



WOLLEGA UNIVERSITY
SCHOOL OF LAW

**THE ENFORCEMENT DILEMMAS OF ACCESS RIGHTS OF PRISONERS: THE
CASE STUDY OF PRISON INSTITUTIONS IN WEST OROMIA REGIONAL
STATE OF ETHIOPIA.**

BY: DAWIT DESALEGNE

**A THESIS SUBMITTED TO WOLLEGA UNIVERSITY SCHOOL OF LAW IN
PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF LAWS IN CONSTITUTIONAL AND HUMAN RIGHTS**

ADVISER: BERHANU MOSISA (LL.B, LL.M, Ass.Prof)

SEPTEMBER, 2025

NEKEMTE, ETHIOPIA

Table of Contents

DECLARATION.....	iii
ADVISORS APPROVAL SHEET.....	iv
EXAMINERS' APPROVAL SHEET.....	v
ACKNOWLEDGEMENTS.....	vi
ACRONYMS AND ABBREVIATIONS	vii
ABSTRACT	viii
CHAPTER ONE	1
1. INTRODUCTION	1
1.1. Background of the Study	1
1.2. Statement of the Problem	5
1.3. Research Questions	6
1.4. Objectives of the Study	7
1.4.1. General objective	7
1.4.2. Specific objectives	7
1.5. Research Design and Methodology	7
1.5.1. Research Design and Sampling Technique	7
1.5.2. Data Collection Tools	8
1.5.3. Data Analysis and Interpretation Techniques	9
1.6. Significance of the Study	9
1.7. Scope of the Study	10
1.8. Limitations of the Study	10
1.9. Organization of the Study	10
CHAPTER TWO.....	11
2. AN OVERVIEW OF PRISONERS' RIGHTS UNDER INTERNATIONAL, REGIONAL, AND NATIONAL LEGAL FRAMEWORKS	11
2.1.1. International Covenant on Civil and Political Rights (ICCPR)	12
2.1.2. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT).....	15
2.1.3. Universal Declaration of Human Rights (UDHR)	18
2.1.5. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment	20
2.1.6. African Charter on Human and Peoples' Rights (ACHPR)	21
2.1.7. Revised UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules or SMRs, 2015)	23
2.2. Prisoners' Rights under Ethiopia's Legal Framework.....	40
2.2.1. The FDRE Constitution.....	42

2.2.2. Oromia Regional State Constitution	44
2.2.3. Prisoners' Rights under the FDRE Criminal Code.....	46
2.2.4. Federal Prisons Commission Establishment Proclamation No.365/2003.....	48
2.2.5. Federal Prison Proclamation No.1174/2019.....	50
2.2.6. A Regulation to Revise the Oromia Regional State Prison Administration Commission Police Members Code of Conduct Regulation No.168/2014.	62
CHAPTER THREE.....	65
3. ENFORCEMENT OF PRISONERS` ACCESS RIGHTS IN WESTERN OROMIA PRISON INSTITUTIONS.....	65
3.1. Admission of Prisoners	65
3.2. Treatment of Prisoners	67
3.3. Correction and Rehabilitation	76
3.4. Security Protection Procedures.....	77
CHAPTER FOUR.....	82
4. CONCLUSION AND RECOMMENDATIONS.....	82
4.1. Conclusion.....	82
4.2. Recommendations.....	83
BIBLIOGRAPHY.....	85

DECLARATION

I, **Dawit Desalegne Geletta**, hereby declare that this thesis entitled “**The Enforcement Dilemmas of Access Rights of Prisoners: A Case Study of Prison Institutions in West Oromia Regional State of Ethiopia**” is my original work and has been carried out under the guidance and supervision of my advisor.

I further declare that this thesis has not been submitted, either in part or in full, to any other university or institution for the award of any academic degree or diploma. All sources of materials used for this study have been duly acknowledged and properly cited in accordance with accepted academic standards.

This work is submitted in partial fulfillment of the requirements for the degree of Master of Laws (LL.M).

Declared by:

Name: **Dawit Desalegne Geletta**

Signature: _____

Date: _____

ADVISORS APPROVAL SHEET

School of Graduate Studies Wollega University Examiners' Approval Sheet

This is to certify that the thesis entitled **“THE ENFORCEMENT DILEMMAS OF ACCESS RIGHTS OF PRISONERS: THE CASE STUDY OF PRISON INSTITUTIONS IN WEST OROMIA REGIONAL STATE OF ETHIOPIA.”** submitted in partial fulfillment of the requirements for the degree of Master's with specialization in Constitutional and Human Rights, the graduate program of the School of Law, and has been carried out by Dawit Desalegne Geletta Id. No WU1600049, under my supervision. And hence, I approve that the thesis can be submitted to the school and defended by the student.

Name of the Advisor.

Signature.

Date

Berhanu

Mosisa .

.....

.....

...

EXAMINERS' APPROVAL SHEET

School of Graduate Studies Wollega University Examiners' Approval Sheet

We, the undersigned, members of the Board of Examiners of the final open defense by Dawit Desalegne Geletta have read and evaluated his thesis entitled **“THE ENFORCEMENT DILEMMAS OF ACCESS RIGHTS OF PRISONERS: THE CASE STUDY OF PRISON INSTITUTIONS IN WEST OROMIA REGIONAL STATE OF ETHIOPIA.”** and examined the candidate. This is, therefore, to certify that the thesis has been accepted in partial fulfillment of the requirements for the degree masters.

Name of the Chairperson.	Signature.	Date
--------------------------	------------	------

-----	-----	-----
-------	-------	-------

Name of Major Advisor.	Signature.	Date
------------------------	------------	------

-----	-----	-----
-------	-------	-------

Name of Internal Examiner.	Signature.	Date
----------------------------	------------	------

-----	-----	-----
-------	-------	-------

-

Name of External Examiner.	Signature.	Date
----------------------------	------------	------

-----	-----	-----
-------	-------	-------

SGS Approval.	Signature.	Date
---------------	------------	------

-----	-----	-----
-------	-------	-------

-

Stamp of SGS

ACKNOWLEDGEMENTS

First and foremost, I would like to express my profound gratitude to my academic advisor, Berhanu Mosisa(LL.B,LL.M, Ass.Prof) for his/her invaluable guidance, constructive comments, continuous encouragement, and scholarly support throughout the course of this research. Without his/her intellectual input and professional supervision, the successful completion of this thesis would not have been possible.

I am also grateful to the academic staff of the WollegaUniversity School of Law , whose lectures, discussions, and academic environment significantly contributed to the development of my legal knowledge and research skills during my LL.M studies.

My sincere appreciation goes to the officials and staff members of the Oromia Prisons Commission, particularly those working in West Wollega and East Wollega Zones, for their cooperation, openness, and willingness to provide the necessary data and information during fieldwork. I also acknowledge the prisoners who voluntarily participated in interviews and focus group discussions; their experiences and insights were fundamental to this research.

I would like to extend my heartfelt thanks to my family for their moral support, patience, and encouragement throughout my academic journey. Their unwavering belief in me was a constant source of motivation.

Finally, I thank all individuals who contributed directly or indirectly to the successful completion of this thesis. Any errors or shortcomings that remain are solely my own responsibility.

ACRONYMS AND ABBREVIATIONS

ACHPR.	African Charter on Human and Peoples' Rights
Art.	Article
CAT.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1984) or Committee against Torture, as the case may be
EHRC.	Ethiopian Human Rights Commission
FDRE.	Federal Democratic Republic of Ethiopia
FPC.	Federal Prison Commission
ICCPR.	International Covenant on Civil and Political Rights
ICESCR.	International Covenant on Economic, Social and Cultural Rights
ICRC.	International Committee of the Red Cross
ORSC.	Oromia Regional State Constitution
PRI	Penal Reform International
RRORSPACPMCC.	A Regulation to Revise the Oromia Regional State Prison Administration Commission Police Members Code of Conduct Regulation
SMRs.	Revised UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson. Mandela Rules) (2015)
SNNP.	Southern Nations, Nationalities and Peoples
UDHR.	Universal Declaration of Human Rights (1948)
UN.	United Nations

ABSTRACT

This study looks at the challenges of making sure prisoners can access their rights in prisons in the West Oromia area of Ethiopia, specifically focusing on the prisons in East and West Wollega Zones. Ethiopia has agreed to important international and regional human rights agreements and included prisoners' rights in its laws and constitution. However, putting these rules into practice in prisons is still a controversial issue. The study uses a qualitative research method, which means it gathers detailed information through in-depth interviews, group discussions, observations, and document reviews. Its goal is to evaluate how well prisoners' rights to access services are respected, protected, and upheld in real life. The analysis follows international human rights standards, especially the Nelson Mandela Rules, the ICCPR, and the African Charter on Human and Peoples' Rights, as well as important national and regional laws. The results show a big difference between the rights that prisoners are supposed to have by law and how those rights are actually enforced. Ongoing issues include too many people in one place, not enough clean water and proper living conditions, bad and not enough food, limited medical help, poor organization of prisoners, weak record-keeping, and little access to programs that can help rehabilitate and provide jobs. These conditions hurt people's dignity, increase health and safety risks, and make it harder for them to recover and reintegrate into society. The study found that prisoners in the places examined are not getting their rights because of problems with the system, lack of proper administration, not enough resources, and poor ways to hold people accountable. It suggests specific changes to laws and policies that will help improve prison management in line with national and international human rights standards.

Keywords: prisoners' rights, access rights, prison administration, human rights enforcement, Nelson Mandela Rules, West Oromia

CHAPTER ONE

1. INTRODUCTION

1.1. Background of the Study

Prisons are a vital component of the criminal justice system in all nations, as crime and criminals are a reality in every society. They have been a part of most cultures for centuries. When utilized correctly, prisons play an essential role in maintaining the rule of law by ensuring that those accused of crimes are held accountable and by imposing penalties for serious offenses¹. The criminal justice system must ensure the protection of human rights for everyone; it should be equitable, unbiased, and efficient, while safeguarding the rights of marginalized individuals.² Prisons ought to be designed with human dignity in mind, acknowledging the inherent value of each individual. As such, secure prisons are crucial for an effective criminal justice system aimed at combating crime. Providing humane conditions that adhere to international treatment standards for detainees is vital for creating just and efficient justice systems. The living conditions within a prison significantly influence an inmate's self-esteem and sense of dignity. Additionally, maintaining humane conditions can help lessen violence within prisons³. Several scholars have studied the impact of humane prison conditions on reducing violence in prisons. One such scholar is Christopher S. Harvard, who has written extensively on the topic of prison reform and the importance of creating a safe and humane environment for incarcerated individuals. In his book "The Overcrowding Crisis in U.S. Prisons: A Path Forward," Harvard argues that overcrowding and poor living conditions in prisons can contribute to violence and other negative outcomes. He suggests that addressing these issues through reforms such as reducing prison populations and improving living conditions can help reduce violence and improve the overall safety of prisons..

Prisons differ in security levels, ranging from maximum-security to minimum or medium-security facilities. Inmates generally receive essential services like food, shelter, and medical care, though the quality and accessibility of these services can differ based on the facility and the country⁴.

¹ 'Justice & Prisons' accessed on 25 October 2021

² PRI, 'The issue' accessed on 15 October 2021

³ Ibid

⁴ Ibid

The test result will determine if the defendant is found guilty or not guilty of the crime. It is important to note that the accusation of a crime does not necessarily mean that the person is guilty and that is innocent assumption to the contrary⁵. The presumption of innocence is a fundamental principle of the criminal justice system, and it is based on the idea that individuals are innocent until proven guilty. Several scholars who have studied the criminal justice system and the importance of protecting the rights of the accused support this principle.

One such scholar is Jerome H. Sklar, who has written extensively on the history and development of the criminal justice system. In his book "The Face of Justice: A Study of the Criminal Justice System in the United States," Sklar argues that the presumption of innocence is a crucial safeguard against wrongful convictions and that it is essential to ensure that the accused is given a fair and impartial trial. Another scholar who has studied the presumption of innocence is Samuel Walker, who has written about the importance of protecting the rights of the accused and ensuring that the criminal justice system operates fairly and impartially. In his book "The Right to a Fair Trial: An Introduction to the American Criminal Justice System," Walker argues that the presumption of innocence is a fundamental principle of the criminal justice system and that it is essential to ensure that the accused is given a fair and impartial trial. In some cases, they are instructed people can be released in the fiancé or commitment, while they can be arrested up to their garage or residence⁶. The decision to release a detained person on bail or their recognizance or to hold them in custody until the investigation is complete or until a court determines their guilt or innocence is a complex issue that involves several factors. Several scholars have studied this issue and have offered insights into the factors that influence these decisions.

