and duties and respect the rights of others. The violation of human rights, no matter in which sphere of life they occur, essentially takes place because 'human values' are not recognized in the first place.⁴³ Promoting human rights will contribute to the creation of an environment where all people exist peacefully recognizing each others value as a human being.

³⁸ Giuseppe Balducci, *The study of the EU promotion of human rights: the importance of international and Internal factors*, University of Warwick and College of Europe GARNET Working Paper No: 61/08, 2008, p5.

³⁹ United Nations, Supra note 16, p 19.

⁴⁰ Id, p 58.

⁴¹ Ibid.

⁴² Adolf E. Mbaine (ed.), *Media in Situations of Conflict, Roles, Challenges and Responsibilities*, (2006, Fountain Publishers), pp89.

⁴³ Ibid.

2.3 Normative Framework of the Promotion of Human Rights under International Human Rights Instrument

2.3.1 The Charter of the United Nations

The Charter of the UN states that it has an objective of securing and maintaining peace in the world. It does so by providing under article 2(4) that member states shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, a rule qualified by article 51 which states that nothing in the charter shall impair the inherent right of individual or collective self defense in an armed attack occurs against a member. This article prioritizes the objective of UN which is keeping peace and security in the world. This gives the impression that the founders of UN thought that if there is peace and security in the world then there will be less possibility for the violation of human rights.

However, the Charter did not neglect the importance of human rights and the role of the organization in the promotion of human rights. Article 1(3) of the Charter recognizes that the purpose of UN is to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. This article underlines that the promotion of human rights is vital in finding a solution for international problems with regard to peace and security. Article 13 of the Charter, which recommends the General Assembly to initiate studies and make recommendations on issues that help in achieving the objectives of UN, includes the promotion of human rights and fundamental freedoms as one of the issues the general assembly shall take initiatives for.

Article 55 also provides promotion of human rights by the UN as a means of creation of conditions of stability and well being which are necessary for peaceful and friendly relation among nations. Under article 55(c) the Charter provides that the UN shall promote universal respect for, and observance of human rights and fundamental freedoms for all with out distinction as to race, sex, language, religion or any other status. For the

achievement of these objectives, article 56 makes all Member States as a pledge who take themselves to joint and separate action in co-operation with the organization.

Article 62, which outlines the powers and function of the Economic and Social Council, entitles the Council to make recommendations for the purpose of promoting respect for all, and observance of human rights and fundamental freedoms. In addition the Council is granted with a power, under article 68 of the Charter, to set up commissions in economic and social fields and for the promotion of human rights and such other commissions as may be required for the performance of its functions.

All the above provisions of the Charter illustrates that UN recognized the importance of the promotion of human rights to achieve all of its objectives. The Charter extends the moral responsibility to promote and observe human rights not only to its own organs but also to all of its Member States. As it is provided under article 56 of the Charter, the UN expects its members to pledge themselves for the achievement of the purposes of the organization which includes promotion and observance of human rights for all.

However, the Charter has left several loopholes that could possibly stand in the achievement of its specific objectives. For example, the fact that there is no language of obligation to promote and respect human rights by Member State places the provisions of the Charter regarding human rights ineffective.⁴⁴ In addition, the Charter only gives specific mention to one substantive right, the right to equality (article 1(3), 13(1), 13(1)(b), and 55) while failing to mention other substantive human rights.

2.3.2 Universal Declaration of Human Rights (UDHR)

The preamble of UDHR claims that recognition of the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice

⁴⁴ Hennerly J Steiner, 'et.al', *International Human Rights in Context*, 3rd ed, (2007, Oxford University Press), p134.

and peace of the world. Article 1 of the Declaration provides the inspirational temperament of the instrument by stating that “All human beings are born free and equal. They are endowed with reason and conscience and should act towards one another in the spirit of brotherhood.” This pioneering article is a grand reflection for what the Declaration stands for.

The preamble also proclaims that rights under the Declaration are a common standard of achievement for all people and all nations, to the end that every individual and every organ of society, keeping the declaration in mind, shall strive by teaching and education to promote respects to this rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Generally, UDHR aims to⁴⁵

- The promotion of the dignity and equal rights of all the common people in the world.
- The promotion of freedom, justice and peace in the world.
- The promotion of freedom of expression for the common people in the world
- The promotion of friendly relation between the common people in the world.
- The promotion of equal rights between men and women in the world.
- The promotion of social progress and better standards of living of ordinary people in the world. The promotion of rights has been entrusted to the United Nations Commission which latter replaced by the Council of Human Rights in 2006.

The Declaration provides the importance of human rights education under article 26, which gives everyone the right to education, provided that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. Education shall also promote understanding, tolerance and friendship among all nations and racial groups. This article represents the position of

⁴⁵ Gaurav Virk, Supra note 38.

UDHR regarding human rights promotion to the ordinary people of the world. This right is given to everyone, meaning every individual is entitled to know, to be acquainted with human rights and exercise the rights provided under the Declaration.

However, UDHR fails to provide the right to communication, which is a vital means of informing people about human rights, as a specific and independent right. Nonetheless, in the absence of such a specific right there is still an existing frame work where this right can be situated and where it is inherently grounded.⁴⁶ It would perfectly settle under freedom of opinion, freedom of expression and more importantly the rights to seek receive and impart information.

Under article 19 of UDHR, it is provided the right of every one to freedom of opinion and expression. This right includes freedom to hold opinions with out interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Key elements of these rights are the right to diverse, pluralistic media and equitable access to the means of communication as well as the media.⁴⁷ In addition, the following elements make an integral part of article 19 of UDHR:⁴⁸

- The right to practice and express ones culture including the right to use the language of ones choice
- The right to access to information both from private and public bodies
- The right to be free from undue restrictions on the content of information and privacy rights including the right to communicate anonymously
- The unfettered right to hold opinions and the right to express and disseminate any information and ideas also form an integral part of the rights provided under article 19 of UDHR

⁴⁶Michelin R. Ishay, Supra note 18, p 96.

⁴⁷ Id, pp 97.

⁴⁸ Ibid.

2.3.3 International Covenant on Civil and Political Rights (ICCPR) & International Covenant on Economic Social and Cultural Rights (ICESCR)

The preamble of International Covenant on Civil and Political Rights (ICCPR) and the Covenant on Economic Social and Cultural Rights reaffirms the principles rendered by the Charter of the UN and UDHR. They endow with the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world. They also recognize that human rights are derivative from the inherent dignity of the human person.

In addition, the preambles of both Covenants emphasize that the full realization of human rights is possible only if conditions are created where by every one will enjoy human rights. In order to create this conditions, the obligations of states under the Charter of the UN to promote universal respect for and observance of human rights and the duties of individuals to other individuals and to the community to strive for the promotion and observance of the rights is recognized.

Article 19 of ICCPR, provides the same statement as of UDHR regarding the right to hold opinion and freedom of expression. It states that every one is entitled to hold opinions without interference and to freedom of expression which includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, or through any other media of his choice. These rights might be subject to restrictions, according to article 19 (3) (a and b), only when provided by law and are necessary of the rights and reputation of other and for the protection of national security or of public order or of public health or morals.

2.4. Normative Framework of the Promotion of Human Rights under Regional Human Rights Instruments

The preamble of African Charter on Human and Peoples' Right (Banjul Charter) provides that receiving information is a right. It says, under article 9, every individual have the right

to receive information. It also adds that every individual shall have freedom of expression and opinions. The Charter, unlike its international counter parts, makes the duty to promote human rights a specific obligation. Under article 25 the Charter it is provided that State Parties have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

In November 2000, the African Commission on Human and Peoples Right (ACHPR), and Article XXX adopted a joint statement noting the importance of freedom of expression and the limited protection given to this important right by article 9 of the charter. A declaration of freedom of expression was adopted by the ACHPR in October 2002.⁴⁹

Freedom of expression is also protected under European Convention on the Protection of Human Rights and Fundamental Freedoms. Article 10 of the Convention guarantees the right of everyone to freedom of expression. This right includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article has relatively been the subject of large number of cases. The European Court of Human Rights has promoted the free flow of information and ideas and established an important precedent which limits state powers to restrict freedom of expression, particularly in the area of press and broadcasting freedom.⁵⁰

American Convention on Human Rights also protects freedom of expression and freedom of press. It guarantees the rights to receive and impart information. Special Rapporteur on Freedom of Expression was created by Inter-American Commission on Human Rights in

⁴⁹ African Commission on Human and Peoples' Rights, *Documentation Resolution on the Adoption of the Declaration on Principles of Expression in Africa*, available at, http://www.achpr.org/english/declarations/declaration_freedom_exp_en.html (Last Visited on June 21/2010)

⁵⁰ *Regional human rights systems in other parts of the world: Europe, the Americas and Africa*, available at http://www.hrea.org/index.php?doc_id=365 (Last visited on June 21/2010)

1997. The mandate of the Special Rapporteur includes the collection of information, the preparation of annual and thematic reports and promotional activities.⁵¹

2.5 The Power, Role and Responsibility of Media in the Promotion of Human Rights

2.5.1 The Power of Media

Media is an all-encompassing term referring to the presentation and transmission of information by a multiplicity of outlets (radio, television, print and the internet).⁵² The power of media is generally symbolic and persuasive, in the sense that it primarily has the potential to control to some extent the minds of its audience, but not their actions.⁵³ Except in cases of physical, coercive force, the control of action, which is usually the ultimate aim of the exercise of power, is generally indirect, whereas the control of intentions, plans, knowledge, beliefs, or opinions that is, mental representations that monitor overt activities is presupposed.⁵⁴ Therefore, it is true that the users of media retain some autonomy over the information they receive. In other words, whatever the symbolic power of the media, at least some media users will generally be able to resist such persuasion.⁵⁵ Practically, media might not tell us what to think but it definitely gives us what to think about.

The media, in contemporary world, is the most important source of information about everything including human rights. This is because, for most people television, radio and newspapers are their only source of information.⁵⁶ As a result, media possess a power to select issues and events in the world we got to know about, they decide what constitute

⁵¹ Ibid

⁵² Elizabeth Heger Boyle and Andrea Hoeschen, 'Theorizing the Form of Media Coverage over Time', *The Sociological Quarterly*, Vol. 42, No. 4, (2001, Blackwell Publishing), p522.

⁵³ Teun A. van Dijk, *Power and the News Media*, (2007, University of Amsterdam), p2.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Melisande Middleton, *Social Responsibility in the Media*, Center for International Media Ethics CIME (2009, Oxford University PCMLP), p 2.

news, they filter and frame issues, they contextualize the problem, they set the political agenda, and they create both the consciousness and on matters that include human rights.⁵⁷

They perform this in two ways.⁵⁸

- **The media are generators and source of information:** under such rubrics reporters gather, process and present most of the information we receive about everything including human rights. In addition to just processing information, the media are political and moral agents, deciding to highlight a particular story, taking clear editorial positions and calling for something to be done.
- **Media are the carriers of information generated by human rights organizations (NGOs, national human right commissions, Ombudsman, treaty bodies etc):** they are the most powerful gatekeepers between these organizations and the wider public. Whether mounting a campaign on a particular issue or publishing a report about a particular country or appealing for fund, organizations channel their information through the selective filter of the media.

The media has proved the power it holds in building up public opinion on different subject matters. The pen is mightier than the sword' goes an old proverb which has been proved since the advent of writing and development of media.⁵⁹ Especially in the 21st century media has demonstrated its irresistible power by making and breaking almost everything.⁶⁰ Globalization, the increasing interdependence of states, markets, communications and ideas across borders, is one of the main features of the contemporary world.⁶¹ For the creation of globalization, media takes the primary credit. Under the realm of globalization, people around the world are able to get any information as inexpensive and effortless

⁵⁷ International Council on Human Rights Policy, *Journalism, Media and the Challenge Of Human Rights Reporting*, , 2002, p, 36, available at [http://www.reliefweb.int/rw/lib.nsf/db900sid/LGEL-5ECH5Y/\\$file/ichrp-media-2002.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/LGEL-5ECH5Y/$file/ichrp-media-2002.pdf?openelement) (Last visited on August 23/2010)

⁵⁸ Ibid.

⁵⁹ Patricia McFadden, 'Examining Myths of a Democratic Media', *Review of African Political Economy*, Vol. 25, No. 78, (1998, Taylor & Francis, Ltd.), p. 655.

⁶⁰ Ibid

⁶¹ *Globalization, State, Mass Media and Human Rights*, available at <http://www.piranet.com/media-centre/globalization-state-mass-media-and-human-rights/> (Last visited on June 13/2010)

possible. This increases the power of media in building ideas and opinions for the majority of the world population.

2.5.2 The Role and Responsibility of Media in the Promotion of Human Rights

Media, while playing its role as the agent of information shares information at broader level that actually raises the level of awareness on issues which impact the livelihoods of individuals and their role in society.⁶² In recent years, it has become visible that media is considering human rights news and coverage worthy. The media has become interested not only in violation of human rights but also in the institutional apparatus that has been designed to protect and to promote human rights.⁶³

The primary reason, for the growing interest of the media on human rights is because many governments and international institutions have integrated human rights principles in to their policy frame work. Consequently, the human rights discourse and the human rights law influence directly public policy and diplomatic relations in a ways not the case until the end of the cold war.⁶⁴ As media is interested in such matters, human rights have become frequent topics of media coverage.

Secondly, the media got involved more and more in human rights discourse because of some of the most serious human rights violations taken place in the context of armed conflict , or have been an immediate cause of conflict erupting.⁶⁵ The media, through out its history, has paid its close attention to war and internal armed conflict. With the concept of human rights more familiar, the media has found it interesting to investigate and reveal violation of human rights.

