

Improving the quality and efficiency of the justice sector and strengthening the rule of law in Ethiopia

In making its processes more consultative and addressing challenges related to investigation, prosecution, adjudication, and detention, Ethiopia's criminal justice system is undergoing serious reform with support from the EU.



Mr Nikola Petrovic
NIRAS Project Manager
T: +381 6622 1989
nipe@niras.com

In the last five years, Ethiopia has twice declared a nationwide state of emergency due to anti-government demonstrations. New leadership has transformed the human rights landscape with the release of political prisoners, lifting of freedom of expression restrictions, and legal reforms of repressive laws, but further progress is still needed.

While the launch of the reform of the criminal justice reform system precedes the current government, the new administration has decided it should be implemented in a way that allows legal professionals and other stakeholders to provide input in an institutionalised manner. A Legal and Justice Affairs Advisory Council (LJAAC) under the direction of the Federal Attorney General was thus created in June 2018 with a 3-year mandate to advise the Office of the Attorney General in its effort to undertake a comprehensive reform of the legal and justice system.

As part of its 2019 Annual Action Programme, the EU identified *Access to Justice and Support to the Rule of Law* as one of its priorities in Ethiopia with an emphasis on the implementation of legal and judicial system reform. This commitment resulted in an EU assignment to formulate a criminal justice reform programme. A NIRAS team is currently implementing the 18-month project.

Understanding the landscape

In advance of formulating the criminal justice reform programme, the EU commissioned two key studies – the Security Sector Governance (SSG) Facility Justice Scoping Study and the Ethiopian Federal Police (EFP) Assessment which were an important foundation for the assignment. One of the current NIRAS team members was involved in the scoping mission.

The SSG scoping study focused on the formal criminal justice system at federal level but also considered the interfaces between the federal and regional systems. Based on its findings, the EU programme will focus on improving the capacity of institutions that are responsible for the implementation of LJAAC's reforms after the legal framework has been revised. The programme will also aim to improve the way police investigations are conducted, with the goal of moving away from confessions towards a 'prosecutor-led investigation' system. Internal and external oversight of police investigations are also needed to achieve better outcomes for victims of crime and improve human rights compliance and accountability needs to be strengthened across the entire criminal justice system, improving oversight of all criminal justice functions and supporting better coordination between the various oversight bodies. Finally, the scoping study highlighted the need for

CPC

One of the most significant reform measures being finalised under the justice reform agenda is a comprehensive revision of the Criminal Procedure Code (CPC). The anticipated CPC is expected to introduce codified rules of evidence, the first such evidence code in Ethiopia. CPC will have a major impact on the administration of justice and require planning and project management skills and human and material resources not currently available in the Ethiopian public sector or civil society.

Donor
European Commission

Client
EU Delegation to Ethiopia

Location
Ethiopia

Contract value
€201,590

TA value
€170,990

Duration
October 2019 – December 2020



"The legal and justice system in Ethiopia ... is in need of an urgent and serious overhaul ... the institutions and procedures that form part of the system were of little or no use in providing a platform for addressing the grievances of citizens. In fact, frustration with a legal and justice system that is seen as being corrupt and an instrument of oppression has fuelled unrest in many parts of the country ... The new administration has reiterated its commitment to reform the legal and justice system ... There is also a great deal of anticipation and expectation among the public at large as well as various stakeholders to see the realization of this promise ..."

Excerpt from Legal and Justice Advisory Council assessment



Although the EU programme focuses primarily on the criminal justice sector at the federal level, planned activities and approaches aim to create and /or strengthen linkages with regions where possible and appropriate.

transparency and availability of reliable information so the EU programme will look into how to better integrate the various information systems currently being developed and what needs to be done to make an electronic case management system work.

The EFP Assessment evaluated the capacity of Ethiopia's police force and highlighted the need for an independent and apolitical EFP, which should be accountable to the rule of law. As with much the criminal justice system, the agency remains reactive, relying on witnesses and confessions. The assessment also recognised the central role of the Ministry of Peace and the essential requirement of public safety and security within any reform agenda and transformation of power. These institutions are, however, only two of the many stakeholders which play a key part in the criminal justice system. The EU programme is keenly focused on enhancing coordination, cooperation and collaboration between these institutions at all levels.

Strengthening the capacity of various criminal justice institutions or organisations

Based on a learning needs / gap analysis, service providers will be contracted to train trainers within each of the relevant institutions. The NIRAS team will prepare all the contracts for this work. Experts will be sought to increase coordination and collaboration between institutions and mentor on how to better jointly plan and budget. Focus will also be placed on developing the institutions' M&E systems, and specifically the financial management capacity of the Attorney General, the Supreme Court and the

Human Rights Commission will be improved to handle the grants they will receive as part of the EU programme.

Local NGOs and university-based law clinics will also receive support in the form of training and funding to provide legal advice, assistance and aid to anyone making use of their services. Since most users of NGOs and law clinics are victims of crime or human rights violations, and many are women seeking assistance in family law matters, this support specifically aims to increase access to justice for women and children. The NIRAS team is providing support on the drafting of these contracts.

Keeping the EU informed on policy dialogue and reform developments

A key part of this assignment is for the NIRAS team to closely follow criminal justice reform in Ethiopia and liaise with the relevant stakeholders - especially, the Justice Sector Steering Committee, the Working Groups on Criminal Justice and Judicial Affairs; the Attorney's General Office; the Ethiopian Federal Police; and the Prison Administration Authority - to provide the EU Delegation with relevant information and recommendations for discussions with the Government of Ethiopia on justice. As other donors are active in this sector, the team will keep the EU Delegation informed about other interventions in order to avoid duplication and promote synergy. The team will also share with all stakeholders best practice and experiences from around the globe of criminal justice reform, joint dialogue and monitoring.