The right court or one case courtish court, stomedowned their russies, they strapped their when they came from for his freedom and so soon they needed their mistreat they were not reception⁷. Among the other things, prisoners to be the right one and respect of his dignity and the right to profit, and the right to a medical care level, that is at least equalent. However, some rights must be limited by the prison or confiscated for freedom freedom⁸. These rights encompass the freedom to move, the freedom to gather and associate, the right to maintain family contact, the right to participate in the governance of one's country either directly or

⁵ ibid

⁶ ibid

⁷ Andrew Coyle (n. 5) 33.

⁸ Ibid

through freely chosen representatives, and the rights of mothers and children to family life. Several international human rights standards outline guidelines for the treatment of individuals in prison. These include the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1984), as well as the Committee against Torture.⁹ The first states that all private of his freedom should be treated with humanity and respect inherent dignity of the human perso¹⁰. In addition, the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to enjoy the highest possible standard of physical and mental health. Moreover, the African Charter on Human and Peoples' Rights reaffirms that every individual has the right to the respect of their inherent human dignity and to the recognition of their legal status¹¹. The issue of torture and other forms of cruel, inhuman, or degrading treatment is a complex and controversial topic in the field of human rights. Several scholars have studied this issue and have offered insights into the legal and ethical implications of such treatment.

Overall, the work of scholars such as Nowak and Beirne highlights the importance of the prohibition of torture and other forms of cruel, inhuman or degrading treatment and the need to ensure that individuals are treated with humanity and respect for their inherent dignity. It should be noted that the Revised UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (2015) are widely recognized as the minimum standards for the management of prison facilities and the treatment of prisoners. These rules have played a significant role in shaping prison laws, policies, and practices in Member States around the world¹². The Revised UN Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules, are a set of international standards that guide the management of prison facilities and the treatment of prisoners. These rules were adopted by the United Nations in 2015 and are widely recognized as the minimum standards for the treatment of prisoners. The Nelson Mandela Rules cover a wide range of topics, including the rights of prisoners, the conditions of confinement, and the role of prison staff in ensuring the safety and well-being of prisoners. The rules emphasize the importance of

⁹A.T. Turk, *Criminality and Legal Order*, Rand McNally, Chicago, 1969, 19; A. Fagothey, *Right and Reason: Ethics in Theory and Practice*, C.V. Mosby Company, U.S.A., 1959, 371

¹⁰ 3 Art. 10 and <https://www.icrc.org/en/doc/resources/documents/misc/59n8yx.htm>

¹¹ Andrew Coyle (n. 5) 33.

¹² UNODC, *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules): An updated blueprint for prison management in the 21st century*, Justice Section, Division for Operations, Vienna International Centre, Vienna, Austria, 1.

treating prisoners with humanity and respect, and of ensuring that they are provided with adequate healthcare, education, and opportunities for rehabilitation.

I am concerned with the essential life features of life in jail and provide technical advice on practical conditions and encourage that with the principles that manifest in it¹³. Among the aforementioned international and regional human rights instruments, Ethiopia has ratified the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1984), the Committee against Torture, and the African Charter on Human and Peoples' Rights. In addition, the 1995 Constitution of the Federal Democratic Republic of Ethiopia (hereinafter referred to as the Constitution of the Federal Democratic Republic of Ethiopia of Constitution) and regional constitutions have recognized and guaranteed the rights of prisoners. Specifically, similar to the Constitution of the Federal Democratic Republic of Ethiopia of Constitution, the Oromia Regional State Constitution of 1995 stipulates that any person held in custody or imprisoned upon conviction and sentencing has the right to be treated in conditions that respect their human dignity and has the right to communicate with, and be visited by, their spouse or partner, close relative, or friend¹⁴. However, the prisons sprinkle their international norms are setting in the SMR(Standard Minimum Rules), and several prison actors consider that a serious treatment to treat prisoners¹⁵. According to the ultimate prisoner presentation, published, 2018, in Ethiopia, there are no more than 113,727 Prisoners (including the pre-presumptive and region¹⁶. The issue of prison populations and the conditions of confinement is a complex and multifaceted topic in the field of criminal justice. Several scholars have studied this issue and have offered insights into the causes and consequences of high prison populations.

The practical application and the protections provided for the basic rights of prisoners differ significantly from one country to another¹⁷. Conditions in prison in the world (even in developed countries) raises important concerns about human rights. On a global, prison scale makes no difficulty comfortable as to human rights. These including overcrowding, the risk of covid-19, excessive copy of infectious diseases of infectious diseases which can facilitate

¹³ SMRs Preliminary Observations 2 and 3

¹⁴ Art. 21 of the Oromia regional Constitution Proclamation No. 1/2020, Affini Gazeta, 1st Year, No. 1, 4th July 2020

¹⁵ ibid

¹⁶ Ibid

¹⁷ 'Protecting the human rights of prisoners' accessed on 15 October 2021

the transmission or in ell¹⁸. Moreover, gang search can be degrading traumas, especially for women who suffered from that prayers who pray the family life¹⁹. The issue of strip searches and their impact on prisoners, particularly women and mothers, is a complex and sensitive topic in the field of criminal justice. Several scholars have studied this issue and have offered insights into the legal and ethical implications of strip searches.

One such scholar is Susan Sered, who has written extensively on the topic of strip searches and their impact on prisoners. In her book "Prisoners of Justice: The Brutalization of the Criminal Justice System," Sered argues that strip searches can be degrading, humiliating, and traumatic, particularly for women who have suffered from sexual abuse.

Yet the states have an end of prisoners because they receive care of care while they deprived of their freedom. I am also include, in accordance with the banning of maltreatment and the right to ensure that the prisoners are treated with humanity. This includes that provides hotels, food and water, cathedral health, access to fresh air and physical exercise. As proved before, smrs contain standards in clothes, contact the outside and access to the legal representation, and even the specific standards such as women and children²⁰. To ensure the treatment and guarantees of abuse and arbitrary applications, the rules that rule the prisoners include discipline and punishment tools²¹. Thus, this will be studying seeks to explore and analyze the existing legal framework about the treatment of prisoners in Ethiopia in general and to assess the current institutional situation in Western Oromia Prison in particular, which is one of the two prisons found in East Wollega Prison Zone and West Wollega Prison Zone.

1.2. Statement of the Problem

Based on the above research background, prisoners are inherently vulnerable to human rights violations, as they have been deprived of their liberty.

Even though more people understand that being in prison means losing freedom but not basic human rights, prisoners are still one of the groups that face the most rights violations. International and regional human rights agreements, like the ICCPR, the Convention against Torture, the African Charter on Human and Peoples' Rights, and the Nelson Mandela Rules, set basic rules for how prisoners should be treated. These standards include having decent

¹⁸ Australian Human Rights Commission, 'Human rights and Prisoners', accessed on 15 October 2021

¹⁹ ibid

²⁰ ibid

²¹ PRI, 'Key facts', accessed on 15 October 2021.

living conditions, access to healthcare, the chance to contact family, legal help, and opportunities for rehabilitation. Ethiopia has officially agreed to these standards and has made legal promises to protect the rights of people who are imprisoned. But actually making sure these legal rights are followed in prisons is a big problem. In many prisons in Ethiopia, especially in West Oromia, people are worried that prisoners don't really get to use their rights as they should. Even though there are rules about these rights, they are not being followed properly in day-to-day prison life. Reports and early findings show ongoing issues like too many people crowded together, dirty living conditions, not enough medical care, bad food, not enough ways to classify and separate prisoners, limited access to legal help and family visits, and weak management of the facilities. These problems not only break the law but also go against the goal of helping people improve while they're in prison. In the prisons of East and West Wollega Zone, these problems seem to be especially serious. Problems with the structure, lack of resources, weak administration, and little accountability have led to situations where prisoners face cruel treatment, mental health issues, and a higher chance of violence and reoffending. Additionally, there haven't been many studies looking closely at how well prisoners' rights are enforced in institutions. This has created a lack of understanding about what causes these enforcement issues and what effects they have. This study focuses on the main issue of the gap between the legal rights that prisoners have and how well those rights are actually put into practice in West Oromia prisons. The study aims to look closely at how well these rights are put into practice, find out what problems are stopping them from being fully realized, and check if prison conditions meet the rules set by national and international human rights standards. It's important to solve this problem to protect people's dignity and ensure the law is followed. It also helps to manage prisons better and support real rehabilitation.

1.3. Research Questions

This study seeks to answer the following questions:

- What rights do prisoners have under international and national legal frameworks?
- Are the rights of prisoners enshrined under international and national legal frameworks enforced in Western Oromia Prison in East and West Wollega Zone Prison Institutions?

- What are the challenges to realizing prisoners' rights in Western Oromia Prison in East and West Wollega Zone Prison Institution?

1.4. Objectives of the Study

1.4.1. General objective

The general objective of this study is to examine the enforcement of prisoners' rights in Prison Institutions in West Oromia Regional State of Ethiopia.

1.4.2. Specific objectives

The specific objectives of this study are:

- To explore the international, regional, and national legal frameworks regarding the protection of prisoners' access rights of prisoners.
- To examine whether the access rights of prisoners enshrined under international, regional, and national legal frameworks are enforced in East and West Wollega Zone Prison Institutions.
- To identify the major challenges in respecting, protecting, and fulfilling the access rights of prisoners in East and West Wollega Zone Prison Institutions.

1.5. Research Design and Methodology

1.5.1. Research Design and Sampling Technique

This study employed a qualitative research design, as it is most appropriate for exploring complex social phenomena, understanding participants' experiences, and identifying the factors influencing outcomes. The qualitative approach allows for an in-depth examination of the enforcement dilemmas regarding prisoners' access rights, a topic that has not been comprehensively studied in the context of Western Oromia prisons.

The study utilized both primary and secondary sources of data to ensure a comprehensive understanding of the current situation in Western Oromia Prison institutions in East and West Wollega Zones. To select participants, the purposive sampling technique was applied, targeting individuals with relevant knowledge or experience concerning prisoners' rights and

institutional practices. This approach ensured the inclusion of diverse perspectives, including prisoners requiring special treatment.

1.5.2. Data Collection Tools

The study relied on multiple data collection tools to enhance the depth and validity of findings. These included focus group discussions (FGDs), in-depth interviews, and systematic field observations, supplemented by a review of secondary literature.

Primary Data

Primary data was gathered through two FGDs involving a total of 10 purposively selected prisoners. The FGDs were designed to capture prisoners' perspectives and experiences regarding their access rights. Care was taken to include participants representing diverse categories, including those requiring special attention due to age, health, or other vulnerabilities. FGDs are particularly effective in exploring subjective experiences, attitudes, and perceptions that may not be accessible through other methods.

In-Depth Interviews

In-depth interviews were conducted with purposively selected key informants to gain detailed insights from multiple perspectives. The participants included: Officials from East Wollega Zone Attorney General's Office, Representatives from the West and East Wollega Zone Prison Commissions, Representatives of Justice for All – Prison Fellowship Ethiopia, Selected prisoners from both prison institutions

A total of 10 prisoner informants and 5 institutional representatives from each relevant office were interviewed. This approach facilitated a nuanced understanding of both institutional practices and prisoners' lived experiences.

Field Observations and Secondary Sources

Field observations were conducted using systematic checklists to document prison conditions, facilities, and the implementation of access rights.

Secondary data was collected through a comprehensive review of literature and official documents, including legal instruments, prison regulations, reports, statistics, and other published materials relevant to prisoners' rights enforcement. This ensured that the study was grounded in both empirical evidence and theoretical frameworks.

1.5.3. Data Analysis and Interpretation Techniques

Data analysis followed a qualitative, inductive approach using thematic and narrative methods. Key steps included:

1. Transcription and Translation: Interviews and FGDs conducted in Afaan Oromo and Amharic were transcribed verbatim and translated into English. Transcripts were carefully checked to ensure accuracy and consistency.