⁶² Shafqat Munir, *Media activism: Right based approach to Promote Development issues*, Journalists for Democracy and Human Rights (JDHR), available at <http://www.jdhr.org/publications/papers/Media%20activism-Promoting%20Development%20issues.pdf> (Last visited on August 12/2010)

⁶³ International Council on Human Rights Policy, *Supra* not 57, p 24.

⁶⁴ *Id.*, p 24.

⁶⁵ *Id.*, pp 24-25.

The question that occurs repeatedly is if human rights are news in their own terms or whether they are news only when they are associated with other news. Media professionals always claim they do not have inherent obligation to prioritize or to privilege human rights issues over others. The question for them is always, whether or not human rights issues are newsworthy that will interest their audiences.⁶⁶ The decision of whether or not to go with a story may define an attitude of the media organization towards human rights.

Though, the media is always digging human right violations and covering activities in relation to human rights, this does not lead to the conclusion that media have a legal obligation to cover and report or promote human rights to the public. This is because, international human rights law places all the legal duties on states and creates few or no private duties. In other words human rights are drawn vertically, not horizontally.⁶⁷ Therefore, there is no legal ground to argue that the media has an obligation to promote human rights. Accordingly, as practice shows, the media mostly involve in human rights and related issues when they are associated to other factors, like internal conflict, war or diplomatic and political matters.

However, there are two main points that are worth mentioning in at this point. First of all, at the international level, most large media organizations are government owned.⁶⁸ This means, states, as duty bearers of international human rights instruments have the obligation and the opportunity to use the media as a vehicle in their effort to the promotion and protection of human rights. Second, it is important to note that everyone has a moral responsibility to engage actively in the enforcement, protection and promotion of human rights. The preamble of UDHR, for instance, claims this moral obligation by stating that every individual and every organ of society has to keep the declaration in mind and shall strive by teaching and education to promote respect for the rights and freedoms provided under the declaration.

⁶⁶ Ibid.

⁶⁷ John H. Knox, 'Horizontal Human Rights Law', *The American Journal of International Law*, Vol. 102, No. 1, (2008, American Society of International Law), p 1.

⁶⁸ Simeon Djankov, 'Who Owns the Media?', *Journal of Law and Economics*, Vol. 46, No. 2 (2003, The University of Chicago Press), pp. 341

This leads to a logical conclusion that, media as an organ of a society assumes responsibility to contribute to the promotion of human rights. Peace, non-violence, disarmament, maintenance and promotion of ecological balances and unpolluted environment and ensuring human rights to all irrespective of caste, color and creed should be the minimum common agenda for the media.⁶⁹ Media is in ideal position to make people aware of their rights, investigate and expose violations and invite attention to the people and areas in need of protection of human rights and pursue their case till they achieve them.⁷⁰

In addition media assume moral responsibilities to⁷¹

- Promote awareness of human rights. Media has to inform and educate the people about their rights and suggest ways and means by which they can defend violations and thus empowering them to protect their rights.
- Encourage experts to address and comment the administration and legal affairs of the specific rights
- Investigating and revealing human rights violations
- Give publicity to individuals and organizations, which are engaged in advocating and securing human rights. These encourage as well as motivate others to involve in human rights advocacy works.

So far, media has notable contribution in the process of human rights promotion. This is through its several activities, which include exposing violations of rights and creating a stage to improve the climate of democratic debate and reduce corruption in public life.⁷² At the same time, provide reliable information through which citizens, human rights groups,

⁶⁹ John H. Knox, *Supra* note 67, p2

⁷⁰ *Ibid.*

⁷¹ Shaista Shameem, *Human rights, development and freedom of information: media responsibility*, available at, http://kauri.aut.ac.nz:8080/dspace/bitstream/123456789/1415/1/MediaDev_rights_shaista_pp_137-147.pdf (Last visited on September 23/2010).

⁷² *The role of the media in the Rwandan genocide*, available at, http://neveragain.epov.org/The_role_of_the_media_in_the_Rwandan_genocide (Last visited on August 12/2010)

private organizations and public authorities can work together to promote development and to eliminate arbitrary abuse.

2.5.3 Constraints on the Media Role in the Promotion of Human Rights

Media, as an institution and journalists face several challenges both from the government of the country where they function and from their own organizational system on their effort in the promotion of human rights.

Journalists are often criticized to confuse issues on human rights because of inadequate understanding of the material they are covering. They have a superficial grasp of the institutional apparatus of human rights.⁷³ In addition, as evidenced by what they write or present, many journalists would be hard pressed to explain the specific human rights let alone the difference between the diverse mechanisms that exist to monitor adherence to human right treaties or even distinguish between humanitarian and human right law.⁷⁴ Regrettably, especially in countries where the culture of democracy and human rights is young, only few journalists are able to identify with confidence even half a dozen of the basic rights supported by UDHR and other international and regional human rights instruments.⁷⁵ Lack of awareness about human rights by journalists, is one of the major challenges for the effort to promote human rights.

Media is also considered to be less sensitive on specific human rights and, as a result, miss stories or dimensions of stories.⁷⁶ Especially, economic, social and cultural rights, which are less visible and slow process by nature, are largely underreported because the media still understand human rights synonyms with civil and political rights.⁷⁷ The importance of economic, social and cultural rights, including the international economy, poverty, inequality and social and economic discrimination is relatively ignored.⁷⁸ This criticism

⁷³ Ibid.

⁷⁴ Charles Beitz, *Supra* note 9, 20.

⁷⁵ *Id.*, 20.

⁷⁶ Ibid.

⁷⁷ *Id.*, pp 21-22.

⁷⁸ Ibid.

applies particularly to media coverage of issues that relate to their own governments or other powerful interests in their own societies.

Media is also held responsible not only for underreporting human rights issue but also for lack of an actual impact on human rights.⁷⁹ In protecting and promoting human rights, the question is not only whether the public has the information but also to figure out what is done with this information.⁸⁰ Media professionals claim that, it is not up to them to make sure what is done with the information circulated by them and argue that their only role is to obtain, verify and make news known.⁸¹

The other main problem of the media is lack of retroactive report especially when covering human rights violation. This is particularly true of covering conduct during wars, because it is always technically difficult and often impossible, to establish facts at the time and therefore report whether human rights violations were committed, whose rights were violated, or what could have been done differently.⁸² Still, the media deserves credit for its retrospective when they often fail to get the story right away. This can be positive not only for its advantage to understand the past or to secure justice (Justice delayed is better than justice denied) but also can be valuable in clarifying contemporary situations.⁸³

Last but not least, the media is challenged by strict laws and sometimes abuse from the government. The most challenging obstacle to the media freedom is the failure of government's to recognize the role played by independent journalism in the creation, nourishment and development of democracy and human rights.⁸⁴ This lack of recognition is reflected in the presence of active censorship or restrictive regulation of journalists, lack of rights of access to official information, a legal landscape which inhibits the ability of journalists to inquire freely (for instance, the application of draconian defamation and

⁷⁹ Ibid.

⁸⁰ XIX, Article 19, *The Public's Right to Know, Principles on Freedom of Information Legislation*, Global Campaign for Free Expression, International Standards Series. 1999, available at, <http://www.article19.org/pdfs/standards/righttoknow.pdf> (Last visited on June 23/2010)

⁸¹ Charles Beitz, *Supra* note 9, pp 32-35.

⁸² *Id.*, p 36.

⁸³ Ibid.

⁸⁴ International Federation of Journalists, *The role of Media in Promotion of Human Rights and Democratic Development in Africa*, (1999, Brussels), p17.

sedition laws), and the state administration of essential media services, including broadcasting, printing facilities and distribution systems.⁸⁵

With all the challenges discussed above, it is worth recognizing that independent-minded media have played a central role in the promotion human rights.⁸⁶ Many have put their lives and freedoms at risk in order to promote dignity to all human beings and transparent and accountable governance. Many journalists, have been arrested, prosecuted or condemned to heavy fines or prison terms as a result of their effort to contribute to the promotion of human rights.

⁸⁵ Ibid.

⁸⁶ Ibid.

Chapter Three

3. The Legal and Policy Environment of the Media for the Promotion of Human Rights in Ethiopia

3.1 Historical Overview of Media With Regard To Human Rights in Ethiopia

The history of media in Ethiopia can be traced back to the reign of Menelik II who ruled from 1889-1913.⁸⁷ The first medium to be introduced was a weekly newspaper *La Semaine d'Ethiopia*, 1890, published in French by a Franciscan missionary living in Harar.⁸⁸ The first Amharic newspaper was issued in 1895.⁸⁹ It was a four page weekly newspaper named *Aemero*. Its first issue was handwritten. Between 1912 and 1915 weekly newspapers like *Melekete Selam*, *Yetor Wore* and many others emerged.⁹⁰

For the most part, from the very beginning, the print media were controlled by the Emperors, subject to official censorship and string-pulling. This control got much more potency when, in 1965, *Berhanena Selam* Printing Press, a modern monopolistic institution run by the government, was established.⁹¹ The Printing Press played a role in the publication of two national weekly newspapers, *Addis Zemen*, in Amharic (1941) and its English counterpart the Ethiopian Herald, in 1943.⁹² These two served as the main official press organs of the state and as the main source of information.

Berhanena Selam was especially very important for the then Ras Teferi Mekonnen who later become Emperor Haile Selassie. Using the newspapers the Emperor advocated his greatness, kindness, wisdom and leadership and that he has no comparison in his life time. The contents of the newspapers were focused on the power and greatness the King.

⁸⁷ Neggussie Teffera, *Ethiopian Mass Media Profile*, (2006, Population Media Center), pp 5-4.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid.

Berhanena Selam assisted Haile Selassie in his transition from Regent to his Majesty Emperor of Ethiopia.⁹³ Even at that early age when the numbers of Ethiopians who are able to read and understand the newspapers were very few, Haile Selassie understood the power media and communication plays in influencing the values of the society. This is the main reasons for the King to impose strict regulations and censorship laws on the media. Though, freedom of speech and freedom of the press were provided under article 41 of the 1955 Revised Constitution, subsequent legislations had imposed strong limitations on the press.⁹⁴

The audio (radio) and video (television) technologies emerged in Ethiopia in 1935 and in 1964 respectively.⁹⁵ Though, most of the major media organizations have been already established during the regime of Haile Selassie, none of them had made a significant effort to challenge the massive human rights violations of the time. For example, the Emperor regime is characterized as oppressive feudal monarch who violated the human rights of peasants on a massive scale.⁹⁶ Taxes were often shifted illegally by landlords to tenant farmers, evictions could and did occur without notice because most leasing arrangements were oral, more than 50 per cent of the produce was often demanded as rent, interest on loans was frequently 100 percent, free services were demanded by landlords, and a 10 per cent tithe was collected, although declared illegal in 1967.⁹⁷ The oppressed had little recourse to any higher authority, because landlords filled governmental and legal structures.⁹⁸

During the 17 years the military regime, the government-and party-owned publications *Meskerem*, *Serto Ader*, and the pre-Derg *Yezareyitu Ethiopia* were published in addition

⁹³ Id, p 8.

⁹⁴ Ibid.

⁹⁵ *Ethiopian Mass Media*, available at http://www.subi2000.com/index_files/englisharticle12.htm. (Last visited on July 12, 2010).

⁹⁶ Peter Schwab, Human Rights in Ethiopia, *The Journal of Modern African Studies*, Vol. 14, No. 1 (1976, Cambridge University Press), p 156.

⁹⁷ Neggussie Teffera, *Supra* note 87, p 12.

⁹⁸ Ibid.

to the previously mentioned *Addis Zemen* and the Ethiopian Herald and the broad cast of the national radio and television.⁹⁹

The military regime behaved, with a few exceptions, the same as the Emperor's approach towards the media and used it like willing mouthpiece of its ideology.¹⁰⁰ Though, it came with a promise to protect and stand to the people, the military regime was not any better in protecting human rights.¹⁰¹ During the 17 years of the regime most notable human rights violations had been committed in Ethiopia not only by the government but also by individuals and private actors as a result of the failure of the regime to defend and restore order in the country.¹⁰²

To start with, for example, on 24 November 1974, some 60 Ethiopians were executed, including two former Prime Ministers (Endalkachew Makonnen and Aklilou Habte Wold), well-known government and military officials, as well as large landowners.¹⁰³ The International Commission of Jurists condemned the execution of the 60 former officials, and expressed 'concern about the possibility of securing a fair trial for the 140 or so other prisoners'.¹⁰⁴ It criticized the special military tribunal, 'composed of officers with no legal training', with ex post facto law application, and with no right of appeal. The International League for the Rights of Man also protested against the execution of the 60 former officials 'without public trial'. Both these organizations argued that the Charter of the United Nations and the Universal Declaration of Human Rights had been violated. The General Assembly of the United Nations, on 27 November 1974, three days after the executions, appealed to the Provisional Military Administrative Committee to spare the life of Emperor Haile Selassie and others being held under arrest.¹⁰⁵ This was the major international media highlight of the time. However the local media, as it was under the complete control of the regime, did not oppose or comment on the extra judicial killing of the Haile Selassie officials.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Fred Halliday and Maxine Molyneux, 'Ethiopia's Revolution from Above,' *MERIP Reports, No. 106, Horn of Africa: The Coming Storm*, (1982, Middle East Research and Information Project), p. 5.

¹⁰² Ibid.

¹⁰³ Id, p155.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

Among many of the violations of human rights during the military regime, most notable for the world is the famine of 1984-85. Ethiopia is famous for its famines, and the military regime was notorious for hiding its occurrence at the cost of the life of millions of Ethiopians.¹⁰⁶ The absence of free press and democratic political institution has contributed for the famine as a result of absence of pressure on the government.