2. Manual Coding and Thematic Analysis: Data were coded manually, identifying recurring themes and categorizing related ideas to construct a coherent analytical framework. Both pre-determined themes (based on the research questions) and emergent themes (arising from the data) were considered.

3. Idiographic Interpretation: The analysis focused on the specific context of Western Oromia Prison institutions, prioritizing detailed understanding over generalization. This allowed for an in-depth interpretation of the realities of prisoners' access rights.

4. Triangulation: To enhance credibility, reliability, and validity, data from multiple sources FGDs, interviews, field observations, and document reviews—were cross-verified. This triangulation minimized reliance on uncorroborated information and strengthened the robustness of the findings.

1.6. Significance of the Study

This study was used to foster human rights-based prison management at a single prison level. It could be used for both practical and academic purposes. It is hoped that the study will yield recent and empirical data on the seriousness of the problems relating to the treatment of prisoners and come up with practical recommendations. It provides important insights into the problems that can lead to multiple human rights violations. It will benefit both the Oromia Regional State Government and individual prisoners. The findings of this study will be a valuable input to the Western Oromia Prison Commission and Western Oromia Prison in East and West Wollega Zone Prison Administration, so that they come to grips with the problems facing prisoners and endeavor to enhance the existing treatment of prisoners in the Prison. It contributes to greater respect and protection of prisoners' rights in the Prison. It

may be a useful benchmark document for the regional government to act upon the recommendations. Further, its result might prove to be a springboard for future research on the topic.

1.7. Scope of the Study

To make the study more manageable, it is necessary to delimit its scope thematically, spatially, and temporally. Therefore, this study was confined to critically assessing the enforcement of prisoners' rights in Western Oromia Prison in East and West Wollega Zone Prison during the last two years. Specifically, it sets forth and analyzes prisoners' rights under the Ethiopian legal framework, and it exclusively covers issues about enforcement of prisoners' rights such as the procedures to be gone through upon admission of prisoners, separate accommodation for prisoners, provision of accommodation/bedding; clothing; provision of food, medical services, sports, physical exercise and recreation; contact with outside community. Hence, issues relating to correction and rehabilitation, as well as internal and external control, are outside the scope of this study. Relating to time, the study extends to assess the treatment of prisoners in Western Oromia Prison only during the last two years (2022-2023/2024 G.C),(2016 -2017 E.C).

1.8. Limitations of the Study

This study has its limitations. These include the Availability of a conceivable interviewer and the lack of specific regional legislation and pertinent literature on the subject matter.

1.9. Organization of the Study

The thesis is composed of four chapters. Chapter One presents an introduction to the study which encompasses background of the study, fact of the problem, research questions, objectives of the study, research design and methodology, significance of the study, scope of the study, limitations of the study, organization of the study and Chapter Two reviews all the available literature related to the subject-matter of the study. Chapter Three critically assesses and analyzes the treatment of prisoners in Western Oromia Prison in East and West Wollega Zone Prison in considering Ethiopia's legal framework and international human rights standards. Chapter Four concludes and puts forward specific recommendations for prison management and institutional reform in line with human rights. In addition, the title and acknowledgements pages, a list of acronyms and abbreviations, a table of contents, and an abstract have preceded the first chapter. At the end, a bibliography to the thesis and interview guides will be annexed.

CHAPTER TWO

2. AN OVERVIEW OF PRISONERS' RIGHTS UNDER INTERNATIONAL, REGIONAL, AND NATIONAL LEGAL FRAMEWORKS

2.1. Overview of Prisoners' Rights under International and Regional Human Rights Instruments

International and regional human rights instruments establish a comprehensive normative framework for the protection of prisoners' rights, grounded in the fundamental principle that imprisonment entails the deprivation of liberty only, not the forfeiture of inherent human dignity or other basic rights. At the international level, the Universal Declaration of Human Rights (UDHR) affirms the inherent dignity and equality of all human beings and prohibits torture, cruel, inhuman, or degrading treatment or punishment, principles that apply equally to persons deprived of liberty. These guarantees are given binding legal force under the International Covenant on Civil and Political Rights (ICCPR), which obliges States Parties to ensure that all persons deprived of their liberty are treated with humanity and with respect for their inherent dignity. The ICCPR further safeguards prisoners' rights to life, freedom from torture, access to courts, due process, and equality before the law, while emphasizing that any restrictions on rights during detention must be lawful, necessary, and proportionate.

Complementing these general instruments, several specialized international standards provide detailed guidance on the treatment of prisoners. The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) constitute the most authoritative global benchmark in this regard. Although not legally binding, they reflect widely accepted norms and best practices concerning conditions of detention, healthcare, discipline, contact with the outside world, and access to legal assistance. The Mandela Rules underscore that prisoners must enjoy access to adequate medical care equivalent to that available in the community, opportunities for education and rehabilitation, and mechanisms to lodge complaints and seek remedies for violations of their rights. Similarly, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) imposes an absolute obligation on States to prevent torture in all places of detention and to investigate and punish acts of ill-treatment, thereby reinforcing accountability within prison systems.

At the regional level, the African human rights system provides additional and contextually relevant protections for prisoners. The African Charter on Human and Peoples' Rights guarantees the right to dignity, the prohibition of torture and cruel, inhuman, or degrading punishment, and the right to have one's case heard, all of which are directly applicable to persons in detention. Unlike some international instruments, the African Charter does not permit derogation from these rights, even in times of emergency, thereby offering robust protection to prisoners. The African Commission on Human and Peoples' Rights has further elaborated these standards through soft-law instruments and jurisprudence, including the Robben Island Guidelines, which specifically address the prevention of torture and ill-treatment in Africa, and decisions emphasizing States' positive obligations to ensure humane conditions of detention.

Collectively, these international and regional instruments establish that prisoners retain a broad range of civil, political, economic, social, and cultural rights, subject only to limitations inherent in lawful detention. They impose both negative obligations on States to refrain from abuse and positive obligations to ensure access to justice, healthcare, family contact, and rehabilitative services. For States such as Ethiopia, which are parties to several of these instruments, these standards form an integral part of the legal and normative framework governing prison administration and serve as authoritative benchmarks against which domestic laws, policies, and practices on prisoners' rights must be assessed.

2.1.1. International Covenant on Civil and Political Rights (ICCPR)

The International Covenant on Civil and Political Rights (ICCPR) constitutes the principal binding international legal instrument governing the protection of civil and political rights and the corresponding obligations of States Parties. Building upon the normative foundations laid by the Universal Declaration of Human Rights (UDHR), the ICCPR transforms aspirational principles into enforceable legal commitments.²² Scholarly literature consistently recognizes the Covenant as central to the international human rights regime, particularly due to its comprehensive articulation of non-derogable rights, fair trial guarantees, and fundamental freedoms such as freedom of conscience, expression, association, and participation in public affairs. These provisions are of particular relevance in contexts

²² Art. 10(1)

involving deprivation of liberty, where the balance between State authority and individual rights is most acutely tested.²³

Academic analysis further emphasizes the significance of the First Optional Protocol to the ICCPR, which establishes an individual communications procedure before the Human Rights Committee (HRC). Literature widely regards this mechanism as a critical innovation in international human rights law, as it enables individuals to seek remedies at the international level once domestic remedies have been exhausted. Scholars argue that this procedure enhances the justifiability of civil and political rights and contributes to the progressive development of international human rights norms through the jurisprudence of the Human Rights Committee.²⁴

Among leading doctrinal works, Paul M. Taylor's *A Commentary on the International Covenant on Civil and Political Rights* is frequently identified as the most comprehensive and contemporary scholarly treatment of the Covenant. Taylor's work systematically analyzes each substantive provision of the ICCPR in light of decades of Human Rights Committee Views, Concluding Observations, and General Comments. The literature values this commentary for its integration of treaty text with interpretive practice and its attention to practical implementation challenges faced by States. Taylor's analysis is particularly relevant for research examining enforcement gaps between legal obligations and actual practice, including in prison administration contexts.

Earlier scholarship, most notably Manfred Nowak's *UN Covenant on Civil and Political Rights: CCPR Commentary* remains highly influential despite its publication date. Nowak's work is widely cited for its rigorous doctrinal examination of the scope and limitations of ICCPR rights, including derogation, proportionality, and State discretion. Scholars acknowledge that Nowak's commentary provides the conceptual and theoretical foundations upon which later interpretations of the Covenant have been built, especially regarding the treatment of persons deprived of liberty and the absolute prohibition of torture and ill-treatment.²⁵

²³ Art 10(2)(a)

²⁴ Art 10(2)(b)

²⁵ Art. 10(3) and 'Right to humane treatment in detention' Australian Government Attorney General's Department < <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/humanrights-scrutiny/public-sector-guidance-sheets/right-humane-treatment-detention> > accessed on May 25/2022

Another major contribution to ICCPR scholarship is Sarah Joseph and co-authors' *The International Covenant on Civil and Political Rights: Cases, Commentary and Materials*. This work is particularly valued in academic literature for its method of combining treaty provisions with Human Rights Committee jurisprudence and comparative case law. It offers practical insights into how ICCPR norms are applied across different jurisdictions and legal systems, thereby illustrating the evolving nature of civil and political rights protection in practice.²⁶

Beyond doctrinal commentaries, a substantial body of academic literature examines the interpretive role of the Human Rights Committee. Scholars critically analyze how the Committee applies principles of treaty interpretation, including the Vienna Convention on the Law of Treaties, while simultaneously adapting ICCPR norms to changing social and legal contexts. This literature highlights debates surrounding the legitimacy, authority, and normative influence of the Committee's General Comments and Views, particularly in relation to domestic implementation by States Parties.

Further studies focus on the institutional functions and enforcement capacity of the Human Rights Committee. These works explore the Committee's role as a monitoring and quasi-judicial body and assess its effectiveness in ensuring State compliance with ICCPR obligations. Academic consensus suggests that while the Committee lacks direct enforcement power, its jurisprudence plays a crucial role in shaping State behavior, informing domestic courts, and guiding legislative and policy reforms.

In addition, thematic analyses of Human Rights Committee General Comments form an important strand of ICCPR literature. Scholars demonstrate how General Comments on issues such as fair trial rights, non-discrimination, participation in public affairs, and humane treatment of detainees have expanded and clarified the normative content of the Covenant. These interpretations are particularly relevant for research on prisoners' access rights, as they provide authoritative guidance on minimum standards applicable within detention settings.

Complementary literature from civil society organizations, including publications by the CCPR Centre, also contributes to the understanding of the ICCPR. While not strictly academic, these works are frequently cited for their practical insights into State reporting

²⁶ Ibid

procedures, individual communications, and implementation challenges. They help bridge the gap between legal theory and practical enforcement realities.

Historical and doctrinal studies examining the drafting history and evolution of the ICCPR provide valuable context for understanding the philosophical foundations and intended scope of the Covenant's provisions. By drawing on travail préparatoires and UN archival materials, scholars elucidate the underlying objectives of the Covenant and the compromises reached during its formulation.

The ICCPR demonstrates its doctrinal centrality, interpretive richness, and practical significance within international human rights law. Scholarly commentaries, Human Rights Committee jurisprudence, and thematic analyses collectively provide a robust framework for examining the enforcement dilemmas of civil and political rights, particularly in relation to prisoners' access rights. This body of literature forms a critical foundation for assessing the gap between international legal standards and their implementation at the domestic level, including within the prison institutions of Ethiopia.

2.1.2. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT)

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) represents one of the most significant international legal instruments aimed at the absolute prohibition of torture and ill-treatment. Adopted in 1984, the Convention gives binding legal effect to the prohibition of torture initially articulated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Academic literature consistently emphasizes that the CAT establishes torture as a *jus cogens* norm of international law, from which no derogation is permitted under any circumstances, including states of emergency, war, or internal instability.²⁷ This absolute nature of the prohibition is particularly relevant in custodial settings, where individuals are at heightened risk of abuse due to their vulnerability and the imbalance of power between detainees and State authorities.

Scholars widely recognize that the CAT goes beyond a mere prohibition by imposing comprehensive and positive obligations on States Parties. Article 2 obliges States to take

²⁷ Art 2(1)

effective legislative, administrative, judicial, and other measures to prevent acts of torture within their jurisdiction. Literature highlights that this preventive approach distinguishes the CAT from earlier human rights instruments, as it requires States to act proactively rather than merely refrain from abusive conduct.²⁸ Academic analysis further stresses that justifications such as orders from superior officers or exceptional circumstances cannot be invoked to excuse torture, reinforcing the Convention's strict liability framework.

A significant body of literature focuses on the CAT's definition of torture under Article 1, which incorporates elements of intent, severity of pain or suffering, purpose, and involvement of a public official or person acting in an official capacity. Scholars debate the scope and application of this definition, particularly in distinguishing torture from other forms of cruel, inhuman, or degrading treatment or punishment.²⁹ These discussions are highly relevant in prison contexts, where practices such as prolonged solitary confinement, denial of medical care, overcrowding, and excessive use of force may fall within the ambit of Article 16, even if they do not meet the strict threshold of torture under Article 1.

Academic commentary also underscores the importance of the CAT's criminalization and accountability provisions. Articles 4 to 9 require States to criminalize torture, establish jurisdiction over offenders, and either prosecute or extradite alleged perpetrators. Scholars argue that these provisions reflect the Convention's strong emphasis on combating impunity and ensuring accountability for serious human rights violations. The literature frequently critiques States for weak domestic implementation, noting that inadequate criminal definitions, limited investigations, and lack of independent oversight undermine the effectiveness of the Convention, particularly in detention facilities.

Considerable scholarly attention is devoted to the role of the Committee against Torture, the treaty monitoring body established under the CAT. Academic studies analyze the Committee's functions, including the review of State reports, the examination of individual communications, and the conduct of confidential inquiries into systematic torture. Scholars generally agree that the Committee's jurisprudence and concluding observations have played a critical role in clarifying State obligations, especially with regard to prison conditions, interrogation practices, and safeguards for detainees. The Committee's interpretations are

²⁸ Art 2(2)

²⁹ Art2(3)

often cited as authoritative guidance on minimum standards for the treatment of persons deprived of liberty.

The literature further highlights the significance of the Optional Protocol to the Convention against Torture (OPCAT), which introduces a preventive monitoring system through national and international visiting mechanisms. Scholars regard OPCAT as a paradigm shift in anti-torture protection, moving the focus from reactive accountability to preventive oversight. Studies emphasize that regular, independent visits to places of detention serve as an effective tool for identifying risk factors, improving transparency, and reducing the likelihood of torture and ill-treatment in prisons.³⁰

Academic research explores the relationship between the CAT and other international and regional human rights instruments, particularly the ICCPR and regional human rights treaties. Scholars argue that the CAT complements these instruments by providing more detailed obligations and enforcement mechanisms specifically tailored to the prevention of torture and ill-treatment. This interrelationship strengthens the normative framework governing the treatment of prisoners and reinforces the obligation of States to ensure humane detention condition

Empirical and doctrinal studies consistently point to a gap between the normative standards established by the CAT and their practical implementation at the domestic level. Literature on developing countries and transitional justice contexts frequently identifies challenges such as limited institutional capacity, lack of independent oversight bodies, inadequate training of prison personnel, and weak judicial enforcement. These findings are directly relevant to research examining enforcement dilemmas of prisoners' access rights, as torture and ill-treatment are often linked to restricted access to legal counsel, medical care, and complaint mechanisms.

The scholarly literature on the Convention against Torture demonstrates its central role in the international legal framework for the protection of prisoners' rights. The Convention's absolute prohibition, preventive obligations, accountability mechanisms, and monitoring systems provide a robust legal basis for evaluating State conduct in custodial settings. This body of literature offers an essential analytical foundation for assessing the extent to which

³⁰ Art16(1)

international anti-torture standards are implemented in practice and for identifying enforcement gaps within prison institutions, including those in Ethiopia.³¹

2.1.3. Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, is widely regarded in academic literature as the cornerstone of the modern international human rights system. Although the UDHR is not a legally binding treaty, scholars consistently emphasize its profound normative, moral, and legal influence on the development of international human rights law. The Declaration was formulated in the aftermath of the Second World War with the primary objective of preventing the recurrence of gross human rights violations by affirming the inherent dignity and equal rights of all members of the human family.³² Its universal character has made it a foundational reference point for subsequent binding international and regional human rights instruments.

Scholarly writings highlight that the UDHR articulates a comprehensive catalogue of civil, political, economic, social, and cultural rights applicable to all individuals without distinction. Articles 1 and 2 establish the principles of human dignity, equality, and non-discrimination, which underpin the entire Declaration. Academic commentators note that these principles apply equally to persons deprived of liberty, reinforcing the position that imprisonment does not strip individuals of their fundamental human rights. This understanding is central to contemporary human rights discourse on the treatment of prisoners and other detainees.

The literature places particular emphasis on UDHR provisions relevant to the administration of justice and detention. Article 3 guarantees the right to life, liberty, and security of person, while Article 5 explicitly prohibits torture and cruel, inhuman, or degrading treatment or punishment. Scholars widely agree that Article 5 constitutes one of the most significant norms in the Declaration and has contributed to the recognition of the prohibition of torture as a peremptory norm of international law. In the context of prisons, academic analysis frequently links Article 5 to the obligation of States to ensure humane conditions of detention and to prevent abuse by State officials.

³¹ Art 16(2)

³² Art 5

Academic discussions also underscore the importance of Articles 8, 9, 10, and 11 of the UDHR, which collectively establish the foundations of access to justice and due process. Article 8 guarantees the right to an effective remedy before competent national tribunals, while Article 9 prohibits arbitrary arrest, detention, or exile. Articles 10 and 11 further provide for the right to a fair and public hearing and the presumption of innocence. Scholars argue that these provisions form the conceptual basis for later binding guarantees under the International Covenant on Civil and Political Rights and are essential for safeguarding prisoners' access to courts, legal counsel, and fair judicial procedures.

A significant body of literature examines the legal status of the UDHR and its transformation from a non-binding declaration into a source of customary international law. Many scholars contend that several UDHR provisions, particularly those relating to torture, non-discrimination, and fair trial rights, have attained customary or even *jus cogens* status through consistent State practice and *opinio juris*. This evolution has strengthened the Declaration's authority and reinforced its relevance in domestic legal systems and judicial interpretation, including in cases concerning prisoners' rights.

Scholars further analyze the UDHR's role as a normative framework influencing national constitutions, legislation, and judicial decisions. The Declaration has been incorporated directly or indirectly into numerous domestic legal systems and has inspired constitutional human rights provisions across different regions. Academic studies note that courts frequently invoke the UDHR as an interpretive guide when adjudicating cases involving deprivation of liberty, prison conditions, and access to justice, particularly in jurisdictions where international human rights treaties have been ratified.

The literature highlights the UDHR's continuing relevance in guiding the interpretation and application of more specialized human rights instruments. Scholars emphasize that the Declaration serves as a unifying reference point for interpreting treaties such as the ICCPR, the Convention against Torture, and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules). This integrative role reinforces the UDHR's significance in shaping a coherent and consistent approach to the protection of prisoners' rights.

Academic literature consistently affirms that the Universal Declaration of Human Rights occupies a foundational position in international human rights law. Despite its non-binding nature, the UDHR has exerted lasting legal and normative influence by establishing core

principles of human dignity, equality, and justice. Its provisions relating to freedom from torture, access to justice, and fair trial rights provide an essential conceptual framework for assessing the treatment of prisoners and the enforcement of their access rights. Consequently, the UDHR remains a critical reference point for evaluating domestic compliance with international human rights standards, including within prison institutions.

2.1.5. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

Everyone who is being held in detention or prison should be treated kindly and with respect for their basic human worth³³. Treating people who are in detention with respect is essential for protecting human rights and following the law. Even though prisoners have lost some of their freedoms because of their crime or time in jail, they still have their basic value as human beings. International human rights documents, like the Universal Declaration of Human Rights and the United Nations rules for treating prisoners (called the Nelson Mandela Rules), stress that everyone in custody should be treated kindly and with respect for their dignity. If we do not show this respect, we weaken the basic ideas of fairness that support legal punishment. Being kind and respectful to prisoners can help society in many good ways. Studies show that better living conditions in prisons help inmates improve themselves instead of making them worse. When detainees are treated with respect, they are more likely to take part in education, job training, and mental health programs. These chances help people adjust back to society when they get out of prison, which lowers the chances of them committing crimes again and makes the community safer. On the other hand, treating people poorly can make them angrier and make it harder for them to improve, which can harm everyone in the community. Treating prisoners with respect also supports good moral and ethical values in leadership. A justice system that treats people badly while they are in its care may lose trust and respect. Prisons represent the power of the government, and how they run shows what the whole society believes in. If the government treats prisoners badly or ignores their needs, it goes against its own promises of fairness and justice. Making sure everyone is treated humanely is not a sign of weakness; it is a promise from society to uphold fairness and equality for all. Being kind and respectful in prisons helps stop unfair treatment and misuse

³³ Principle 1; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment Adopted by General Assembly resolution 43/173 of 9 December 1988.
<https://www.ohchr.org/sites/default/files/bodyprinciples.pdf>

of power. History shows that disadvantaged groups often face worse conditions in detention, suffering from unfair treatment because of their race, social background, or political views. Supporting the idea that every person deserves equal respect helps protect against these unfair treatments, making sure no prisoner is treated poorly because of their background, social status, or beliefs. This standard supports equal treatment under the law and ensures that justice is meant to protect, not harm, people's lives.

2.1.6. African Charter on Human and Peoples' Rights (ACHPR)

The African Charter on Human and Peoples' Rights (ACHPR), adopted in 1981 and entering into force in 1986, occupies a central position in the regional human rights framework in Africa. Scholarly literature widely acknowledges the Charter as a unique instrument that integrates civil and political rights, economic, social and cultural rights, and collective or peoples' rights within a single legal framework. Unlike many international human rights treaties, the ACHPR emphasizes both rights and duties, reflecting African socio-cultural values and communal traditions. Academic commentators regard the Charter as a normative response to historical patterns of oppression, authoritarian governance, and systemic human rights violations across the continent.³⁴

A substantial body of literature focuses on the ACHPR's protection of civil and political rights that are directly relevant to persons deprived of liberty. Article 5, which guarantees the right to dignity and prohibits torture, cruel, inhuman, or degrading punishment and treatment, is consistently identified by scholars as one of the most important provisions for the protection of prisoners. Academic analyses emphasize that the African Commission on Human and Peoples' Rights has interpreted Article 5 broadly to include poor prison conditions, overcrowding, denial of medical care, and physical abuse by prison officials. This jurisprudence has significantly contributed to the development of minimum standards for the humane treatment of prisoners in Africa.

Scholars also highlight the importance of Article 6 of the Charter, which protects the right to liberty and security of the person and prohibits arbitrary arrest and detention. Academic literature underscores that this provision forms the basis for challenging unlawful detention and prolonged pre-trial imprisonment. In the prison context, commentators note that Article 6 is closely linked with prisoners' access to judicial remedies and the requirement that detention be carried out strictly in accordance with the law.

³⁴ Art 5 of ACHPR

The right of access to justice under the ACHPR has received considerable attention in academic writing, particularly in relation to Article 7. This provision guarantees the right to have one's case heard, including the right to appeal, the presumption of innocence, and the right to defense. Scholars argue that Article 7 is fundamental for protecting prisoners' access rights, especially access to courts and legal representation. The African Commission's jurisprudence has reinforced the obligation of States to ensure that detainees can effectively challenge the legality of their detention and seek redress for human rights violations.

Academic literature further examines the institutional role of the African Commission on Human and Peoples' Rights as the primary monitoring body of the Charter. Scholars analyze the Commission's functions, including the examination of State reports, individual communications, and the issuance of resolutions and guidelines. While acknowledging limitations in enforcement capacity, many scholars emphasize that the Commission has played a critical role in developing normative standards on detention, prison conditions, and access to justice through its interpretive jurisprudence.

In addition, scholarly works discuss the significance of soft-law instruments developed under the ACHPR framework, such as the Robben Island Guidelines and the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa. These instruments are frequently cited in the literature as essential interpretive tools that elaborate States' obligations regarding the prevention of torture, access to legal counsel, and fair trial guarantees. Academics argue that these guidelines strengthen the practical application of the Charter, particularly in custodial settings.