The occurrence of the great famine of 1958-61 in socialist China has been attributed in part to the lack of information about the crisis, deriving from Mao's 'Great Leap Forward' and the strict censorship that ensued.¹⁰⁷ Politicians who were aware of the crisis were unable to publicize it or organize to represent the interests of the vulnerable people, on account of the authoritarian system. Similarly, the occurrence of the famine of 1984-5 in capitalist Sudan can be attributed in part to the strict controls on the press and government actions against groups that tried to organize on behalf of the stricken people.¹⁰⁸ The Sudan government did not want to discourage private investment by admitting the embarrassment of a famine.¹⁰⁹

For several reasons, the military regime of Ethiopia followed the same example and opposed any media coverage of the famine which starved millions to death. Even the foreign media, who finally got to cover the story, faced several challenges to cover the issue. One of the reasons for the government opposition to make the issue a media highlight was the fear that the western media will simply use it to attack them as a Marxist regime.¹¹⁰ The other reason was that the reporters will associate the issue with the civil war that was going on at the time.¹¹¹

At the beginning of the famine, there was a prediction that millions will be affected if an immediate intervention is not taken place. By November 1984, UNICEF representative for Ethiopia said “we have been asking for help since early 1983. It seems you have to

¹⁰⁶ Alex de Waal, ‘Famine and Human Rights’, *Development in Practice*, Vol. 1, No. 2, (1999, Taylor & Francis) Ltd., P 78

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ John Eric & Thomas Eldrige, *Getting the Message, News, Truth, Power*, (1996, Glasgow University Media Group), p106.

¹¹¹ Ibid.

have thousands of corpses before notice is taken by the government or the media”¹¹² This shows that, not only the government but also lack of enthusiasm of the media contributed to the brutal human rights violation in the history.

It is not only the local media but also the international media, to a certain extent, failed to reveal the starving sooner. Mohammed Amin, a BBC reporter at the time and one of the frontline journalists who revealed the human suffering, wrote that “we understand we were late. But it was the US election at the time and no one was interested in a few starving kids”.¹¹³ Many journalists count how difficult it was to get the major news organizations to take up such story. After the famine and its disastrous effect revealed by the media, it did save many lives through international cooperation. Through all this, the local media, as it was under the strict control of the government remained silent and it was outsiders who have condemn the grave violations committed at the time.

This experience not only scars the history of Ethiopia, but also badly affected the relationship between the public and the local media. From then on, it is a common practice for Ethiopians to hear and see what exactly is going on in their own country from foreign media who sometimes abuse the information they have to damage the image of the country. This is because, the local media was unable to establish it self as a trustworthy institution.

When the incumbent government came to power in 1991, it promised, among other things, to establish a multiparty political system with a free press, to hold free and democratic elections, to honor and protect human rights, and to promote the rule of law based on the equality of all peoples in the country.¹¹⁴ This promise was followed by the constitutional provision which guarantees freedom of expression, freedom of the press and the right of the public to get information. The concept of free press and freedom of expression was also guaranteed the

¹¹² Edmond J. Keller, ‘Drought, War, and the Politics of Famine in Ethiopia and Eritrea’, *The Journal of Modern African Studies*, Vol. 30, No. 4, (1992, Cambridge University Press), p 624.

¹¹³ Ibid.

¹¹⁴ Human Rights League of the Horn of Africa/HRLHA, Report on Press Freedom Violations in Ethiopia to be submitted to the process of Universal Periodic Review of Ethiopia’s Human Rights Record, December 2009. Geneva, Switzerland.

1992 Press Proclamation which later repealed by Freedom of Mass Media and Access to Information Proclamation in 2008.

3.2 The Legal Regime Governing Media Activities With Regard to the Promotion of Human Rights in Ethiopia

3.2.1 The FDRE Constitution

Article 29 of the 1995 FDRE Constitution is the foundation for the rights to information, freedom of expression and press freedom. This article provides the people of Ethiopia with the right to hold opinions, thoughts and free expression.¹¹⁵ Particularly, it protects freedom of expression without interference including the freedom to seek, receive and impart information and ideas of all kind regardless of frontiers, either orally, in writing or in print, in the form of art or through any media of once choice.¹¹⁶ It also affords freedom of the press and the mass media by ensuring the opportunity for access to information of interest of the public and prohibiting censorship.¹¹⁷

Article 29 of the Constitution provides the right of the media to institutional independence and legal protection to enable the accommodation of different ideas necessary to a democratic society.¹¹⁸ In addition, article 29(5) provides that any media financed by or under the control of state shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion. This is an entitlement of freedom of expression and the right to get information for Ethiopian diverse society.

Furthermore, the Constitution takes all international agreements ratified by Ethiopia to be an integral part of the law of the land.¹¹⁹ This article assures the people of Ethiopia to exercise the rights provided under international human rights treaties.

¹¹⁵Article 29(1) of the Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995, herein after the FDRE Constitution.

¹¹⁶ Id, article 29 (2).

¹¹⁷ Id, article 29(3).

¹¹⁸ Id, article 29(4).

¹¹⁹ Id, article 9(4).

However, despite the guarantees on freedom of expression and access to information as inalienable human rights, the government of Ethiopia has been criticized for compromising these rights. Subsidiary laws on the mass media and freedom of information has been criticized as restrictive and abusive especially to the private media.

3.2.2 Freedom of the Mass Media and Access to Information Proclamation

In 2008, the HPR issued a proclamation on freedom of mass media and access to information with an objective of creating conducive environment to the press and access to information. The Proclamation has a preamble which assures the rights provided for the press and the public under article 29 of the FDRE Constitution and international human rights instruments. It recognizes, the right of media to collect and distribute information including of a critical nature and realizes that an independent mass media that serves as a public forum for uninhabited democratic dialogue that thrives on a viable freedom of information and ideas among citizens by enabling them to exercise their right to seek, receive and impart information and opinions freely.¹²⁰

The Proclamation declares its determination to promote and considerate the values of transparency and accountability in the conduct of public affairs, as guaranteed by the constitution, and to impose a legal obligation on public officials to facilitate access to individuals and the mass media to information so that matters of public interest to individuals may be disclosed and discussed publicly.¹²¹ This extremely liberal preamble, which is meant to “removes all obstacles that were impediments to the operation of the media in Ethiopia”¹²² is explained by the Ministry of Foreign Affairs as an example of the commitment of the government to implement values of accountability and transparency as well as the right of the people to get information just about anything.¹²³

¹²⁰ Preamble of Freedom of Mass Media and Access to Information Proclamation No. 590/2008.

¹²¹ Ibid.

¹²² Tizita Kebede, *Ethiopia: Independent Media Professionals Deplore New Press Law*, DAILY MONITOR, July 4, 2008, available at <http://allafrica.com/stories/200807040103.html> (last visited on September 23/2010).

¹²³ Ministry of Foreign Affairs, *A Week in the Horn*, , 2008, available at http://www.mfa.gov.et/Press_Section/WeekHornAfrica_July_18_2008, (Last visited on September 23.2010).

The Proclamation not only ensures freedom of the mass media but also the right of the people to get access to information. As the right to get information is a widely recognized human right, the Proclamation states that one of its objectives is to:¹²⁴

- Give effect to the right of citizens to access, impart and receive information held by public bodies,
- To establish mechanisms and procedures to give effect to that right in a manner which enables persons to obtain information as quickly, inexpensively and effortlessly as is reasonable possible, and to encourage and promote public participation public empowerment,
- To foster a culture of transparency, accountability and efficiency in the function of public bodies and to encourage and promote good governance.

Accordingly the Proclamation affirms the right of all persons to seek, obtain and communicate any information held by public bodies except as expressly provided by the proclamation.¹²⁵

Information about human rights is primarily held by public bodies. This is because it is the government who ratifies and adopts international human rights instruments as well as makes national laws to their effect. The public, unless given the information on the adoption or the making of laws, will not be able to know about human rights let alone to use them in case violations occur. Therefore, the right to access to information held by public officials includes the right to get information about human rights.

However, regardless of the guarantees provided, the Proclamation has controversial provisions that are considered by some as contrary to its own objective. The argument is that, the limitations on the right to information and freedom of expression are the reason for the media disinclination to engage actively in human rights activities which in most cases require communication with government authorities.¹²⁶ The justification for the

¹²⁴ Freedom of Mass Media and Access to Information Proclamation, Supra note 120, article 11(1, 2, and 3).

¹²⁵ Ibid, article 12(1).

¹²⁶ Tizita Kebede, Supra note 122.

limitations are justified by referring to the general security of the country and the rationalization that provisions of limitation are common in such press laws.

The limitations are justified, while the provisions of the law may impinge on human rights, by its liberal preamble which institutes a relationship of candidness between government and media as well as media and public and expands freedoms of information and expression.¹²⁷ However, the criticism is that a preamble is an explanation for the reasons for the enactment of the law and the objects sought to be accomplished by the law. While it is generally helpful in interpreting ambiguities in the language of the provisions, it does not have a binding effect and “neither enlarges nor confers powers.”¹²⁸ Therefore, one can not use the preamble to defend the Proclamation since they have hardly an application.

The Proclamation is criticized, among other things for discouraging, especially the private media from engaging actively in several topics including human rights. For example, article 43(7) of the statute provides that defamation and false accusation against “constitutionally mandated legislators, executives and judiciaries” will be prosecutable “even if the person against whom they were committed chooses not to press charge”. The government claims that this provision would provide a more responsible media.¹²⁹

The argument on this point is that it seems more likely to give an opportunity for the government and its organs to abuse and oppress the media. The media, especially the private media, will likely be frightened by the possibility of prosecution for any comments they would make about government or its officials.¹³⁰ With out freedom to comment on these organs of government, the media will not be in a position to engage actively in the promotion of human rights and play its watchdog role by offering complete and accurate information to the public. This has an effect on freedom of the press and the rights to receive information as well as state obligation to promote and protect human rights taking into account those most violations of human rights are

¹²⁷ Ibid

¹²⁸ BLACK’S LAW DICTIONARY 1175 (6th ed. 1990).

¹²⁹ Tracy J. Ross, ‘A Test of Democracy: Ethiopia’s Mass Media and Freedom of Information Proclamation’, *Penn State Law Review*, vol.114 No 3 (2007), p1064.

¹³⁰ Ibid.

committed by the government.¹³¹ Although, the law does not expressly limit the output of the media in regard to type or scope of information, article 43(7) provides indirect protection for the government. Under this provision the government reserve the right to prosecute any printed or broadcasted media about an official even if no official feels the report has impacted his/her reputation.

The Proclamation is also criticized for imposing excessive fines for minor violations of the provisions. For instance, the fine for defamation can reach up to 100,000 birr. The magnitude of this fine can be understood when compared with the fines for other serious criminal acts and human rights violations like rape and child labour abuse.¹³²

Registration is also another challenge for the media to engage actively and contribute to the development of press freedom. The press law grants a power of licensing and registration to the Ministry of Information (MOI).¹³³ Countries have addressed the issues of registration with government involvement in media licensing for centuries. Where the freedom of the press is in any way linked to the whims of the government, there seems to be a contradiction in the word freedom.¹³⁴ The licensing regime established by the Proclamation creates, not just a link between the two but a relationship in which the media cannot operate without the approval of the government. Under such situation, the press cannot afford to question the actions of the government. The likely result of this fear of retribution is that journalists cannot or will not speak out when the government tries to pass additional repressive laws. In this sense, the limits on free expression could lead to even greater expansion of government power and control in several areas and create significant challenges for the development of democracy and promotion of human rights.

3.2.3 Charities and Societies Proclamation

The full realization of human rights requires the participation of other actors than governments and intergovernmental monitoring bodies, particularly NGOs and Civil

¹³¹ Ibid.

¹³² Ibid.

¹³³ Id, 1063.

¹³⁴ Ibid.

Societies. These actors, through their different strategies and engagement, provide a significant asset to back up the existing system of human rights protection, promotion and enforcement.¹³⁵ Especially now days, the significance of NGOs in the international human rights law has come to light with the ever increasing acceptance and influence of their advocacy to monitor, investigate, promote and educate the society about human rights.¹³⁶

Civil Societies and Charities are actively engaged with the media and they often use that as a means to educate the society about human rights. However, the relationship between governments and NGOs, especially in Africa, is mostly characterized by conflict. Indeed the relationship of NGOs with government is partly dependent on the nature of function they provide to the society. NGOs which engaged in welfare provision and humanitarian relief are the least likely to experience conflict with the state.¹³⁷ They are usually welcomed by the government since they reduce the burden to provide welfare to the citizens.

NGOs that experience hostility from the government are those who engage in advocacy works including human rights.¹³⁸ These types of NGOs are commonly considered as opponents of the government policies and state structures and the government is most likely attempt to control and monitor their activities in any means possible.¹³⁹ The Proclamation Ethiopia proclaimed in 2009 for Charities and Societies has been a target of this contention.

The Proclamation has established the Charities and Societies Agency with an objective of to enable and encourage Charities and Societies to develop and achieve their purpose in accordance with the law and to create a situation in which their operation is transparent

¹³⁵ Shimeles Dinku, *the Role of NGOs in the Enforcement of International Human Rights Law In Ethiopia*, (2009, Faculty of Law, Addis Ababa University), (Unpublished), p 79.

¹³⁶ Ibid.

¹³⁷ Id, p 53.

¹³⁸ Id, p54.

¹³⁹ Ibid

and accountable.¹⁴⁰ This objective is appreciated because of the serious legal lacuna that existed in previous laws.

In line of its objective, the Proclamation has provided several mechanisms regulating the financial activities of Charities and Societies. For example article 78 requires any Charity and Society to submit to the agency an annual statement of accounts prepared in accordance with acceptable standards.¹⁴¹

However, the Proclamation could not escape the criticism of restricting the activities of NGOs based on nationality. The Proclamation point out activities of charities provided that only Ethiopian Charities and Societies are allowed to participate in the advancement of human and democratic rights. Accordingly, only Ethiopian Charities and Societies can engage in the promotion of equality of nations, nationalities and peoples and that of gender and religion, the promotion of the rights of persons with disabilities and children's rights, the promotion of conflict resolution or reconciliation and the promotion of the efficiency of the justice or the law enforcement services.¹⁴²

Ethiopian Charities and Societies are defined by the Proclamation as “those charities or societies that are formed under the laws of Ethiopia, all of whose members are Ethiopians, generate income from Ethiopia and wholly controlled by Ethiopians. However, they may be deemed as Ethiopian charities or Ethiopian societies if they use not more than ten percent of their fund which is received from foreign sources”¹⁴³

This definition is understood, by some commentators, as the government's hostility towards Civil Societies and Charitable Organizations. The commitment of the government to safeguard fundamental rights and freedoms including freedom of association, assembly and expression is questioned as a result of this restriction. These

¹⁴⁰ Article 5(1) (2) of Charities and Societies Proclamation No.62/2009.

¹⁴¹ Id, art 78(1).

¹⁴² Id, art 14(5) provides that those who can take part in activities that fall under Sub-article 2(j), (k), (l), and (m) and (n) of this article shall be only Ethiopian charities and societies.

¹⁴³ Id, art 2(2)

rights are guaranteed under both the Constitution but also under international human rights treaties.¹⁴⁴

The reason for this criticism is the assumption that it is very difficult for the organizations to raise their 90% fund locally. This affects their advocacy works on human rights since they will not be able to get the required fund. Those Charities and Societies who receive foreign fund which is more than 10% will be considered as an Ethiopian Resident Charities¹⁴⁵ or Foreign Charities¹⁴⁶ and they are not allowed to engage in any activity related to human rights.

The Proclamation is criticized for unduly restricting the scope of activities of foreign civil society organizations and thereby seeks to deny the people of Ethiopia the benefit of access to international best practice on important matters, such as gender equality and criminal justice sector reform.¹⁴⁷ This affects the activities of the media to promote human rights. The reason is, NGOs mainly work in partnership with the media by sponsoring programs or articles as well as by giving technical and financial support to the media.¹⁴⁸

This cooperation is very much notable on the fact that many media organization have a very good working relationship with NGOs. NGOs like Amnesty International and Human Rights Watch provides the media with their annual and periodic reports on human rights so that the whole world will know their finding on countries status in respecting and promoting human rights and this have a definite influence on media

¹⁴⁴ Ethiopia is a party to the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination Against Women

(CEDAW), Convention on the Rights of the Child (CRC), African Charter on Human and People's Rights¹⁴⁵ Charities and Societies Proclamation, Supra note 145, art 2(3), Ethiopian Residents Charities or Ethiopian Residents Societies shall mean those charities or Societies that are formed under the laws of Ethiopia and who receive more than 10% of their funds from foreign sources.

¹⁴⁶ Id, art 2(4). Foreign charities shall mean those charities that are formed under the laws of foreign country or which consist of members who are foreign nationals or are controlled by foreign nationals or receive sources from foreign sources.

¹⁴⁷ Mandeep S. Tiwana, *Analysis of the Ethiopia Charities and Societies Proclamation 00/2008*, (2008, Civil Society Watch Associate (CIVICUS))

¹⁴⁸ Interview with Ato Haileyesus Agonafer, Managing Director of Ethiopian Volunteers Association for Development, (EVAD), 11/11/2010.

coverage of human rights and other subjects. For the international media their report is breaking news which is considered worthy of news and coverage.¹⁴⁹ In addition NGOs themselves are an important source of alternative news. They produce numerous publications aimed at a variety of audience, on a wide variety of subject.¹⁵⁰

In Ethiopia, in the past, NGOs have a record of active participation in human rights education and advocacy works. As a means, among other methodologies, they work with the media to address wide populations. Accordingly, media organizations, including newspapers and radio have been covering matters related to human rights especially the rights of women, children and persons with disability. The Proclamation has, to certain extent, reduced their involvement since they will not afford, as Ethiopian Charities or Societies, to support media organizations on their effort to promote and educate the society about human rights.

NGOs in Ethiopia are not also in a position to give technical assistance to the media. In the past media professionals were a subject for the Charities advocacy work. Different trainings and workshops were provided by the Charities and Societies to the media professionals in order to make them competent of writing or editing news and articles relevant to human rights.¹⁵¹

3.2.4 Anti-terrorism Proclamation

Terrorism and terrorists attacks started to attract the international community in the early 1970s.¹⁵² Since then, the relationship between the media and terrorism is prominent to the international community. The media considers terrorism and terrorist activities news worthy, terrorist try to take advantage of the media coverage which they couldn't afford

¹⁴⁹ Sandy Vogelgesang, 'Diplomacy of Human Rights', *International Studies Quarterly*, Vol. 23, No. 2, (1979, Special Issue on Human Rights: International Perspectives), p. 216.

¹⁵⁰ International Council on Human Rights Policy, *Journalism, Media and the Challenge of Human Rights*, (2002), p 60.

¹⁵¹ Ibid.

¹⁵² *Terrorism and the Media*, Deliverable 6, Work package 4, 2008, available at www.transitionalterrorism.eu (Last visited on September 21/2010).

otherwise and governments utilize the media to condemn terrorist activities and promote anti terrorism attitude.¹⁵³

Ethiopia has always been concerned with terrorist-related activities. The main reason is because Ethiopia's location with in the Horn of Africa made it vulnerable to terrorists and their attacks and the country has been a victim of terrorist activities several times.¹⁵⁴ In order to fight terrorism, Ethiopia proclaimed an Anti-terrorism Proclamation in 2009. The Proclamation was necessary because, as terrorism is comparatively a recent concern, there was lack of adequate legislations.¹⁵⁵

However, the Proclamation is criticized for several reasons. First of all, the definition given to terrorism by the proclamation is considered to be broad.¹⁵⁶ The punishment for committing terrorist acts, even for minor violation, is rigorous imprisonment from 15 years to life or with death.¹⁵⁷ The criticism also goes to the extended power given to the police including powers of arrest and detention and to modifying trial procedures and evidentiary rules.

In addition, the Proclamation has its own stringent effect on freedom of speech, opinion and expression. It is a well known fact that, in other countries, counterterrorism laws contain provisions criminalizing speech that incites or supports terrorism. However, important international standards on freedom of speech require that such restrictions be limited to speech that directly incites-or is likely to result in-an imminent crime.¹⁵⁸ The Proclamation does not go in line with this standard. It punishes whosoever publishes or

¹⁵³ Ibid.

¹⁵⁴ United States Department of State, *Country Reports on Terrorism – Ethiopia, 2009*, available at <http://www.unhcr.org/refworld/docid/4c63b647c.html>. (Last visited on September 10, 2010).

¹⁵⁵ Preamble of Anti Terrorism Proclamation, No.652/2009.

¹⁵⁶ Id, art 3 defines terrorist acts as whosoever or a group intending to advance a political or ideological cause by coercing the government, intimidating the public or section of public, or destabilizing or destroying the fundamental political, constitutional or, economic or social institutions of the country: causes a person death or serious bodily injury, crates serious risks to the safety or health of the public or section of the public, commits kidnapping or hostage taking, causes damage to natural resource environment, historical or cultural heritage, endangers, seizes or puts under control, causes serious interference or disruption of nay public service or threatens to commit any of the acts stipulated above.

¹⁵⁷ Ibid

¹⁵⁸ *Analysis of Ethiopia's Draft Anti-Terrorism Law*, available at <http://www/hrw.org/en/news/2009/06/30/ethiopia-amend-draft-terror-law> (Last visited on September 12/2010)

causes the publication of a statement that is likely to be understood by some or all of the public to whom it is published as a direct or indirect encouragement or other inducement to the commission or preparation or instigation of an act of terrorism.¹⁵⁹

This provision opens unlimited discretion of interpreting just any publication in to encouragement of terrorism. Since, it is difficult for the media to predetermine how their publication or broadcast will be understood or interpreted by their spectators or the government; they are in a great terror of writing or publishing articles that criticizes the countries political, constitutional, economic or social institutions. Human rights related issues easily fall in to this categorization since they have a direct relation to politics and society. They can give an impression of coercing the government or intimidating the public to question fundamental political, constitutional institutions of the country. . Considering the rigorous imprisonment provided from 10 to 20 years of imprisonment, the media is not willing to take such risk and as a solution they avoid any controversial matters from their contents.¹⁶⁰

This proclamation creates tough and scary legal environment for the media. The seriousness of the punishment and the discretion given to the court simply scares off the media from engaging it self actively in critical and some how risky matters like revealing violations and promoting of human rights. This will affect not only the freedom of the press but also the right of the public to get accurate and timely information about human rights.

¹⁵⁹ Anti Terrorism Proclamation, Supra note 160, article 6

¹⁶⁰ Ibid.

Chapter Four

4. The Role and Activities of the Media in the Promotion of Human Rights in Ethiopia

4.1 Contributions of the Print and Broadcast Media in the Promotion of Human Rights in Ethiopia

At present, in Ethiopia, both the print and broadcast media institutions are engaged in various activities related to human rights. The institutions air programs and publish articles with an objective of awareness creation on human rights. This chapter will discuss the role, activities and contributions of selected media organizations in the promotion of human rights. For this purpose, three broadcast and print media organizations namely, the Ethiopian Radio and Television Agency (ERTA), The Reporter newspaper and Addis Admas newspaper are selected because of their relatively active engagement in the issue of human rights and their countrywide accessibility.

The chapter endeavors to assess the current contributions and activities being undertaken by the media institutions to back up the effort of the government in the enforcement, protection and promotion of human rights. It also examines the relationship between the media and national human rights institutions whose objective comprise advocating human rights. The challenges faced by the media in their effort to the promotion of human rights in the country are also identified.

4.1.1 General Background of the Selected Media Institutions

ERTA is the present administrator of the major broadcast media organizations of the country, the Ethiopian Radio and Ethiopian Television (ETV). The Agency encompasses a vision to be a vibrant competitive and reliable medium of information in Africa and

contribute to the democratic unity of Ethiopia.¹⁶¹ Its mission is to build up an image and national consensus through an interactive broadcast media that provides timely information and entertaining programs utilizing state of the art media technology.¹⁶² The mission and vision of the Agency to be a steady medium of information in Africa and contribute to build democratic culture in Ethiopia demonstrates the immense responsibility it assumes in the role of electronic media of the country. ERTA, on ETV1, Ethiopian Radio and FM 97.1 with 24 hours coverage, airs several programs in Amharic, Afan Oromo, Af Somali, Tigrinya, *QafarAf*, French, Al Arabiyah as well as English. The contents habitually revolve on culture, politics, documentaries, economy and movies. For the purpose of this study, the activities of ETV1 with regard to human rights are assessed.

Addis Admas is a weekly private newspaper established in 1992 in Addis Ababa with a mission of creating a culture of free and independent dialogue among the people on issues related to politics, society, culture and democracy.¹⁶³ It is published on every Saturdays. Since its establishment, Addis Admas grew to be one of the few regularly read private newspapers in the entire country. It has a publication of 30,000 copies per issue on average, one of the highest in the country compare to other newspapers.¹⁶⁴ Half of the publication is distributed in Addis Ababa and the other half is circulated out side the capital in major cities of the country.

The Reporter is also one of the broadsheets which have a status of being reliable and readable private newspaper in the country for the last fifteen years. While most private newspapers in the country fluctuate with political and economic outsets of the country, the Reporter is one of the few survivals of the ups and downs of the situations.¹⁶⁵

The newspaper is in print three times a week on Wednesday and Saturday in Amharic and on Sunday in English. It publishes around 35,000 copies on average for each issue, the

¹⁶¹ *The Mission and Vision of Ethiopian Radio and Television Agency*, available at <http://www.erta.gov.et/> (Last visited on September 2/2010).

¹⁶² Ibid.

¹⁶³ Interview with Ato Solomon G/egziabher, Editor in Chief of Addis Admas Newspaper, 10/10/2010.

¹⁶⁴ Ibid.

¹⁶⁵ Interview with Ato Melaku Demessie, Editor in Chief of the Reporter News Paper, 12/11/2010.

highest in comparison with other private newspapers. 70% of these copies are sold in the capital while the rest are distributed in the major cities of the country. The Reporter, in addition to its publication, addresses its readers through a website. Especially for Ethiopians abroad, the website of The Reporter serves as a source of information about political, economic and social aspect of the country.

4.2 Incorporation of Human Rights under Editorial Policies of the Media Institutions

Editorial policy is the main component of any media institution. It is a document that states the mission and vision of a given media as well as provides the journalists with guidance on how and what to select as a content of their coverage. If one reads an editorial policy of a certain media institution, it does not take much effort to understand its positions and convictions on several matters including human rights.

All of the media institutions covered under this study have editorial policies which, to a certain extent require and guide journalists to work on human rights and related matters. For example, the ERTA editorial Policy guides the journalists on how to select the nature and context of their coverage. The Policy was first issued in 1981 and amended in 1993. However, it went through another amendment in 2007 with an objective of creating environment of accountability, integrity and respect while circulating information through government owned media institutions.

The Policy provides a detailed direction on how the content of the media is determined on Ethiopian Radio, FM 97.7 Radio, Ethiopian Television, Ethiopian News Agency (ENA) and government owned newspapers published by the Ethiopian Press Agency. Accordingly, these media organizations determine their content in conformity with the provisions of the constitution of Ethiopia and press and broadcast laws. The ultimate goal of the content is, according to the policy, to create mutual understanding and national consensus of the people of Ethiopia.¹⁶⁶

¹⁶⁶ Ethiopia Radio and Television Agency Editorial policy, chapter two, section II (2.1), ERTA, 1999.