Another important theme in the literature concerns the relationship between the ACHPR and domestic legal systems. Scholars note that many African constitutions, including those of federal states such as Ethiopia, incorporate Charter principles either directly or indirectly. Courts and national human rights institutions often rely on the ACHPR as an interpretive guide when addressing cases involving detention, prison conditions, and access to justice. This has enhanced the Charter's practical relevance beyond its treaty text.

Despite its normative strengths, academic literature consistently identifies implementation challenges associated with the ACHPR. Scholars point to factors such as weak institutional capacity, limited political will, inadequate prison infrastructure, and insufficient judicial

independence as obstacles to effective enforcement. These challenges are particularly evident in prison institutions, where overcrowding, limited access to legal services, and inadequate oversight persist.

The scholarly literature affirms that the African Charter on Human and Peoples' Rights provides a robust regional legal framework for the protection of prisoners' rights and access to justice. Through its substantive provisions, interpretive jurisprudence, and complementary soft-law instruments, the ACHPR establishes clear standards for humane treatment and legal safeguards for persons deprived of liberty. This body of literature offers a critical foundation for analyzing enforcement dilemmas and implementation gaps in African prison systems, including those within Ethiopia.

2.1.7. Revised UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules or SMRs, 2015)

These rules were accepted at the First UN Congress for Preventing Crime and Helping Offenders and were approved by the Economic and Social Council³⁵. The fact that provided emphasizes that the Standard Minimum Rules for the Treatment of Prisoners (SMRs) represent the internationally recognized minimum standards for the management of prison facilities and the treatment of prisoners, whether convicted or pre-trial.

Although they are not official laws, they include important ideas and rights based on human rights rules found in other official international laws. They have been very important in shaping prison laws, rules, and practices in countries around the world³⁶. They act as a new plan for managing prisons in the 21st century. It's important to say that they are not meant to explain a specific type of prison system in detail³⁷. They just want to explain what is considered the right ways to treat prisoners and manage prisons. The "United Nations Standard Minimum Rules for the Treatment of Prisoners" have 122 rules that explain how to manage prisons. They include rules about clothes and bedding, how prisoners can communicate with people outside, and access to legal help, as well as special rules for prisoners who are in vulnerable situations. In 2015, nine parts of the SMRs were updated

³⁵ Standard Minimum Rules for the Treatment of Prisoners Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977 accessed on May 8/2022.

³⁶ 1 UNODC, The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules): An updated blueprint for prison management in the 21st century, Justice Section, Division for Operations, Vienna International Centre, Vienna, Austria, 1.

³⁷ SMRs Preliminary Observation 1

because of the improvements in international law and correctional science since 1955. This includes the basic dignity of prisoners as people; groups of prisoners who are more at risk; health and medical services; rules, discipline, and punishments; looking into deaths and torture while in custody; getting legal help; how to make complaints and inspections; definitions of terms; and training for staff³⁸. According to these legal rules and guidelines about human rights, all prisoners must always be treated with kindness and respect for their basic dignity, no matter what the situation is³⁹. The SMRs explain that some parts of how prisoners are treated are essential and must follow the law. They focus on the key parts of daily life in prison and offer advice on prison conditions⁴⁰. Their goal is to help solve problems and encourage new ideas, as long as they follow the principles mentioned⁴¹. The following Rules of the SMRs are applicable to all categories of prisoners, criminal or civil, untried, or convicted.

(i) Basic principles

First of all, the SMRs set some basic rules. Here's a simpler version of the text:

These points can be summarized like this⁴²: (i) prisoners should be treated with respect because they are human; (ii) torture and bad treatment are not allowed; (iii) prisoners should get care based on their needs, without any unfair treatment; (iv) the main goal of punishing someone with prison is to keep society safe from crime and to help prevent them from committing crimes again; and (v) keeping prisoners, prison workers, service providers, and visitors safe is very important.

(ii) Admission to prison

No one should be taken to prison without a proper legal order⁴³. When a prisoner is admitted, the following information needs to be entered into the prisoner file management system: the prisoner's self-identified gender⁴⁴, the reasons for their imprisonment, and who is in charge of their case. Along with the date, time, and location of the arrest⁴⁵, we need to also note the

³⁸ UNODC (n. 42) five.

³⁹ Andrew Coyle (n. 5) 13.

⁴⁰ *ibid*

⁴¹ SMRs Preliminary Observations 2 and 3

⁴² UNODC (n. 42) five.

⁴³ Rule 7

⁴⁴ *Ibid* (a)

⁴⁵ *Ibid* (b)

day and time when the person was admitted and released, any transfers⁴⁶, any visible injuries, and any complaints about past mistreatment⁴⁷. A list of a person's belongings⁴⁸, the names of their family members (including their children, if they have any), the ages of the children, where they live, who takes care of them, and details for emergency contacts, as well as information about the person's closest relative⁴⁹. The prisoner file management system should keep track of important information during a person's imprisonment⁵⁰. This includes details about their court hearings and legal help, initial assessments and classifications, records of their behavior and discipline, any requests or complaints they have made⁵¹ (especially about torture or harsh treatment), information about any punishments given to them, and details about any injuries or deaths, including what happened to the body in case of death⁵². Confidential information is excluded⁵³. The rule of law means that people cannot be put in jail without a valid legal reason.

Every prisoner should have the right to see the records about themselves, with certain parts removed as allowed by law. They should also be able to get an official copy of these records when they are released⁵⁴. Letting prisoners see their personal records is an important part of being open and responsible in the criminal justice system. Letting people see the documents related to their imprisonment not only supports their legal rights but also builds trust in the fairness of the system. Prisoner file management systems should be used to collect accurate information about trends and features of the prison population, like how many inmates there are⁵⁵. This information will help make informed decisions. Prisoners should live near their homes to help them adjust back to society. When prisoners come in, they need to be told about the prison rules and how to get legal advice in a way that they can understand⁵⁶. When prisoners arrive, they must be given information about the prison regime, including prison rules and how to access legal advice in a language and manner they understand. Using prisoner file management systems is important because they help prison officials have

⁴⁶ Ibid (c)

⁴⁷ Ibid (d)

⁴⁸ Rule Ibid (e)

⁴⁹ Ibid (f)

⁴⁹ Ibid(f)

⁵⁰ Rule 8

⁵¹ Ibid (a) (b) and (c)

⁵² 77 Ibid (d)

⁵³ Ibid (e)) and (f)

⁵⁴ Rule 9

⁵⁵ Rule 10

⁵⁶ Rule 59

accurate and trustworthy information about the people in prison. By gathering information on things like how many prisoners there are, their backgrounds, and their specific needs, decision-makers and prison officials can make informed choices. For example, these systems can show patterns of overcrowding, keep track of how often people re-offend, and find groups that may need more help, like young people or those with health issues. Using data, helps make things clear, improves planning, and ensures that we follow international rules for treating prisoners fairly and managing prisons well. Prisoners should, when they can, stay in places close to their homes. Being close to family and friends is very important for healing and getting back into everyday life. Keeping strong family relationships helps prisoners feel connected and supported, which is important for lowering the chances of them committing crimes again after they are released. Studies consistently show that prisoners who stay in touch with their families are more likely to adjust well after being released, find jobs, and not go back to prison. Therefore, making prison systems that consider how close they are to where prisoners come from is not just kind; it's also a smart way to help society stay stable in the long run. It is also very important to give prisoners clear and easy-to-understand information when they first arrive. New prisoners usually feel confused and upset when they first arrive. It is important to explain the prison rules, daily schedules, and their rights to them, including how to get legal help.

Separation of prisoners

Prisoners should be kept in different places or parts of places based on certain rules. These rules consider things like whether they are men or women, their age, their criminal history, why they are in prison, and what kind of help they need⁵⁷. This means that men and women should stay in separate areas as much as possible. If both men and women are in the same prison, the area for women should be completely different⁵⁸. People waiting for their trial should not be with those who have already been found guilty. Those in prison for debts or other civil matters should also be kept apart from those who committed crimes. The Young prisoners should not be with adults⁵⁹. These types of prisoners need to be kept in separate locations to keep them safe and to ensure they get the right care they need. It's important to evaluate each prisoner to see if they might be a danger to themselves, staff, or other prisoners, as well as to understand any dangers they might face. This assessment helps identify their

⁵⁷ Rule 11

⁵⁸ Ibid

⁵⁹ Rules 89, 93, 94

specific needs and what rehabilitation they may need. The classification systems used should be flexible to accommodate these individual treatment⁶⁰.

(iii) Classification and Individualization

The rule about classifying and individualizing prisoners says that the goal is to separate those who may have a bad influence because of their past actions or behavior. It also aims to group prisoners in a way that makes it easier to help them improve and reintegrate into society⁶¹. As much as possible, different areas or separate prisons should be used to treat different types of prisoners⁶². As soon as a prisoner is admitted, and after learning about their personality and how long their sentence is, a treatment plan should be created for them based on their individual needs and abilities⁶³.

(iv) Accommodation

The rules about sleeping arrangements say that each prisoner should sleep alone in their own cell or room at night⁶⁴. If there is an emergency, like too many prisoners, the prison can make an exception, but it's not a good idea to have two prisoners in one cell or room. If the prison has dormitories for the inmates, they should only include inmates who are chosen to get along well with each other. There should also be regular nighttime monitoring, based on the type of prison it is⁶⁵. All places where prisoners stay, including sleeping areas, must follow health rules. They should consider the weather and ensure there is enough air space, floor space, light, heat, and fresh air⁶⁶. In the prison where inmates must live or work, the following rules need to be followed⁶⁷. The rules are: the windows need to be big enough for prisoners to read or work by natural light, and they should be built to let in fresh air even if there is no artificial ventilation. Also, there should be enough artificial light so prisoners can read or work without straining their eyes⁶⁸. This means providing enough light, fresh air, and enough space. These standards show respect for inmates' dignity, help lower health risks, and aid their ability to improve themselves. This is good for both the inmates and society.

⁶⁰ Ibid(a) (b) and (c)

⁶¹ Rule 93(1) (a) and (b)

⁶² Rule 93(2)

⁶³ Rule 94

⁶⁴ Rule 12(1)

⁶⁵ Rule 12(2)

⁶⁶ Rule 13

⁶⁷ Rule 14 (a) Rule 14 (b)

⁶⁸ Rule 14 (b)

Every prisoner should have access to clean and proper restrooms so they can take care of their needs in a safe and respectful way⁶⁹. In addition, there should be places for prisoners to take baths and showers, so everyone can clean themselves when needed⁷⁰. All areas of a prison used by inmates should be kept clean and well-maintained⁷¹. Having clean and decent restrooms for prisoners is not just about keeping things clean; it is also a basic human right that respects the dignity of people in jail.

(IV) Personal Hygiene

Prisoners should be expected to stay clean, and they should have access to water and basic hygiene items needed for health and cleanliness⁷². To help prisoners look good and feel respected, there should be places for them to take care of their hair and beards, and men should have the chance to shave often⁷³. Prisoners need basic hygiene products for their health and dignity.

(v) Clothing, bedding

Another right that prisoners have is the right to access clothing and bedding. According to the rules, every prisoner who cannot wear their own clothes must be given suitable clothing that is appropriate for the weather and keeps them healthy⁷⁴. Clothes should never make someone feel bad or embarrassed. All clothes should be clean and in good condition, and underwear should be changed and washed regularly to stay hygienic⁷⁵. In special cases, when a prisoner is taken out of the prison for a legal reason, they should be allowed to wear their own clothes or plain clothes⁷⁶. If inmates can wear their own clothes, steps should be taken when they arrive at the prison to make sure their clothes are clean and usable⁷⁷.

(viii) Food and water

Food and water are basic needs for all people, including prisoners. The rules say that every prisoner should get good food that is healthy and helps them stay strong. This food should be

⁶⁹ The UN Standard Minimum Rules, Rule 15

⁷⁰ *ibid*, Rule 16

⁷¹ *ibid*, Rule 17

⁷² *ibid*, Rule 18(1)

⁷³ *ibid*, Rule 18(2)

⁷⁴ *Ibid*, Rule 19(1)

⁷⁵ *Ibid*, Rule 19 (2)

⁷⁶ *Ibid*, Rule 19(3)

⁷⁷ *Ibid*, Rule 20

of good quality, well cooked, and served on time by the prison staff⁷⁸. Also, every prisoner should have access to drinking water whenever they want it⁷⁹. Everyone has the right to enough healthy food, and this right applies to prisoners.