When we examine the editorial policy in light of integrating human rights, first of all, it particularly requires the content of the media to be compatible with international and national human rights law as well as respect the rule of law. The policy states that the constitution bestows the people of Ethiopia with human rights and fundamental freedoms and media has a responsibility to select its content in conformity and with the intent of promoting these guaranteed rights.¹⁶⁷

Furthermore, the policy recognizes the need for bringing national consensus in the country through the contents of its programs. This is relevant to the promotion of human rights since it demands the journalist to consider human rights provided under the constitution as a means to realize the national consensus. In addition, the Policy requires the contents to prop up popular participation on building and strengthening democratic culture, support the struggle against poverty and bringing economic development to the country. Such requirements are directly related to civil and political as well as economic, social and cultural rights.

We could also find the indirect inclusion of the concept of human rights under purposes of ETRA underlined in the policy. The purposes are:¹⁶⁸

- **Serving the public:** the policy provides that the information broadcasted by the media has to educate the rights and freedoms of the society, build good character and respect among the society and reveal maladministration and corruption. This purpose is recognition of the importance of incorporating national and international human rights in the contents. As a primary purpose, the policy requires the content to be educative of the rights and freedoms of citizens, and build good character and respect which can be interpreted as a stand taken by the policy on the importance of promoting human rights through the media.
- **Integrity:** the policy recognizes the rights of the public to get accurate and timely information. Accordingly it states, as one of the obligations of journalists working

¹⁶⁷ *ibid*

¹⁶⁸ *Id*, chapter three, pp 20-22.

for government owned media organizations, to provide a correct and evidence based information to the society.

- **Respect:** information's that violate the human dignity, moral, family, personal liberty, group right, women and children rights and freedom on religion, ethnicity, language are excluded from the content of government owned media organizations. This imposes not only a responsibility of promoting the rights of citizens but also respecting human rights while performing their regular activities.

Finally, the policy takes democracy as a crucial and the only legitimate means of ensuring human rights and particularly articulates that only democracy get to the bottom of the problems of the country and the government media is ought to focus on it. The policy, almost in its every part, stresses the importance of building and strengthening democratic culture and requires the journalists to consider the matter in the information they provide to the public.

Arguably, democracy and human rights are thought to be symbolic. Therefore, there is a strong argument by some scholars that the promotion of democracy as the only legitimate form of government inevitably supports claims for universal human rights.¹⁶⁹ Such a conclusion is further supported by the growing acceptance of democracy as the best-indeed the only legitimate-form of government, since democracy and human rights are understood as 'two sides of the same coin'.¹⁷⁰

Others scrutinize this position with a concern and suspicion. Those who argue that democracy has little to do with human rights, raise the failer of many "so called" democratic states with multi party systems to respect and protect human rights.¹⁷¹ This argument further suggests that territorial state is the basic unit that defines the limits of democracy, and differentiates insiders from outsiders and citizens from non-citizens.¹⁷²

¹⁶⁹ Tony Evans, 'If Democracy, Then Human Rights?' *Third World Quarterly*, Vol. 22, No. 4,(2001,Taylor & Francis Ltd), p 623.

¹⁷⁰ Id, p622.

¹⁷¹ Ibid.

¹⁷² Id, 624.

Human rights by nature are considered to be universal while democracy has not only a territorial limitation but also differentiate citizens and non citizens to grant the rights provided. In addition, the historical relationship between democracy and human rights is often used to support this argument. While all democracy includes a concern of human rights to some extent, historically such rights were never extended to all people sharing a common territory. Athenian democracy, for example, confers rights only on adult male born in Athens, an exclusionary practice that denied formal political participation to women and slaves.¹⁷³ It follows that if a commitment to democracy does not necessarily mean a commitment to equal rights, it can not imply a commitment to universal rights.¹⁷⁴

If one tends to follow the first line of argument and say ‘if democracy then human rights’ it is possible to recognize the promotion of human rights as one of the main objectives of ERTA, since it took a serious stand to contribute in building democratic culture in the country. To develop media as a viable source of information is to enable and support democracy which in turn will strengthen human rights and democratic institutions.¹⁷⁵ This argument can be taken to a logical conclusion since Ethiopia is in a process of building Democratic culture.

The researcher has also tried to examine the editorial polices of the other two print medias covered under the study namely, The Reporter and Addis Admas. However, for several reasons it was not possible to get their editorial policy. Therefore, through interview conducted with the Chief Editors of the two media institutions it was discovered that they have an editorial policy which requires journalists to focus on indirectly related matters like democracy while reporting or editing.

Although, Chief Editors interviewed by the researcher admits that the policies of these two institutions do not specifically mention human rights, they provide that the information published shall promote democratic culture and encourage respect and tolerance among the people of Ethiopia. The editorial policy of the Reporter, according to Ato Melaku

¹⁷³ Id, p627.

¹⁷⁴ Sam McFarland and Melissa Mathews, ‘Who Cares about Human Rights? *Political Psychology*’ Vol. 26, No. 3, (2005, International Society of Political Psychology), p365.

¹⁷⁵ *Background & General Characteristics of National Media in The Ethiopian context*, available at www.SamuelOverton.com. (Last visited on September 4/2010).

Demessie, mentions the responsibility of the journalists to report only accurate information that will provide the readers with timely reliable information.

4.3 The Approaches Employed by the Media Organizations to Promote Human Rights and their Drawbacks

In the media institutions assessed under this study there are no regular programs solely focused on the promotion of human rights human rights. However, the media institutions address human rights and related issues occasionally through diverse approaches. Both the broadcast and print media cover human rights in the course of their news, regular programs, special coverage on contemporary issues and on programs and articles prepared in collaboration with national human rights institutions and non governmental actors.

4.3.1 Coverage of Human Rights on Regular Programs of the Media

Even though, the media institutions covered under this study do not have regular programs and coverage solely committed to human rights, on their regular programs and articles, occasionally discuss human rights and related matters. For instance, ETV1, according to Ato Genanaw Legesse, Democracy and Good Governance Deputy Editor in Chief of ERTA, often covers human rights in its regular programs. Programs like *Hegna fithe*, *Medrek*, *Federalism*, *Aynachen* and the programs on women and children known as *Setoch* and *Yelijoch Geze* televise programs related to human rights.

Hegna Fethe is a weekly program which exclusively focuses on legal issues with an objective of making the society conscious about the rights and duties provided under different national laws. The program airs, among other legal and policy topics, matters related to human rights. It uses constitutionally guaranteed human rights as a reference for its programs.¹⁷⁶ The program answers critical legal and policy related questions with

¹⁷⁶ Interview with Ato Genanaw Legesse, Democracy and Good Governance Deputy Editor in Chief of ERTA, 9/10/2010

expert opinions and explanations which sometimes address questions and discussions relevant to human rights.¹⁷⁷

Medrek is another weekly regular program which mainly focuses on good governance issues. The program, directly or indirectly, covers matters related to human rights. Federalism is also a weekly program which presents programs on the rights of nation, nationalities and peoples' of Ethiopia. Established on the constitutional provisions of the rights given to nations, nationalities and people the program teaches about the meaning and rationale of federalism as well as the rights and opportunities it brought to the people of Ethiopia.¹⁷⁸

Aynachen, which is the only notable example of investigative journalism in Ethiopia, also presents programs that reveal violations of rights. The program usually challenges government officials as well as private actors for the violations of the rights of citizens and investigates the cause and the consequence of such violation.¹⁷⁹ So far, *Aynachen* has presented a number of controversial violations of human rights by government officials. These programs gave the victims solutions to their problems and at the same time educate the society about human rights and means of their protection. In addition, the program deters officials from violating rights including human rights and, to a lesser extent; it demonstrates the role of media as a watchdog of the government activities. The programs usually approach human rights through discussion and investigative reports on violation of human rights.

The programs on children and women also address several human rights issues. For example the children's program known as *Yelijoch Gezi* presents entertaining and educative programs for children about the right to education, health, human dignity and other rights provided for children under the constitution and CRC, like the right to get a name, the right to know and be cared for by one's parents etc.¹⁸⁰ The women's program known as *Setoch* also addresses and educates about harmful traditional practices, gender

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

based violence and empowerment of women both economically, socially and psychologically.¹⁸¹ Several discussions have been held by the program on the pros and cons of affirmative actions, empowerment of women, harmful traditional practices including early marriage and FGM, the role of women in the family and many other socio-economic problems of women and their solutions.¹⁸²

The print media, in addition to their news coverage, address human rights on their weekly articles on politics, economy, business, women and free opinions of their readers. For instance, a regular article about women on Addis Admas, every now and then raise issues related to equality, economic and social empowerment of women, affirmative actions, harmful traditional practices especially FGM and early marriage and the general socio-economic status and day today life of Ethiopian women. The articles comment, criticize and evaluate the pros and cons of the laws, policies and regulations affecting women.

The articles of Addis Admas on society and culture also address problems and constructive aspects of societal and cultural setups of the community. It, occasionally, publishes about matters related to social and cultural rights of the society, like the right to education, health, religion the right to use ones language and the right to practice once culture. The business and economy articles of Addis Admas usually evolve on the countries current economic and business situations. They raise the economic problems of the society and try to come up with a solution. The articles question the countries economic development comparing with the current living standard of the people.

Addis Admas also publishes free opinions of the society on different economic, social, political and cultural issues of the country. Especially, this page offers professionals on different disciplines to raise questions and contribute solutions for problems of the country. New laws and policies, human rights violations and the positive and negative aspects of the activities of the country are commented, criticized and appreciated in this section of the newspaper. All the articles are written by their perspective professionals and especially

¹⁸¹ Ibid.

¹⁸² Ibid.

articles related to women, economy, and politics are left to those who have law, economics and political science background.¹⁸³

The regular articles on The Reporter also, one way or another raise issues relevant to human rights. Twice a week, the Reporter publishes articles on politics, business and economics, society, women and law. In addition, *Delalaw*, *Temuaget*, *Ene yemelew*, are articles mostly revolves on the social, economic, cultural and political life of the country. The articles on politics, business and economics are well known for discussing critical legal and policy matters. These articles raise numerous debatable questions which sporadically are related to human rights.

The print media approaches matters on human rights under its regular articles by employing expert opinions and explaining and justifying the matters in light of national and international human rights laws. Accordingly, the rights in question under the articles on human rights explain, argue, comment and criticize the rights in light of the government actions taken towards the enforcement and protection of human rights.

4.3.2 Special Programs on Human Rights on the Media

Every now and then, human rights make a highlight of media coverage. Whenever the media considers the matters related to human rights are news worthy the news hour of the broadcast media and front pages of the print media report and discuss human rights. Particularly, media highlights human rights when there are activities related to politics like election, massive human rights violation like famine, internal conflict and activities of international and national human rights institutions and non governmental actors like annual and irregular meetings, annual reports, fund raising or allocating and awareness creation programs.

In addition to the news, ERTA, for instance, conducts special coverage which is broadcasted whenever there is an issue that does not fall in its regular programs or urgent

¹⁸³ Interview with Ato Solomon G/egziabher, supra note 163.

by nature.¹⁸⁴ Such programs are devoted in promoting, discussing, commenting or criticizing the contemporary matter relevant to human rights.

The print media also devotes its front page whenever there is news worthy event or occurrences related to human rights. Both Addis Admas and The Reporter follow this trend as a means of approaching the promotion of human rights.

4.3.3 Programs in Collaboration with National Human Rights Institutions

The existing human rights system of protection, promotion and enforcement of international human rights law, to the large extent, lies on the hands of the state and its institution and the different regional and international intergovernmental monitoring organs. Especially in a country where the law tolerating Charities and Societies to involve in human rights advocacy is limited, state assumes enormous responsibility to promote human rights by all means available. National human rights institutions, in this regard, have a significant role in the enforcement, protection and promotion of human rights. In Ethiopia, the two national human rights institutions, Institution of Ombudsman and the Ethiopia Human Rights Commission, have a partnership with the media with the intention of advocate human right to the general public. This partnership assists the activities of the media with regard to human rights.

A. The Ethiopian Institution of Ombudsman

The Institution of Ombudsman was established by The House of People Representatives (HPR) in 2000.¹⁸⁵ It was established by proclamation number 211/1992. The Institution has a precise scope and objective which makes it easier to focus in getting through the solution for detailed problems of the society.¹⁸⁶

¹⁸⁴ Interview with Ato Genanaw Legesse, supra note 171.

¹⁸⁵ The FDRE Constitution, article 55(14) gives HPR the power to establish an Institution of Ombudsman, to select and appoint its member and determine by law its power and function.

¹⁸⁶ The preamble of the Ethiopian Institution of the Ombudsman Establishment proclamation no. 211/2000. The scope of the Institution is limited to maladministration committed by the executive organ and officials.

Though established in 2000, the Institution materialized in 2005. For several reasons, the Institution was unable to function for the first five years of its establishment.¹⁸⁷ It was in 2005 that all financial and skilled man power was fulfilled to a certain extent and the institution begins to function. The institution, for the attainment of its objective, according to Ato Leoul Seyom, Head of Public Relation of the Institution of Ombudsman, allies with the media. In addition, the Institution uses the media to promote and educated the rights of citizens to good governance and the means of protection when violations occur.¹⁸⁸

So far, the Institution is working with several media institutions to communicate messages and information about its power, function, and objectives. Basically the institution uses the media for education about fundamental human rights so that the society will be able to defend it self from violations and maladministration. To pull off this, the institution uses news papers like Addis Zemen and Ethiopian Herald, mostly governmental radios like Radio Fana and Ethiopia Radio, and ETV. Regional Medias like Radio *Woyane* and *Barressa* Oromiffa news paper have also air time and article for the Institution.¹⁸⁹ These media organizations are used by the Institution to publish or broadcast the investigative findings and to circulate information about the means of protections in case of violations.

In addition, the Institution organizes media forums and workshops which open discussion between media professionals, the public and concerned organs on topics related to good governance. In the past, it had series talk shows on ETV1 in collaboration with the Ethiopian Human Rights Commission. The talk show raised several human rights and

The powers and duties of the institution is limited on the supervising of the administrative directives issued, and decision given, by the executive organ and the practices there of do not contravene the constitutional rights and citizens and the law as well. In addition, Id, article 6(2, 3, 4, 5, 6) provides that the Instituion works to prevent maladministration, seek remedies in case where it believes that maladministration is occurred and make recommendation for the revision of existing laws, practices or directives, and for the enactment of new laws and formulation of policies, with a view of developing good governance in the country. According to the preamble, the Institution also fights the suffering from maladministration by the citizens and make sure they are not left with out redress, their want for an institution before which they may complain and seek remedies with easy access

¹⁸⁷ Interview with Ato Leoul Seyom, Head of Public Relation of the Institution of Ombudsman, Feb 03/11/2010.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

good governance issues and questions. The participants were journalists, lawyers, government officials and the general public who has questions and opinions on the mentioned issues.

B. The Ethiopian Human Rights Commission

HPR, per the power given to it by the constitution¹⁹⁰ established the Ethiopian Human Rights Commission.¹⁹¹ The objective of the Commission is to educate the public to be aware of human rights and make sure that human rights are protected, respected and fully enforced as well as to have the necessary measure taken where they are found to have been violated.¹⁹²

In order to achieve this objective, the Commission has been given several powers including to educate the public using the mass media and other means, with a view to enhancing its tradition of respect for, and demand for enforcement of rights up on acquiring sufficient awareness regarding human rights.¹⁹³ In addition, the Commission has a power and a duty to ensure the enforcement and respect national and international of human rights law in the country.¹⁹⁴ These powers enhance the Commission to use the media for the purpose of circulating information about human rights to the society and fulfill its responsibility as a national advocate of human rights.

The Commission, to exercise its power and carry out its responsibilities has allied with different media organizations. According to Ato Berhanu Abade, Information Communication Directorate Director of the Ethiopian Human Rights Commission, the

¹⁹⁰ The FDRE Constitution, Article 55(14).

¹⁹¹ Ethiopian Human Rights Commission Establishment Proclamation No. 210/2000

¹⁹² Id, article 5

¹⁹³ Id, article 6(3).

¹⁹⁴ Id, article 6 (1, 2, 4, 5, 6, 7) The commission has a power to ensure that human rights and fundamental freedoms provided under the constitution are respected and enforced by every organ of the government, its officials and citizens, to ensure that laws, regulations and directives as well as government decisions and orders do not contravene the human rights of citizens guaranteed by the constitution, , Undertake investigation, up on compliant or its own initiation, in respect of human rights violations, Make recommendations for the revision of existing laws, enactment of new laws and formulation of policies, , Forward its opinion on human rights reports to be submitted to international organs and translate in to local vernaculars, international human rights instruments adopted by Ethiopia.

Commission has a conviction that public awareness is a crucial means to the realization of the enforcement, protection and promotion of human rights.¹⁹⁵ The Commission, bears in mind that it is only when people are informed and be acquainted with their rights that they can actually defend violations.¹⁹⁶

As a means of realizing this conviction, the Commission develops close working relationship with several media organizations. To start with, in the 2005 and 2010 elections the Commission gave several trainings to journalists on human rights and their institutional apparatus as well as the means of protection and addressing violations. This is from the estimation that it is through media that the public can be reached at large and awareness creation has to start from the journalists.¹⁹⁷

The Commission, on a regular basis, uses ETV1 and the National Radio to reach out the public. The reason for choosing electronic media, according to Ato Berhanu Abade, is because they are accessible to both literate and illiterate members of the society and they have nationwide coverage compare to the print media. On these media institutions, the Commission presents different entertaining and educational programs including short dramas, discussions and advertisements which aim to create awareness especially on the rights of specific groups including women and children.¹⁹⁸ The Commission has an opinion that these programs teaches the society about equality of women with men, the best interest of the child, the pros of affirmative actions and economic social and cultural rights.

The Commission had a series of talk shows on ETV1 that raised several human rights issues including the above mentioned topics. The show had discussed the challenges in enforcement of national and international guaranteed human rights. The year long series

¹⁹⁵ Interview with Ato Berhanu Abade, Information Communication Directorate Director of the Ethiopian Human Rights Commission, 19/10/2010.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

talk show on human rights which included many journalists, lawyers and the general public as a participant.¹⁹⁹

Generally, both the Institution and the Commission, to some extent assist the media in its effort in the promotion of human rights. At the same time, they fulfill their obligation as a human rights advocate by spreading the message of human rights across the country. However, compare to the seriousness of the problem and the responsibility of the organizations, it is difficult to assert that they are playing the role expected from them. At present, Societies and Charities are not active participants on human rights advocacy which makes these organizations the only organs with the power and capacity of engaging in human rights promotion. With this taken in to account, the organizations are far beyond exhausting their potential regarding the promotion of human rights to the general public.

4.4 Evaluation of Media Engagement in the Promotion of Human Rights in Ethiopia

4.4.1 Focus on Specific Human Rights and the Rights of Vulnerable Groups

4.4.1.1 Coverage of Specific Human Rights

Media, at the international level, is often criticized for underreporting certain specific human rights especially socio-economic and cultural rights. As already discussed in chapter two of this study, by not paying enough attention to these rights, mainly in countries where such rights are not well recognized the media fail to spot stories or dimensions of stories.²⁰⁰ For this, the nature of economic, social and cultural rights has their own contributions. These rights are, naturally, less visible and slow process which makes them less interesting to the media.

However, in Ethiopia, it is possible to challenge the above analysis and maintain a position that socio-economic rights have better coverage than civil and political. Particularly, media

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

institutions under ERTA are engaged in the promotion and education of socio-economic and cultural rights to the general public. This may, perhaps is an obvious outcome of development journalism, which is the principle at all government owned media institutions.²⁰¹

The term “development journalism” is used to refer two types of journalism. The first is a school of journalism which begins to appear in the 1960s.²⁰² The idea behind this type of development journalism is similar to investigative report, but it focuses on conditions in developing nations and ways to improve them.

The other type of development journalism involves heavy influence from the government of the nation involved.²⁰³ Generally development journalism has been given a short definition as “the reporting of ideas, programs, activities and events, which are related to an improvement of the socio-economics and living standard, mainly in the rural region”.²⁰⁴

ERTA has adopted development journalism with a conviction that the country needs constructive and developmental news and programs in order to assist the economic and social development.²⁰⁵ Accordingly, many of the programs and the news are optimistic that shows the social transformation and economic development of the country. The agency encourages journalists to travel to remote areas, interact with citizens of the country and report back.²⁰⁶ Generally, the programs encourage the economic advancement of the farmers and women, the construction of infrastructures etc.

Although, these programs benefit the society by creating awareness and encouraging economic and social developments of the country, they often are interpreted as a mere

²⁰¹ Interview with Ato Genanaw Legesse, supra note 176.

²⁰² *What is Development Journalism?*, available at <http://www.wisegeek.com/what-is-development-journalism.htm> (Last visited on October 1/2010).

²⁰³ Ibid.

²⁰⁴ Ibid

²⁰⁵ Interview with Ato Genanaw Legesse, Supra note 176.

²⁰⁶ Ibid.

propaganda. This is because the programs do not, in most cases, criticize or make sound analysis of the plans and the consequences of developmental actions of the government. This creates a suspicion by the audience, given the history of distrust between the public and the media in Ethiopia.

Especially, programs on development issues are often reported plain with no comment or criticism from the media. In fact, this is one of the effects of developmental journalism. While it can be powerful tool for local social and economic growth and empowerment, developmental journalism is criticized for serving as a means of suppressing information and restricting journalists. Governments are condemned for using this concept to limit freedom of speech of journalists and in most cases they are told not to report on certain issues just because it will impact the “development” of the nation.²⁰⁷ The obvious consequence is, while socio-economic rights are covered to a considerable extent, citizens are denied the whole picture of the information. The reason is that the information only focuses on constructive aspects of the development activities. Admitting this back draw of development journalism, ERTA sustains its position that it is beneficial to the country until developmental goals are totally achieved.²⁰⁸

The private media also has comparatively active engagement in the promotion of socio-economic rights in the country. The Reporter, for instance in addition to the news coverage, has regular articles on culture, society, business and economy. These articles, often address the problems and encouraging aspects of societal and cultural setups of the community. It, occasionally, talk about matters related to social and cultural rights, like the right to education, health, religion the right to use ones language and the right to practice once culture.

The regular business and economy articles of Addis Admas also evolve on the countries current economic and business situations. They raise economic problems of the society and try to come up with a solution. The articles question the countries economic development

²⁰⁸ Ibid.

comparing with the current living standard of the people. Addis Admas encourages articles written by professionals on matters related to women, economy, and politics.²⁰⁹

Generally, by both the print and the broadcast media, it is possible to conclude that socio-economic rights are better reported and covered than other human rights in Ethiopia.

4.4.1.2 Coverage of Human Rights of Vulnerable Groups

As discussed in chapter two of this paper, the media in general takes an interest in human rights when the matter is related to internal conflicts, war and diplomatic relations of states. In addition, media tends to highlight human rights when their institutional apparatus is in question. In the process, human rights of specific groups are often highlighted by the media especially when there is a massive violation.

The media institutions in Ethiopia follow the same trend by discussing the rights of women and children whenever notable violations or activities with regard to it occur. There are also regular trends by the media in covering the human rights of specific groups for the purpose of creating awareness. Especially, the human rights of women, children and nations, nationalities and people are often discussed and promoted in light of the Ethiopian constitution and international human rights instruments like CRC, CEDAW, ICCPR and ICESCR.

For example, ETV1 has programs which exclusively focus on children and women. The children's program known as *Yelijoch Gezi* and the women program known as *Setoch* addresses several human rights issues related to these specific groups. Federalism can also be taken as an example of a program devoted to the promotion of group right like the right to self determination and cultural rights.

Addis Admas and The Reporter also have articles and frequent news coverage on the women and children with a devotion in discussing matters related to their human rights. The articles comment, criticize and evaluate the pros and cons of the laws, policies and regulations affecting women and children. Often the provisions of international human

²⁰⁹ Interview with Ato Solomon G/egziabher, supra note 163.

rights instruments and the Ethiopian constitution are sighted as a reference for their programs.

In spite of this effort, the need of the country and the massive extent of human rights violations especially on women and children require additional measures to be taken by the media. For example, Ethiopia is, at present, one of the countries where a large number of women and children suffer from different types of abuses and exploitation as a result of human trafficking.²¹⁰ In addition, early marriage, Harmful Traditional practices (HTPs) particularly on Female Genital Mutilation (FGM), abduction, inequality of women and child labour abuses are the prominent practices in the country.

In order to contribute towards the prevention of these massive and brutal human rights violations on women and children, the media has to crop up with effective plan to bring behavioral change of the public. One of the most effective strategy of addressing these problems is engagement of the media with governmental and nongovernmental organizations whose objective is advocating the rights of women and children. so far, as already discussed, national human rights institutions are collaborating with the media for such purpose.

In addition to the activities with national human rights institutions, the media is engaged with non-governmental actors whose purpose is advocating the human rights of specific groups including women and children. In this instance, it is appropriate to note the collaboration of the media with Population Media Center (PMC). PMC is an exemplary non governmental organization working for behavioral change in Ethiopia. The Center especially focuses on creating awareness on health related matters like HIV/AIDS, family planning, HTPs especially on FGM, discrimination based on gender, and child abuse.²¹¹

²¹⁰ Yoseph Endeshaw & Mebratu Gebeyehu., *Assessment of Trafficking in Women and Children in and from Ethiopia*, IOM International Organization for Migration, Addis Ababa

²¹¹ Interview with Ato Abera Yasin, Media Communication Expert of Population Media Center, 21/10/2010.

These are directly relevant in awareness creation of human rights of women and children who continued to be victims of the mentioned violations.

So far, PMC and the media institutions that have been working with the Center has registered remarkable achievements through the lunch of radio serial dramas, the major ones are “*Yeken Keget*” and “*Mentamenged*” (in Amharic) and “*Dhimbaba*” (in Oromiffa).²¹² Various post intervention researches conducted by PMC demonstrated the effectiveness of the intervention and the significance and their impacts in terms of imparting knowledge and bringing about behavior change in unprecedented scale.²¹³ Besides serial radio dramas capacitated the mass media to take active part to combat beliefs and attitudes that render people vulnerable to hazards including harmful traditional practices, to promote family planning and reproductive health and to ensure the eventual empowerment of women.²¹⁴ The achievement of PMC in media communication indicates the effectiveness of the media when working in collaboration with concerned actors to create awareness on various issues and bring behavioral and attitude change which has a practical effect on the current status of women and children.

4.5 Focus on Civil and Political Rights

At the international mass media, civil and political rights are the most addressed and often reported rights. The media is even criticized for using civil and political rights and human rights as interchangeable terms.

However, in Ethiopia, with exception of election times, civil and political rights are usually unreported. Under the umbrella of developmental journalism, especially government owned media institutions focus more of their time and energy on socio-economic matters. In addition cultural rights and group rights are comparatively better addressed than civil and political rights. As a result, it’s not common for the public to encounter programs with aim to create awareness on civil and political rights.