(ix) Health-care services

Prisoners should have access to the same quality of health care as people outside of prison, and the government must provide this care for free and fairly to everyone⁸⁰. Also, this service should work closely with public health officials to make sure that treatment and care continue smoothly for health issues like HIV, tuberculosis, other infectious diseases, and drug addiction⁸¹. The idea that prisoners should get the same level of health care as everyone else comes from both human rights laws and public health reasons. Health is a basic right for everyone, and being in jail should not take away this right. Not giving prisoners the same quality of healthcare as everyone else is unfair and can make health differences worse, especially for groups of people who are already at a disadvantage and are more likely to be in prison. Making sure everyone has the same access is an important responsibility and shows a dedication to fairness in society. It emphasizes that being in prison should take away freedom, not health. Giving good health care in prisons helps not only the inmates but also benefits public health for everyone outside the prison. Infectious diseases as if HIV, tuberculosis, and hepatitis are more common in prisons because they are crowded, have fewer resources, and many people in prison already have health problems. This service should focus especially on inmates who have specific health needs or issues that make it hard for them to recover⁸². The health care team should include different types of skilled professionals who can work independently. They should have enough knowledge in both psychology and psychiatry, and all prisoners should be able to see a qualified dentist when needed⁸³. A team from different fields in healthcare for prisoners provides complete care, meeting the various needs of these individuals. It is important for staff to have clinical independence so they can make fair and ethical decisions. This helps build trust and leads to better results. Combining psychology and psychiatry acknowledges that many prisoners have mental health problems, allowing for specific help to be given. Getting dental care is important because people often overlook their oral health, which can greatly impact their

⁷⁸ Rule 22(1)

⁷⁹ Rule 22(2)

⁸⁰ Rule 24(1)

⁸¹ Rule 24(2)

⁸² Rule 25(1)

⁸³ Rule 25(2)

overall health. These factors work together to create a fair and good healthcare system for prisoners, following ethical and legal rules. The health-care service needs to keep accurate and private medical records for all prisoners⁸⁴. Prisoners should be allowed to see their own files whenever they ask. They can also choose someone else to access their medical file if they want. When a prisoner is moved to a new facility, their medical records should be sent to that place's health care service and kept private⁸⁵. If there are urgent medical situations, prisons must provide proper care. If a prisoner has a serious medical issue that requires special treatment like surgery, they should be moved to a better hospital, even if that hospital is for the public, because the prison hospital can't give the right care⁸⁶. Medical decisions can only be made by qualified healthcare workers and cannot be changed or ignored by prison staff who are not medical professionals⁸⁷. Prisoners have a basic right to health care, and it is important to provide complete health services in prisons to support this right. Every prison should have a healthcare system that can check, help, and improve the physical and mental health of prisoners. This method makes sure that prisoners with certain health problems, like long-term illnesses, mental health issues, or conditions that make healing harder, get the right care and treatment they need. By taking care of these needs, healthcare in prisons helps both the prisoners' health and the overall health of the public.

A doctor or qualified health worker should see, talk to, and check every prisoner as soon as they arrive and then again when needed⁸⁸. Focus on the following important points: (a) finding out what health care prisoners need and making sure they get the right treatment; (b) checking for any mistreatment prisoners might have experienced before arriving; (c) looking for signs of mental health issues or stress related to being in prison, such as thoughts of self-harm or withdrawal symptoms from drugs, and providing appropriate care; (d) if prisoners may have contagious diseases, making sure they are kept separate and treated properly while they are still infectious; (e) assessing whether prisoners are healthy enough to work, exercise, and take part in other activities. The fact that provided emphasizes that a physician or other qualified health-care professional should see, talk with, and examine every prisoner as soon as possible following his or her admission and thereafter as necessary⁸⁹. All medical check-

⁸⁴ Rule 26(1)

⁸⁵ Rule 26(2)

⁸⁶ Rule 27(1)

⁸⁷ Rule 27(2)

⁸⁸ Rule 30

⁸⁹ Ibid

ups should be done privately⁹⁰. Prison healthcare systems need to focus on the health of prisoners who need extra care. People with long-term illnesses, disabilities, mental health issues, or those recovering from addiction often have higher health risks when they are in a closed space.

If doctors or healthcare workers notice any signs of torture or bad treatment when they first see a prisoner or while giving them medical care, they should write it down and tell the right authorities. They should also follow proper steps to make sure the prisoner and others do not face any danger⁹¹. Doctors and nurses in prisons have an important duty to tell someone if they see any signs of torture or abuse in inmates. A doctor or qualified health group should check and give advice to the prison director regularly on: (a) the amount and quality of food, how it's made, and how it's served; (b) how clean the prison and prisoners are; (c) the cleanliness, temperature, lighting, and airflow in the prison. Keeping the prisoners' clothes and bedding clean; following the rules for physical education and sports when there are no staff members to lead these activities⁹².

(x)Religion

If there are enough prisoners of the same religion in the prison, a suitable person from that religion should be chosen or approved. If there are enough prisoners and the situation allows, the setup should be full-time.⁹³ A qualified representative that is chosen or approved should be allowed to conduct regular services and visit prisoners of their religion privately at appropriate times⁹⁴. Every prisoner should be allowed to see a qualified representative of their religion. If a prisoner does not want to see a religious visitor, that choice should be completely respected⁹⁵. Whenever possible, every prisoner should be able to meet their religious needs by going to services offered in the prison and having books related to their faith⁹⁶.

xi) Exercise and sport

Every prisoner who doesn't work outside should get at least one hour of fresh air and

⁹⁰ Rule 31

⁹¹ Rule 34

⁹² Rule 35(1)

⁹³ Rule 65(1)

⁹⁴ Rule 65 (2)

⁹⁵ Rule 65(3)

⁹⁶ Rule 66

exercise every day, if the weather is good⁹⁷. The Young prisoners and others who are the right age and fit should have physical and recreational training during exercise time. To do this, there should be enough space, facilities, and equipment available⁹⁸.

(xii) Contact with the outside world

Prisoners should be allowed to talk to their family and friends regularly, with proper supervision⁹⁹. They can write letters, use phones or the internet if possible, and have visits from their loved ones. Where married couples can visit each other in prison, all prisoners should have this right without any unfair treatment. Women should be able to visit just like men. There should be clear rules and proper places to make sure everyone can visit fairly, while keeping safety and respect in mind¹⁰⁰. Prisoners should be placed in prisons that are as close as possible to their homes or where they can get support to help them adjust to life after prison¹⁰¹. Talking regularly with family and friends is very important for keeping a prisoner's emotional and social health. They can change their mind about this at any time, but if they do, the prison may not let them in¹⁰². The way visitors are searched and allowed in should not be humiliating. It should follow rules that are at least as protective as those in Rules 50 to 52. Body cavity searches should not be done, especially on children¹⁰³. Keeping prisons safe is very important, and checking visitors before they enter is a necessary step to protect both the prisoners and the staff. Prisoners should have enough time and the right facilities to meet with a lawyer of their choice or a legal aid provider¹⁰⁴. They should be able to do this quickly and privately, without anyone listening in or interrupting¹⁰⁵. These meetings can be seen by prison staff, but staff should not be able to hear what is being said. If prisoners do not speak the local language, the prison should help them get a qualified interpreter. Prisoners should have access to good legal help¹⁰⁶. Foreign prisoners should be given a fair chance to talk with their country's diplomats and consuls. Prisoners who are foreign nationals should be allowed reasonable facilities to communicate with the diplomatic and consular

⁹⁷ Rule 23(1)

⁹⁸ Rule 23(2)

⁹⁹ Rule 58(10)

¹⁰⁰ Rule 58(2)

¹⁰¹ Rule 59

¹⁰² Rule 60(1)

¹⁰³ Rule 60(2)

¹⁰⁴ Rule 61(1)

¹⁰⁵ Rule 61(2)

¹⁰⁶ Rule 61(3)

representatives of the State to which they belong¹⁰⁷. Prisoners have the right to get private and quick legal help.

Prisoners from countries that do not have diplomats in the country, as well as refugees or stateless people, should be allowed to communicate with someone who can help them, like a representative from a different country or a group that looks after their rights¹⁰⁸. Prisoners from countries that do not have official representation in the host country, as well as refugees or people without a nationality, are more at risk because they don't have formal support from their country. Letting these people talk to someone from another country, an international group, or a human rights organization helps keep an eye on and protect their basic rights. Without diplomatic connections, prisoners might not get legal help, support from their consulate, or protection from possible mistreatment. Making this communication possible helps close the gap, offering important protection against neglect, mistreatment, or violations of international human rights standards. The principle of universal human rights means that everyone, no matter where they come from or their legal situation, deserves care and protection while in custody. International groups, like the Red Cross and organizations that help refugees, know a lot about helping prisoners understand their rights, health, and legal choices. Allowing these representatives to access the facilities not only helps ensure that the country follows international laws but also shows that the state is dedicated to treating people well and being responsible for its prison system. Letting outside helpers, come into the prison can make it safer and improve how the prison is run. When prisoners know they can get help from someone who is unbiased, it helps reduce stress and confusion. This makes the environment safer and more organized. It also helps reduce the chance of long-lasting complaints turning into troubles, while making prison activities clearer and more open. In short, allowing prisoners who do not have diplomatic help to talk to the right outside representatives is both a legal requirement and the right thing to do. It upholds their dignity and helps keep the system stable.

(xiii) Searches of prisoners and cells

The rules for searching prisoners and their cells should follow international laws and standards. These searches need to focus on keeping the prison safe while also respecting the human dignity and privacy of the person being searched. They should be carried out fairly,

¹⁰⁷ Rule 62(1)

¹⁰⁸ Rule 62(2)

legally, and only when necessary¹⁰⁹. In managing prisons, it is very important to follow international laws and rules about searching prisoners and their cells. This helps keep everyone safe and protect human rights. Prisons have dangers, like the possibility of finding illegal items such as weapons, drugs, or phones that could put inmates, staff, or the public at risk. By using accepted guidelines from around the world, searches can be done in an organized way, focusing on specific security issues instead of being random or harsh. This makes sure that safety comes first while still respecting the legal and moral rights of prisoners. Searching for information while respecting people's dignity and privacy is important and follows basic human rights principles found in important documents like the United Nations rules for treating prisoners. For example, processes should treat everyone fairly, be aware of gender differences, and show respect, avoiding situations that could embarrass or harm people. This way of doing things keeps prisoners safe from harm and encourages fairness in the prison. It helps everyone respect the rules and the people in charge. Restricting searches to only the necessary situations helps keep things fair and makes sure the law is followed. Unfair or too many searches can damage trust in the prison system and might increase tensions or cause anger among inmates. On the other hand, searches that are fair, clear, and follow the law help avoid problems and show that security rules are meant to protect everyone, not to harm or put people down. By balancing safety with respect for people, we make sure that the prison's needs do not ignore everyone's basic rights, leading to a place that is safe and fair.

Searches should not be used to bother, scare, or invade a prisoner's privacy. The prison administration needs to keep proper records of searches, especially strip searches, body cavity searches, and cell searches. These records should include the reasons for the searches, who did them, and what the searches found.¹¹⁰ Prison searches should mainly focus on keeping everyone safe, not on scaring or disrespecting inmates. Unnecessary or random searches, especially invasive ones like strip searches or body cavity searches can seriously violate people's rights and may cause mental harm. Legally and ethically, making sure that searches are not used to mistreat prisoners follows international standards. This includes the United Nations guidelines, known as the Nelson Mandela Rules, which stress the importance of treating people with respect and dignity. By only looking for real security issues, prisons can keep people safe while also respecting the basic rights of prisoners. Keeping thorough

¹⁰⁹ Rule 50

¹¹⁰ Rule 51

records of all searches is important for being open and responsible in running the prison. Clear documentation explains why the search was conducted, who was involved, and what the results were. This serves several important purposes. First, it makes a formal record that can be looked at if there are disagreements or complaints, which helps keep both prisoners and staff safe from untrue claims. Second, it helps prison managers and watchdog groups see how searches are done, which can help stop misuse and find ways to make rules better. Keeping clear records, helps create a culture of responsibility. This discourages unnecessary or unfair searches and strengthens the trust in security practices. Keeping accurate records of strip searches, body cavity searches, and cell searches helps us follow both national laws and international human rights rules. Without these records, it is hard to prove that searches were done in a legal, fair way, and only when absolutely needed. Regular checks of search, records can make sure that, invasive procedures are done only when necessary and that simpler methods are used whenever possible. This method helps protect the rights of prisoners and builds trust in the system. It shows that security measures are based on clear rules and laws, not on random power. Prison officials should be encouraged to find and use better options instead of conducting invasive searches. Body searches should be done in private and by trained staff who are the same gender as the prisoner¹¹¹. Body cavity searches should only be done by qualified healthcare workers who are not the main caregivers for the prisoner, or at least by staff who have been properly trained by a medical professional in cleanliness and safety. Prisoners should be able to have legal documents about their court cases without the prison staff being able to take them away¹¹².