²¹² Kelklachew Ali & Haileyesus Seba, *Mid Term Evaluation of the Project on Harmful Traditional Practices(HTPs) With Particular Focus on Female Gentile Mutilation (FGM) in Ethiopia*, (Final Report), (2009,Population Media Center), p 6.

²¹³ Ibid.

²¹⁴ Ibid.

However, in occasional basis, there are programs that cover civil and political rights with a reference of the constitutional provision and international human rights treaties. For instance, the ETV1 weekly programs like *Hegena Fethe*, *Federalism* and *Medrek* from time to time discuss matters relevant to civil and political rights.

As already mentioned, during election times, for obvious reasons civil and political rights are highlighted as news and the topics of arguments, comment or criticism on the mass media. Setting this exception aside, it is not persuasive to suggest that the media in Ethiopia is doing its job when it comes to addressing civil and political rights. The following reasons can be taken as contributing factors for this lack of commitment.

- The absence of political debate and active political participation culture in Ethiopia: As common practice shows, media is not much interested in human rights, or any other issue for that matter, unless they are associated with other factors like politics, diplomatic relations of states, conflict or massive violations. However, in Ethiopia political parties are engaged in active debate only when at the time of election. As a result, media does not take the matter to be news and coverage worthy.
- Fear of safety by the journalists: this is another main reason for underreporting of civil and political rights in Ethiopia. Especially after the incident of the May 2005 election, private media institutions take civil and political rights to be risky. The May 2005 election, probably the highest pick of the media to involve in human rights promotion, contribute a lot for the avoidance of civil and political rights by journalists especially for those working in the private press. At the May 2005 election, a number of journalists and editors have been imprisoned for various reasons. Demonstration after the election caused at least fifteen editors, journalists and media owners being imprisoned for alleged treason, though they were acquitted. This makes the private press very suspicious of the reaction of the government for covering human rights especially when they are related to civil

and political rights.²¹⁵ In the subsequent election, May 2010, the media was notably less involved and less critical of the situations.

- Lack of credibility: Studies pointed to the great divide in opinion between the private press and the public media in both civil and political and socio-economic rights. It is almost a tradition for the private media to be opposition friendly and accuser of the government while the government press only supports the ruling party in its reporting and commentaries.²¹⁶ This, to a great extent affects the quality and the impact of information on civil and political rights. It also makes both the government and the private media roll in different opposite directions instead of working for what they claim to stand for, building democratic culture and bringing tolerance and national consensus. Mostly, the private press interprets all the stories in the government media as propaganda while the government looks at the independent press with great skepticism, to the point of calling it an enemy of the people.²¹⁷ This affects the quality of the information the society receives from both media institutions. In the middle of the controversy between the private and government media, the truth is hidden from the general public. This is because both are trying to impress the public rather than presenting accurate and reliable information. This lack of trust made the public less fond of the media when it comes to critical issues like politics and human rights.

Generally, it is plausible to say that the media in Ethiopia is not using its potential to the fullest to educate and promote human rights in order to support the government to fulfill its obligation under international human rights instruments. The journalists working for several media institutions agree with this assertion. So far, the contribution made by the media towards the promotion of human rights is evaluated as poor by the journalists questioned about this specific concern. From 30 journalists questioned 8.4% think that

²¹⁵ Interview with Ato Mohammed Ali, Owner and General Manager of Addis Press news paper, 1/10/2010.

²¹⁶ Terje S. Skjerdal, 'Between journalism 'universals' and cultural particulars: challenges facing the development of a journalism program in an East African context', *Journal of African Media Studies*, Volume 1 Number 1, (2009, Intellect Ltd), p26

²¹⁷ Ibid.

the media has a poor record in promoting human rights while the rest 1.6% think so far the media is doing a good job in addressing human rights.²¹⁸

4.6. Competence of Media Professionals in Reporting Matters Related To Human Rights

The promotion of human rights through the media is challenged by lack of adequate knowledge and understanding of both national and international human rights laws by the journalists. It is not logical or, for that matter, ethical to expect journalists to cover and promote subjects they do not know or understand. Unfortunately, as discussed in chapter two of this study, even at the international level, journalists are often criticized for their inadequate and sometimes misguided understanding of human rights. In fact, lack of competence of the journalists in human rights is one of the major challenges for the effort of promoting human rights through the main stream media.

This criticism remains to be true for the journalists of Ethiopian media institutions. The media professionals often take the blame for lack of competence and awareness about international and national human rights law. This, not only affects their coverage of human rights, but also the effort of different actors including national human rights institutions to promote and educate the public about human rights. Both the Ethiopian Institution of Ombudsman and Ethiopian Human Rights Commission complains saying that journalists do not understand the concept of human rights and this creates a uncertainty on the quality of the broadcast and the publications of the perspective Institutions.

These, among other factors, is mainly a consequence of almost non-existing training opportunities at the institutional level and absence of proper human rights courses at journalism schools. The Addis Ababa University School of Journalism is the main producer of journalists to the current media institutions in the country. The School gives its students several courses indirectly related to human rights. These courses include

²¹⁸ see annex, table nine.

civics, media and democracy, media law and media ethics.²¹⁹ However, the courses common in journalism schools in other countries like media and human rights, gender and media, children's rights and the media are not given to the students at the AAU School of Journalism.

The reason given by Ato Tadesse Zenaye, Vice Dean of Addis Ababa University School of Journalism, is that there are many courses students have to take during their stay and there is little time to cover it all. Therefore, the School is elective and focuses on what it assumes to be compulsory for the students to take.²²⁰ The School has an opinion that students acquire enough knowledge about human rights through the above mentioned courses. Ato Tadesse Zenaye says that the problem is not that students do not have the required knowledge rather there is lack of interest to apply journalistic approach and techniques towards human rights.²²¹

The MA program of journalism at AAU is comparatively more focused on both democracy and human rights. Though, there is no direct human rights course, in its heavy weight, the program structure relies in democracy and investigative journalism.²²² More than one third (ten credits) are devoted to such courses, and the topic is naturally discussed in other courses as well.²²³ This gives the students an opportunity to deal with critical human rights issues and thought them how to investigate violations of human rights and approach its promotion and education through the media. However, the School receives limited number of students every year which makes it, compare to the need of the country and the media organizations, appear to be insignificant.

In reality, the majority of journalists who are working at the current media organizations lack the necessary competence to work on and cover human rights issues. From 30 journalists who have filled the questionnaire on whether they have trainings on human

²¹⁹ Interview with Ato Tadesse Zenaye, Vice Dean of Addis Ababa University School of Journalism, 2/10/10.

²²⁰ Ibid.

²²¹ Ibid.

²²² Terje S. Skjerdal, *supra* note 216, p 27

²²³ Ibid.

rights, 5.7% admitted that they did not have the training while 1.8% took trainings on indirectly related matters like democracy and good governance.²²⁴ Only 1.5% has a proper training on human rights.²²⁵

The consequence of this is that major media organizations do not spend enough energy and resource human rights and related matters and prepare programs devoted to human rights. Journalists agree that lack of awareness about human rights is the major reason for this neglect. As already discussed, human rights are mostly addressed by the media institutions indirectly when they are associated with other matters. While making or editing news, journalists gave affirmative answer whether they consider human rights or not. About 8.1% of the journalists say that they do consider human rights to the extent of their knowledge on the articles or programs they conduct regularly.²²⁶ 0.9% said that they do not consider the issue at all.²²⁷

Journalists have an opinion that lack of awareness on the matter created financial problem at the media organizations to prepare programs devoted to human rights. This is because, the budes of media organizations are already allocated to other programs since human rights are not primary consideration. From the journalists questioned about this issue, 6.3% said that lack of awareness is the major factor for nonexistence of regular programs entirely focused on human rights issues.²²⁸ The rest 2.7% believe that financial and legal constraints are the main barrier of preparing programs entirely devoted to the promotion of human rights.²²⁹ Journalists agree that, media can play a crucial role in creating a human rights sensitive society.

Understanding the importance of human rights awareness, media institutions sometimes take the initiation to train and hire staffs with adequate human rights knowledge. In this case, the exemplary practice of the Reporter is worth mentioning. Although, the journalists

²²⁴ See annex, table five.

²²⁵ Ibid.

²²⁶ Id, table six.

²²⁷ Ibid.

²²⁸ See annex, table eight.

²²⁹ Ibid.

currently working for the newspaper do not have training on human rights²³⁰ the newspaper has a practice of hiring staffs with background of law, economics and political science with a qualification of writing and editing articles and news related to human rights.

ERTA also, in the past, took some steps towards increasing the competence of the journalists working for the Agency. It established a training institution in order to train journalists on democracy, human rights and good governance.²³¹ The training institution, currently, is not functioning for a reason of reestablishment. The actions taken by the above two media organizations are an exemplary practice with a potential of providing a sound solution for the problem lack of awareness about human rights by journalists.

4.7 Accessibility of Information about Human Rights

The programs circulated by the media about human rights, whatsoever the amount and the quality of the coverage might be, will not have any significant impact if the public do not get access to the information. However, in Ethiopia the right to access to information is hardly recognized as a result of the economic and social status as a least developed country.

Illiteracy, especially in the rural area, ²³²weak economy and near non-existence of infrastructure prevents newspapers from reaching a mass readership. For example, only 1 per cent of the population of 80 million people read newspapers on a regular basis.²³³ Newspaper publishers complain that the majority of the population does not actually buy the newspapers rather they rent it for a few cents. This is the effect of the low income of the society, who in most cases can not afford to pay the full price of the papers.²³⁴ The Reporter and Addis Admas, comparatively the highest published private newspapers in

²³⁰ Interview with Ato Melaku Demessie, Supra note 165.

²³¹ Interview with Ato Genanaw Legesse, Supra note 176.

²³² Ethiopian Media Brief, available at [www: http://www.cpj.org](http://www.cpj.org) (Last visited June 24/2010), From the total population 42.7% are literate (50.3% male and 35.1 female).

²³³ Terje S. Skjerdal, supra note 216, p 2.

the country publish between the ranges of 30,000 up to 40,000 copies per issue. For a country with estimated population of 80 million this number is nearly insignificant.

Where illiteracy rate is very high, radio and TV are very important tools of circulating information. Radio is important because, comparatively, it is inexpensive and available for group listening. TV is also important for the same reason, and both broadcast medium are especially useful because they don't require literacy.

However, especially TV sets are scarce in the rural area and almost absent in the village and in the remote parts of the country.²³⁵ Only 6 TV sets are available per 1000 households.²³⁶ Radio sets are better distributed, but are still a luxury commodity for large segment of the Ethiopian population.²³⁷ About 196 radios are available per 1000 households.²³⁸ Even batteries for the radio are too expensive in areas defined as non monetary communities. This shows that the majority of the population is not taking part in the information circulated by the main stream media.

Poverty also makes the diversity of the Ethiopian people a challenge for the media. At least, 70 languages are spoken as a mother tongue in Ethiopia.²³⁹ In such situation, it is difficult to establish a nationwide media.²⁴⁰ Because traditionally it is believed that a rather high percent of the urban population understands Amharic, most newspapers, radio and TV devote their higher time and page coverage for Amharic.

The national television and radio and Radio Fana airs, in addition to Amharic, in Afan Oromo, *Af Somali*, Tigrinya, *Qafar Af*. However, compare to the wide language diversity of the country, it is not possible to conclude that these languages address the needs of the entire country. Therefore, the media effort to have an impact in the process of building human rights and democratic culture is limited.

²³⁴ Interview with Ato Mohammed Ali, Supra note 215.

²³⁵ Michelle Stack and Deirdre M. Kelly, 'Popular Media, Education, and Resistance', *Canadian Journal of Education*, Vol. 29, No. 1 (2006, Revue canadienne de l'éducation), p5.

²³⁶ Terje S. Skjerdal, supra note 222, p 6

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Jon Abbink, 'Ethnicity and Constitutionalism in Contemporary', *Journal of African Law*, Vol. 41, No. 2, (1997, Cambridge University Press on behalf of the School of Oriental and African Studies), p. 159.

Chapter Five

5. Conclusion and Recommendations

5.1 Conclusion

Through out history, the media in Ethiopia remained under the strict control of the government. Both the Emperor and the military regime had used the media as a willing mouthpiece of their politics. The media was restricted and controlled by strong and active censorship laws. As a result, it was not in a position to contribute to the development of human rights culture in Ethiopia.

Freedom of opinion, expression and the press as well as the right to seek, receive and impart information was guaranteed both in writing and comparatively in practice after the current government assumed power in 1992.

The 1995 FDRE Constitution guarantees these rights and provides the media with legal protection and institutional independence to enable the accommodation of different ideas necessary to a democratic society. The current Freedom of the Press and Access to Information Proclamation also ensures freedom of the mass media as well as the right of the public to get access to information.

However, this Proclamation has several gaps that challenge the effort of the media to engage actively in the promotion of human rights. For instance, article 43(7) which provide that defamation and false accusation against constitutionally mandated government organs is prosecutable even if the person against whom they were committed chooses not to press charge. This created a substantial insecurity among the members of the free press especially with regard to human rights promotion. The reason is that, human rights as a subject matter, are mostly related to government organs and this provision creates a possibility for the government and its organs to abuse and oppress the media.

The Proclamation also imposes excessive fines. Compare to the advantages of freedom of the press in building democracy and promoting human rights, the fines appear to be unreasonable. The private newspapers covered under this study maintain that the fines are too much and they are not willing to take the risk of printing issues on topics that will offend the government. According to private media institution owners, taking such risk will not only put their life but also their business in jeopardy.