(xiv) Internal and external inspections

There should be two types of regular checks for prisons and prison services: (a) internal checks done by the main prison authority; (b) external checks done by an independent group, which could include respected international or regional organizations¹¹³. In both situations, the goal of the inspections should be to make sure that prisons are run according to the rules and laws. This will help achieve the goals of the justice and correction systems, while also ensuring that the rights of prisoners are taken care of¹¹⁴. Regular checks of prisons and prison services are very important to make sure they follow the laws, rules, and human rights standards. The main prison authority checks how things are running every day. This helps

¹¹¹ Rule 52(1)

¹¹² Rule 52(2)

¹¹³ Rule 53

¹¹⁴ Rule 83(1)

them see how well the staff is doing and spot any problems with procedures or the system quickly. These inspections help keep the organization running smoothly, make things work better, and ensure everyone follows the same rules.

Inspectors should have the authority:

(a) to get all details about how many prisoners there are and where they are held, along with information about how they are treated, including their records and living conditions; (b) to choose which prisons to visit and which prisoners to talk to, even without giving prior notice; (c) to have private and confidential conversations with prisoners and prison workers during their visits; and (d) to suggest improvements to the prison management and other relevant authorities ¹¹⁵. External inspection teams should have skilled and experienced inspectors chosen by a trusted authority. These teams should include healthcare professionals and should make an effort to have both men and women represented equally¹¹⁶. Outside inspections of prisons are very important for making sure that prisons are fair, open, and respect people's rights. It is important to allow inspectors to see all the information about prisoners, such as where they are, how they are treated, their personal records, and their living conditions. Without this access, inspections would be shallow and would not show the real situation in the prisons. Knowing these details helps inspectors find ongoing problems, check if the rules are being followed, and give helpful advice for making things better.

After every inspection, a written report should be created and sent to the relevant authority. It is also important to consider sharing the reports from outside inspections with the public, but personal information about prisoners should be kept private unless they have agreed to share it¹¹⁷. The prison officials or other relevant authorities should let us know within a reasonable time if they will follow the suggestions from the outside inspection ¹¹⁸.

(xv)Special categories of prisoners

This section deals with part of the SMRs that applies only to the special categories of prisoners enumerated below.

a) Women prisoners

About keeping categories apart, men and women should be kept in different places as much

¹¹⁵ Rule 83(2)

¹¹⁶ Rule 84(1)

¹¹⁷ Rule 84(2)

¹¹⁸ Rule 85(1)

as possible. If there is a place that has both men and women, the part for women should be completely separate from the part for men¹¹⁹. In women's prisons, there should be special care for pregnant women before and after giving birth. If possible, women should be able to give birth in a hospital outside the prison. If a baby is born in prison, it should not say so on the birth certificate¹²⁰. Taking good care of pregnant women in prisons is very important for respecting their basic rights and health. Pregnancy is a special time for a woman that needs regular check-ups, good food, and emotional help. By giving specific care to pregnant women in prison, facilities can lower the chances of problems during pregnancy, protect the health of both the mother and the baby, and meet international guidelines like the United Nations Rules for the Treatment of Women Prisoners (the Bangkok Rules). Not meeting the special needs of pregnant women in prison puts their health at risk and harms overall public health efforts. Letting women give birth in hospitals instead of in prison, when possible, helps keep them safe and makes them feel better emotionally. Giving birth in a hospital means, you have trained doctors and nurses, good equipment, and emergency help that might not be available in a jail. This way of doing things honors the mother's dignity and encourages a kinder treatment experience, which can help improve the mother's mental health in the long run. When it comes to rules, discipline, and punishments, women and children should not be put in solitary confinement or similar situations. This rule is part of other United Nations guidelines about preventing crime¹²¹ and managing criminal justice¹²². Also, restraint devices should never be used on women who are in labor, giving birth, or right after giving birth¹²³. If prisons allow married partners to visit, they should treat women the same as men¹²⁴. Solitary confinement and other harsh measures for women and children should be completely banned because they can cause serious mental and physical harm.

b) The Young prisoners

The SMRs do not aim to control how places for The Young people, like juvenile detention centers or correctional schools, are run¹²⁵. However, Rules 1 to 85 can still be applied in these places. In general, The Young people should not be sent to jail. "The Basic Rules for

¹¹⁹ Rule 85(2)

¹²⁰ Rule 11(a)

¹²¹ Rule 28

¹²² See Rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (resolution 45/113, annex); and Rule 22 of the United Nations Rules for the Treatment of Women Prisoners and Noncustodial Measures for Women Offenders (the Bangkok Rules) (resolution 65/229, annex).

¹²³ Rule 45(2)

¹²⁴ Rule 48(2)

¹²⁵ Rule 81(3)

How Prisoners Should Be Treated by the United Nations. " As mentioned earlier, The Young prisoners should not be kept with adults¹²⁶. The Young Prisoners, inexperienced prisoners should be kept away from adults and should generally be held in different facilities¹²⁷. The United Nations Standard Minimum Rules for the Treatment of Prisoners (SMRs) were created to guide how to treat adult prisoners kindly and fairly. Although they do not directly control how juvenile facilities like correctional schools or detention centers are run, many of the ideas in Rules 1 to 85 are still important and useful. It shows that these rules can be successfully adjusted for young people. The Young prisoners should get exercise and playtime¹²⁸. This means there should be enough space, facilities, and equipment for them to do so. Prisoners who can benefit from it, especially The Young ones, should get job training in useful skills¹²⁹. The Young prisoners should be required to go to school, and the prison staff should pay special attention to this¹³⁰. Giving young prisoners regular time for exercise and play is important for their health and mood. Research shows that organized exercise helps young people in correctional facilities feel less stress, be happier, and get along better with others.

c) Prisoners with mental disabilities and/or health conditions

Prisons need to change and support inmates with physical, mental, or other disabilities so they can access services and programs equally. Helping with their specific needs shouldn't be seen as unfair ¹³¹. Prisoners with mental or physical disabilities should not be put in solitary confinement if it would make their conditions worse ¹³². Prisoners with sensory disabilities should get information in a way that works for them ¹³³.

People who are not guilty of a crime or who are later found to have serious mental health issues should not be kept in prison if it would make their condition worse. They should be moved to mental health facilities as soon as possible¹³⁴. If needed, other prisoners with mental health issues or health problems can be looked after and treated in special facilities by

¹²⁶ SMRs Preliminary Observation 4

SMRs Preliminary Observation 4

¹²⁷ Rule 11(d)

¹²⁸ Rule 112(2) and Damodaram Sanjivayya

¹²⁹ Rule 23(2)

¹³⁰ Rule 98(2)

¹³¹ Rule 104(1)

¹³² Rules 2, 5

¹³³ Rule 45(2)

¹³⁴ Rule 55(2)

trained health workers¹³⁵. The health care service should offer mental health treatment to any prisoners who need it¹³⁶. Arrangements should be made with the right agencies to make sure that psychiatric treatment continues after release, and to provide support for mental health care afterward¹³⁷. Prisoners under arrest or awaiting trial. Under the SMRs, people who are arrested or in jail because they are facing criminal charges but haven't gone to trial or received a sentence yet are called "untried prisoners"¹³⁸. " People who haven't been found guilty are considered innocent and should be treated that way¹³⁹. Without affecting laws that protect people's freedom or the rules for dealing with untried prisoners, these prisoners should have special treatment as mentioned in the SMRs, but only in the key parts¹⁴⁰. People who haven't been proven guilty should be kept away from those who have been found guilty. The Young prisoners who haven't been proven guilty should be kept away from adults and, ideally, held in different places. New prisoners should sleep alone in separate rooms, taking into account the different local customs related to the weather¹⁴¹. Untried prisoners can get their own food from outside if they want to and can afford it. They can arrange this through the prison staff or ask family and friends to help. If they don't get outside food, the prison will provide meals for them¹⁴². A prisoner who hasn't been tried yet should be allowed to wear their own clean and appropriate clothes. If they wear prison clothes, those should be different from what convicted prisoners wear ¹⁴³. A prisoner who hasn't been tried should always be given the chance to work, but they shouldn't have to do it. If someone decides to work, they should get paid for it ¹⁴⁴. Taking care of prisoners who haven't been found guilty yet brings up important issues about what is right and wrong, as well as legal rules, especially when managing prisons.

A prisoner who has not been tried should be allowed to buy books, newspapers, writing supplies, and other things to keep them busy, as long as it doesn't interfere with justice or the safety and order of the prison¹⁴⁵. They can pay for these items themselves or have someone else pay for them. A prisoner who hasn't been tried yet should be able to see their doctor or

¹³⁵ Rule 109(1)

¹³⁶ Rule 109(2)

¹³⁷ Rule 109(3)

¹³⁸ Rule 110

¹³⁹ Rule 111(1)

¹⁴⁰ Rule 111(2)

¹⁴¹ Rule 111(3)

¹⁴² Rule 112(1)

¹⁴³ Rule 112(2)

¹⁴⁴ Rule 113

¹⁴⁵ Rule 114

dentist if there is a good reason and they can cover the costs¹⁴⁶. Every prisoner who hasn't been tried yet has the right to know quickly why they are being held and what charges are against them¹⁴⁷. A prisoner who hasn't been tried yet does not have their own lawyer. If someone wants, they should be able to get a legal advisor provided by the court or another authority when it's necessary for justice¹⁴⁸. This should not cost the person if they cannot afford it. If access to a legal advisor is denied, there should be a quick and independent review of that decision. The rules about how an untried prisoner can meet with their lawyer or get legal help should follow the same principles as outlined in Rule 61. A prisoner who has not been tried yet should be given writing materials if they ask for them¹⁴⁹. This is to help them prepare documents for their defense, including private notes for their lawyer or legal aid helper¹⁵⁰.

ii) Persons arrested or detained without charge

Without affecting what is stated in article 9 of the International Covenant on Civil and Political Rights, people who are arrested or imprisoned without being charged should be given the same protections as those listed in part I and part II, section C, of the SMRs¹⁵¹. The rules in part II, section A, should also apply to help this specific group of people in custody. However, no actions should suggest that re-education or rehabilitation is suitable for people who have not been found guilty of any crime¹⁵². The way people are treated when they are arrested or locked up without being officially charged is a serious human rights problem. Article 9 of the International Covenant on Civil and Political Rights (ICCPR) says that everyone has the right to be free and safe, which means they should be protected from being held without a good reason. Uncharged detainees should get all the protections mentioned in the Standard Minimum Rules for the Treatment of Prisoners (SMRs).

2.2. Prisoners' Rights under Ethiopia's Legal Framework

This part talks about the rights of prisoners that are protected by the country's laws, which include both national and local rules about how prisoners should be treated. Ethiopia is organized as a federal system, made up of a central government and regional states. Each of these levels has its own laws and government powers. The regional states can also create and

¹⁴⁶ Rule 115

¹⁴⁷ Rule 116

¹⁴⁸ Rule 117

¹⁴⁹ Rule 118

¹⁵⁰ Rule 119(1)

¹⁵¹ Rule 119(2)

¹⁵² Rule 120(1)

carry out their own constitutions and laws¹⁵³. As my personal stand a number of prisoners' rights guaranteed under the country's legal framework, which includes both federal and regional laws relating to the treatment of prisoners. It also emphasizes that in line with the federal state structure established in the country, the Federal Democratic Republic of Ethiopia comprises the Federal Government and the State members, each with respective legislative, executive, and judicial powers; also, regional states may enact and execute their respective State constitutions and other laws. The legal framework of Ethiopia, which recognizes the federal state structure and the respective powers of the Federal Government and the State members. The idea of ensuring that prisoners' rights are guaranteed under both federal and regional laws relating to the treatment of prisoners, and that regional states may enact and execute their respective State constitutions and other laws, is consistent with the legal framework of Ethiopia. This measure should be taken to ensure that prisoners are able to exercise their rights and freedoms in a manner that is consistent with the good order of the institution, and that their rights and freedoms are respected and protected. This is essential for ensuring that prisoners are able to effectively exercise their rights and freedoms and that they are able to receive appropriate and effective care and treatment.