Other relevant laws add difficulty for already insecure legal environment for the media activity in the promotion of human rights. The Charities and Societies Proclamation, by reserving human rights advocacy only to Ethiopian Charities and Societies has created a constraint for the effort of the media to engage actively in human rights promotion. The restriction incapacitated the media because it terminated the personnel and logistic support it used to get from several NGOs.

In Ethiopia, in the past, NGOs have engaged actively in human rights advocacy and promotion using the media as a means. As a result, they used to sponsor programs on human rights, train journalists on human rights issue, prepare workshops and panel discussions and celebrate several achievements and condemn violations on human rights which the media got to cover. These activities made the media relatively active in human rights matters and created events to be covered on human rights.

The other relevant law that made the legal environment for the media challenging is the Anti-terrorism Proclamation. Ethiopia proclaimed the Anti-terrorism Proclamation in 2009. Every since then, this Proclamation is criticized for restricting freedom of speech and freedom of the press. The Proclamation provides that whosoever publishes or causes the publication of a statement that is likely to be understood by some or all of the public to whom it is published as a direct or indirect encouragement or other inducement to the commission or preparation or instigation of an act of terrorism is punishable with rigorous imprisonment.

This provision, in addition to opening a wide discretion to the judge in to interpreting any publication in to terrorism act, left the media in a terror of publishing or broadcasting

materials that question or criticize the government, the constitution or the political system of the country. Media owners and journalists told the writer of this thesis that they think human rights issues can be easily interpreted in to inciting terrorism if the government is not pleased with their publication. Therefore, they prefer, as much as possible, not to be involved and especially cover human rights violations if committed by the government.

Regardless of this challenges and constraints, currently, media organizations in Ethiopia are making an effort to make contributions in the promotion of human rights in the country. Different media organizations have a number of programs that are relevant to human rights. The media organizations assessed by this thesis, namely ERTA, The Reporter and Addis Admas, have demonstrated a considerable potential and interest to engage and contribute to the promotion of human rights in Ethiopia.

Consequently, human rights are covered by both the print and the broadcast media to a certain extent. The institutions approach human rights using, in addition to their news coverage, regular programs, occasional and special coverage on contemporary matters and on programs in collaboration with national human rights institutions and non-governmental actors. For example, ERTA, on ETV1 broadcasts several programs, on irregular basis, that raise human rights issues, investigate violations and educate the public about constitutionally guaranteed human rights. The programs, most frequently, sight international human rights instruments adopted by Ethiopia. The print media, also, address the matter through several articles and editorials.

The institutions do not have a regular article or broadcast that is devoted to human rights promotion or investigating violations. Normally, they raise the matter when it is associated with other relevant events and occurrences. For example, the programs on women and children on ETV1, at irregular interval, present a program on the rights of women and children with a reference to relevant international human rights treaties. Another program titled *Aynachen* is well known for investigating violations of citizen's rights that from time to time raise human rights issues. However, these programs are not dedicated to human rights matters only.

The print media also gives a considerable space to matters related to human rights. Mostly through articles, the papers publish concerns for human rights and educate the society about fundamental human rights and call something to be done when violations occur. Still, the newspapers engage in human rights education or investigations of violations in occasional basis. Sometimes, both the print and the broadcast, highlight human rights as an exclusive topic. This is when there is an event or occurrence which identified by the media as a hot issue.

Furthermore, programs on human rights are presented by the media in collaboration with national human rights institutions and non governmental actors. The Ethiopian Institution of Ombudsman and the Ethiopian Human Rights Commission sponsor and sometimes present several entertaining, and educational programs with an aim of creating awareness on human rights. The organizations, through the media, produce and present their investigative findings on violations of human rights and organize workshops, panel discussions, and talk shows on human rights issues, publish articles and, most importantly, give trainings to the journalists about human rights.

The above activities have a distinguished contribution in the process of awareness creation on human rights in Ethiopia. However, several back draws were observed during the examination of the activities of the media institutions with regard to human rights. First of all, the media have illustrated unbalanced coverage on certain human rights. Economic, social and cultural rights, comparatively, are better addressed and discussed especially by government media organizations. Moreover, specific group rights including the rights of women, children and persons with disabilities are frequently a subject of coverage and discussion from both the government and private media institutions.

When it comes to civil and political rights, they are found to be underreported and neglected by the media. With an exception of election times, the media has showed little or no interest in making these rights a topic for news or other program coverage. There are several reasons for this reluctance. Primarily, the absence of culture for political debate and active participation of political parties in the democratic process left the media less interested in discussing civil and political rights. This is because, media by nature is

proactive and it needs an actual event or occurrence to cover or discuss matters. Second, the legal environment makes it difficult for the media to actively investigate and cover human rights violations committed by government officials. This has contributed for the reluctance, especially on the private media, to engage actively on civil and political rights because they are taken to be too risky to get involve with.

Other factors like distrust between private and public media and the public affects the quality and of the information on civil and political rights. There is a great divide in opinion between the private press and the public media when it comes to civil and political matters.

It is almost a tradition for the private media to be opposition friendly and accuser of the government while the government press only supports the ruling party. This antagonism affects not only the accuracy but also the impact of the information they provide to the public. The public is always in suspicion of the intentions behind the information from both the government and the private media. Private media institutions claim that they are less interested in civil and political rights, among other reasons, because they are tired of being categorized as the enemy of the government and it is affecting their existence as a business organization.

The other major obstacle for the media effort in the promotion of human rights in general is lack of awareness of the journalists. They do not get trainings on human rights either from journalism schools or from their institution. The Addis Ababa University School of Journalism, one of the main producers of journalists in Ethiopia, does not give students courses directly related to human rights. The students take courses like civics and media law, which indirectly address some issues on international human rights law. The School is in opinion that these courses are enough to give the students the required awareness on human rights.

The MA program of journalism at AAU School of Journalism, relatively, is better in taking human rights seriously. Though, the program does not have a direct courses related to human rights, more than one third of the courses have topics that naturally lead

to discussions related to human rights. However, every year, the program accepts a few numbers of students. Compare to the desperate need of media organizations for competent journalist on human rights; the numbers of students who attend the MA program are insignificant.

Practically, journalists working in the media have difficulties in naming many of human rights provided under international human rights law let alone doing analysis on the rights. From the journalists who fill the questionnaire about this issue, the majority answered saying that they have no experience or training on human rights.

In addition, journalists have an opinion that it is not safe for them to talk about human rights and it is not their place to comment or criticize the issue for that matter. As one of the hazardous professions in the world, journalists always assume risks ordinary people do not. This gets the best of Ethiopian journalists who raise the issue of security when it comes to reporting on critical matters like politics and human rights. The incident of the May 2005 has contributed for this insecurity.

At the May 2005 election a number of journalists and editors have been imprisoned for various reasons. Though, they were latter acquitted, this created fear, especially on the private press. Most journalists remember the incident as if it was yesterday and this left them with suspicion of the government reaction for covering human rights and related issues. This is evident on the fact that for the last five years the number of the press who write about politics, human rights and democracy reduced and those who still exist are dropping out the topics and focus on other less controversial subject matters.

Further more, media institutions have financial limitations to cover and investigate human rights issues. This, according to the journalists questioned about this, is the result of less initiation of the media to be active participant on human rights. For reasons mentioned above, media neglects the matter and as a result when allocating fund human rights matters are left out.

Lack of infrastructures, poverty and illiteracy, the undeveloped reading culture and poor economy are also contributing factors for less use of the potential of the media to the

Promotion of human rights. The information circulated by the media on human rights, whatever the extent might be, is not reaching the majority members of the society. The broadcast and the print media are not accessible to the majority of the population. Only 6 TV sets are available per 1000 households. Radio sets still a luxury commodity for large segment of the Ethiopian population. About 196 radios are available per 1000 households. Only 1 per cent of the population of 80 million people read newspapers on a regular basis.

5.2 Recommendations

In light of the study conducted the general observation made so far, the following points are to be considered in measures to be taken as a way forward:

- It is recommended that legislative review is taken in to consideration. Especially, the Mass Media and Access to Freedom of Information Proclamation and Anti-terrorism Proclamation imposes an excessive fines and rigorous punishment on journalists and media institution owners for minor violations of the provisions. Human rights are sensitive issues that possibly might fall in the prohibited areas under the proclamations. The media is not willing to take such risk and chose to avoid issues related to human rights. This is affecting the most important factor in the realization of human rights, which is the creation of popular support and awareness.
- National human rights institutions have to strive in assisting the media in its effort to promote and educate human rights. In a country where tolerating Societies and Charities involvement in human rights advocacy is lesser, these institutions have an enormous responsibility in circulating information regarding human rights to the public. The current activities of national human rights institutions compare to the responsibilities they assume, is insignificant. Therefore, they should establish constant relationship with the media through several activities including continuous training to the journalists about human rights, organizing media forums and presenting and sponsoring programs for the purpose of awareness creation to the general public.

- Media institutions must have a clear editorial policy which gives their detailed position and degree of coverage on human rights. Except ERTA, both media institutions covered under this study were not able to present an editorial policy that explains their interest and potential in human rights coverage. This creates confusion and misguides their journalists on to what extent they are expected to cover human rights.
- Media institutions should find a balance in covering economic, social and cultural rights and civil and political rights. Currently, especially the government media which is driven by development journalism is more focused on economic and social matters which left civil and political rights less addressed and promoted. The private media also, demonstrated unbalanced coverage on human rights by giving civil and political rights less attention. In order to have a balanced coverage on human rights, government can assist the media by appreciating active political participation and organizing, when necessary, political debates among different political parties. This will give the media a topic to raise and discuss human rights issues in general and civil and political rights in particular.
- Journalism schools, media institutions, national human rights organizations and non governmental actors should act towards creating awareness among the journalists about human rights. It will not be appropriate to expect the media to promote and actively participate in a concept they do not understand. Lack of adequate knowledge and understanding on human rights is the main obstacle identified for the media reluctance in engaging on programs related to human rights. Creating awareness among journalists will generate initiation and interest in organizing programs devoted to human rights.
- Government, to the extent possible, has to work towards ensuring the public right to get access to accurate, timely and inexpensive information as guaranteed under the Mass Media and Access to Information Proclamation. Currently, the public is not in a position to afford newspapers, or electronic devices to get information. This affects the media effort to promote human rights, democracy and good governance since their message, whatever the extent might be, only reaches a few percent of the general population. The government ought to provide support to

media institution so that they will provide information as inexpensive as possible. For example, it is possible to subsidies publishing companies who actively engage in the promotion of human rights or provides tax free materials for the publishers.

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Interview with Ato Melaku Demessie, Editor in Chief, Reporter News Paper held in his
office on February 11/2010

Interview with Ato Tadesse Zenaye, Vice Dean, Addis Ababa University School of Journalism held in his office November 2/2010

Interview with Ato Leoul Seyom, Head of Public Relation, Institution of Ombudsman, held in his office on February 03/2010

Interview with Ato Berhanu Abade, Information Communication Directorate Director, The Ethiopian Human Rights held in his office on November 19/2010

Interview with Ato Mohammed Ali, Owner and General Manager of Addis Press news paper held in his office on November 1/2010

Interview with Ato Abera Yasin, Media Communication Expert, Population Media Center held in his office on 21/10/2010

Interview with Ato Haileyesus Gebre, Managing Director, Ethiopian Volunteers Association for Development (EVAD) held in his office on February 11/2010

Annex

Results of questionnaire for media professionals

General information

Table 1

Number of respondents

Number of respondents	30
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Table 2

Respondents by sex

Sex	
Male	25
Female	5

Table three

Respondents by age

Ages	
18-30	13
31-40	9
41-50	7
51 and above	2

Table four

Years of experience

Years of experience	
1 -3	6
3-5	16
5-8	4
8-10	3
10 and above	1

Knowledge and experience on human rights by the media professionals

Table five

Do you have any training regarding human rights?

Yes	19
No	11

Table six

Do you consider human rights issues with your coverage while reporting or editing?

Yes	2
No	28

Table seven

Do you have programs at your organization devoted to human rights promotion?

Yes	12
No	18

Table eight

What is the main barrier in preparing programs devoted to human rights promotion?

Lack of awareness	21
Financial problems	6
Legal barriers	3

Table nine

How do you evaluate the out comes of human rights promotion by the media?

Poor	28
Good	2
Very good	0

Questionnaire for Media Professionals

The objective of this questionnaire is to collect data about the role and contributions of the media in creating awareness and promoting human rights in Ethiopia. The research finding will be used for the partial fulfillment of master degree in law (LLM) at the Addis Ababa University. Therefore I request your kind co-operation to fill the questionnaire.

N.B

- The data will be used only to the purpose of this study
- No need to write your name
- Put “X” on the choice you think appropriate

General Information

1. Sex

Female

Male

2. Age

18-30

31-40

41-50

51 and above

3. Name of institution

4. Position and responsibilities

5. How long have you worked as a journalist?

Knowledge and Experience on Human Rights

6. Do you have any training regarding human rights?

Yes

No

7. If your answer is yes for the above question did the training in any way affected your perception about human rights?

8. Do you consider human rights issues with your coverage while reporting or editing news?

Yes No

9. If your answer is yes to the above question which human rights mostly appear to be related with your news or coverage?

Civil and political rights Economic, social and cultural rights
Group right Not known Not specified

10. Do you have programs at your organization devoted to human rights promotion?

Yes No

11. If your answer is no to the above question, in your opinion, what is the main barrier in preparing programs devoted to human rights promotion?

Financial problems Lack of awareness

Legal barriers

Other

12. What is your view on the role of media in promoting and educating human rights to the general public?

13. How do you evaluate the out comes of human rights promotion by the media?

Very good Good Poor