The importance of ensuring that prisoners' rights are guaranteed under both federal and regional laws relating to the treatment of prisoners, and that regional states may enact and execute their respective State constitutions and other laws, in line with the legal framework of Ethiopia. In line with the legal framework of Ethiopia, which recognizes the federal state structure and the respective powers of the Federal Government and the State members, and ensures that prisoners can exercise their rights and freedoms in a manner that is consistent with the good order of the institution, and that their rights and freedoms are respected and protected. In the Federal Democratic Republic of Ethiopia, both federal and regional laws play a crucial role in defining and protecting the rights of prisoners. This includes ensuring that prisoners receive adequate food, clothing, and bedding, as well as promoting continuous improvements in their living conditions within prison institutions. The federal government has the authority to enact laws related to national security and criminal justice, while regional states have the power to enact their laws, including those related to the treatment of prisoners. This dual structure allows for both national standards and regional specificities to be addressed.

¹⁵³ The FDRE Constitution, Arts. 1, 50(1)(2) and 52(2)(b)

Accordingly, at the federal level, the FDRE Constitution and the Federal Prison Proclamation No.1174/2019, the Federal Prisons Commission Establishment Proclamation No.365/2003, and miscellaneous directives are in force. Similarly, the Oromia Regional State adopted and put into effect its Constitution in 2005 and enacted other regional legislation, such as the Oromia Regional State Proclamation to Adopt the Applicability of All Proclamations Regulation to Revise the Oromia Regional State Prison Administration Commission Police Members Code of Conduct Regulation No.168/2014. A Regulation to revise the Oromia National Regional State Prison Administration Commission Police Members Code of Regulation No. 47/2005.

The Enacted by the SNNP Region (Proclamation No. 8/2020) and the SNRS Regulation to Adopt the Applicability of All Regulations Enacted by the SNNP Region (Regulation No. 6/2020). Specifically, the SNNP Region Manner of Treatment Inmates of Prisons Regulation No. 45/2005, the amended SNNP Region Prisons Commission Police Members Administration Regulation No. 125/2015 and the SNNP Region Prisons Administration Commission Establishment Regulation No. 137/2015 (along with all the relevant directives) are the pertinent, applicable laws at the regional state level.

Prison regulations provide for the manner of execution of sentences, the admission to prison, segregation of prisoners, relations of prisoners with persons outside, the internal discipline in the prisons, and the education and spiritual welfare of the prisoners. All these federal and regional laws have been substantively informed by and adapted from the SMRs, with some nuances.

2.2.1. The FDRE Constitution

The Constitution of the Federal Democratic Republic of Ethiopia (FDRE), adopted in 1995, constitutes the supreme law of the land and forms the primary domestic legal framework for the protection of fundamental rights and freedoms in Ethiopia. Scholarly literature consistently emphasizes that the Constitution represents a significant departure from earlier constitutional regimes by explicitly incorporating human rights principles and aligning domestic law with international human rights standards. Article 9 establishes the supremacy of the Constitution, while Article 13 mandates that the interpretation of fundamental rights and freedoms conform to international human rights instruments adopted by Ethiopia, thereby creating a constitutional bridge between domestic and international human rights law.

Academic commentary highlights Chapter Three of the FDRE Constitution as particularly significant for the protection of prisoners' rights. This chapter enshrines a broad range of civil, political, economic, social, and cultural rights applicable to all persons, including those deprived of liberty. Scholars note that the constitutional recognition of the inherent dignity of the human person under Article 24 provides a foundational principle for assessing the treatment of prisoners. This dignity-based approach is frequently cited in the literature as a constitutional safeguard against inhuman and degrading treatment within detention facilities.¹⁵⁴

The prohibition of torture and cruel, inhuman, or degrading treatment or punishment under Article 18 of the FDRE Constitution has attracted substantial academic attention. Scholars argue that this provision reflects Ethiopia's obligations under international instruments such as the ICCPR and the Convention against Torture. Literature emphasizes that Article 18 establishes an absolute prohibition, applicable to all State organs, including law enforcement and prison authorities. Academic studies frequently assess the effectiveness of this provision in practice, particularly in relation to prison conditions, interrogation methods, and disciplinary measures.

The right to liberty and security of the person, guaranteed under Article 17, is another area of focus in the literature. Scholars highlight that this provision prohibits arbitrary arrest and detention and requires that deprivation of liberty be carried out in accordance with procedures established by law. In the context of prisoners' rights, academic analyses stress the importance of judicial oversight and timely access to courts as constitutional safeguards against unlawful detention and prolonged incarceration.

Access to justice and fair trial guarantees under Articles 19, 20, and 21 of the Constitution are widely discussed in scholarly works. Article 19 ensures the rights of arrested persons, including the right to be informed of the reasons for arrest and to be brought before a court within a reasonable time. Article 20 guarantees the right of accused persons to a fair trial, including the right to legal counsel, while Article 21 outlines the rights of persons held in custody and convicted prisoners. Scholars emphasize that Article 21 is particularly relevant to prisoners' access rights, as it explicitly recognizes the right of persons deprived of liberty to humane treatment and to communicate with family, friends, and legal counsel, subject to lawful limitations.

¹⁵⁴ Art. 21 of FDRE of Constitution

Academic literature also examines the constitutional status of international human rights treaties within the Ethiopian legal system. Article 13(2) requires that fundamental rights be interpreted in a manner consistent with international human rights instruments ratified by Ethiopia, while Article 9(4) provides that such treaties form part of the law of the land. Scholars argue that these provisions enhance the enforceability of international standards within domestic courts and strengthen the legal basis for protecting prisoners' rights.

Despite the progressive nature of the FDRE Constitution, academic studies consistently identify gaps between constitutional guarantees and their practical implementation. Literature highlights challenges such as limited judicial independence, inadequate institutional capacity, and weak enforcement mechanisms, particularly within prison institutions. Scholars argue that these challenges undermine the effective realization of constitutional rights, including prisoners' access to justice, healthcare, and humane treatment.

The scholarly literature affirms that the FDRE Constitution provides a comprehensive legal framework for the protection of prisoners' rights in Ethiopia. Through its incorporation of international human rights standards, explicit guarantees of dignity, liberty, and fair trial rights, and specific protections for persons deprived of liberty, the Constitution establishes clear normative obligations for State authorities. However, the literature also underscores the need for effective implementation and institutional reform to bridge the gap between constitutional promises and the lived realities of prisoners, a concern that lies at the core of this research.

2.2.2. Oromia Regional State Constitution

The Revised Constitution of the Oromia National Regional State constitutes the primary regional legal framework governing the protection of fundamental rights and freedoms within the Oromia Region. Adopted pursuant to the Federal Democratic Republic of Ethiopia Constitution, the Oromia Constitution derives its authority from the federal constitutional order and is required to conform to the principles, rights, and obligations enshrined in the FDRE Constitution. Scholarly literature emphasizes that regional state constitutions in Ethiopia play a crucial role in the decentralization of governance and the implementation of fundamental rights at the sub-national level, including in the administration of justice and prison systems.

Academic discussions highlight that the Oromia Regional Constitution incorporates a broad catalogue of fundamental rights and freedoms that largely mirror those provided under the

FDRE Constitution. Scholar's note that provisions relating to human dignity, equality before the law, and non-discrimination apply to all individuals within the region, including persons deprived of liberty. This alignment with federal constitutional principles reinforces the normative foundation for the protection of prisoners' rights within Oromia's detention and correctional institutions.

The prohibition of torture and cruel, inhuman, or degrading treatment or punishment occupies a central place in the Oromia Constitution and has attracted attention in academic literature. Scholars emphasize that this prohibition reflects both federal constitutional guarantees and Ethiopia's international human rights obligations under instruments such as the ICCPR and the Convention against Torture. Academic analyses frequently assess the extent to which this constitutional protection is reflected in the actual practices of regional law enforcement and prison authorities, particularly in relation to detention conditions and disciplinary measures.

Literature also examines the protection of the right to liberty and security of the person under the Oromia Constitution. Scholars underscore that provisions prohibiting arbitrary arrest and detention and requiring lawful procedures are essential safeguards for preventing abuse of power at the regional level. In the prison context, academic commentary links these provisions to the need for effective judicial oversight, timely court appearances, and access to legal remedies for detainees and prisoners.¹⁵⁵

Access to justice and fair trial guarantees under the Oromia Regional Constitution are another key focus of scholarly analysis. Academic works emphasize that regional constitutional provisions guaranteeing access to courts, the right to defense, and the presumption of innocence are fundamental to protecting prisoners' access rights. Scholars argue that these guarantees are particularly important in regions where prisons are administered by regional authorities, as they impose direct constitutional obligations on regional institutions to respect and protect the rights of persons deprived of liberty.

The literature further explores the relationship between the Oromia Constitution and international human rights law. Scholars note that, consistent with the FDRE Constitution, regional authorities are expected to interpret and apply constitutional rights in harmony with international human rights standards ratified by Ethiopia. This interpretive approach

¹⁵⁵ Art. 21 of the Oromia regional revised state Constitution Proclamation No. 94/2005, *Magalata oromiyaa*, and no.108/2006) Finfinne June2008

strengthens the legal basis for invoking international norms in addressing violations of prisoners' rights within the Oromia Region.

Despite the normative guarantees contained in the Oromia Regional Constitution, academic studies frequently identify challenges in implementation and enforcement. Scholars point to factors such as limited institutional capacity, resource constraints, overcrowded prisons, and inadequate oversight mechanisms as barriers to the effective realization of constitutional rights at the regional level. These challenges are particularly pronounced in the context of prison administration and access to justice for incarcerated persons.

The Revised Constitution of the Oromia National Regional State provides an important regional legal framework for the protection of prisoners' rights and access to justice. By reflecting federal constitutional principles and international human rights standards, the Oromia Constitution establishes clear obligations for regional authorities. However, the literature also highlights a persistent gap between constitutional guarantees and their practical implementation within prison institutions, underscoring the relevance of this research in examining enforcement dilemmas in Western Oromia

2.2.3. Prisoners' Rights under the FDRE Criminal Code

The Federal Democratic Republic of Ethiopia (FDRE) Criminal Code, enacted in 2004, provides the statutory framework for criminal offenses, penalties, and the administration of criminal justice, including the treatment of prisoners. Academic literature emphasizes that, alongside the FDRE Constitution, the Criminal Code constitutes a critical instrument for safeguarding the rights of persons deprived of liberty.¹⁵⁶ Scholars consistently note that the Code incorporates both substantive and procedural protections aimed at ensuring that criminal justice administration respects fundamental human rights, including due process, access to legal counsel, and humane treatment in detention.

A key focus in the literature is the Criminal Code's provisions prohibiting torture, cruel, inhuman, or degrading treatment, and unlawful punishment. While Articles 590–595 explicitly criminalize acts such as torture, coercion, and abuse of detainees, academic commentators argue that these provisions reinforce constitutional and international obligations, including those under the ICCPR and the Convention against Torture. Scholars frequently highlight that the Criminal Code not only prohibits abusive acts by prison officials

¹⁵⁶ Art 83

but also establishes criminal liability for those who inflict physical or psychological harm on prisoners, thereby creating a deterrent against violations.¹⁵⁷

Academic analyses further highlight the Criminal Code's role in safeguarding the rights of detainees during criminal proceedings. Provisions relating to arrest and detention, including the requirement that detention must follow lawful procedures, that prisoners be informed of the reasons for their detention, and that they have timely access to courts, are repeatedly cited in the literature as essential mechanisms to prevent arbitrary detention and ensure the rule of law. Scholars emphasize that these procedural guarantees are particularly important in protecting prisoners' access to justice and their ability to challenge unlawful detention.

Another area of scholarly interest is the Criminal Code's recognition of the right to legal assistance and fair trial. The Code mandates that accused persons have the right to consult and be represented by legal counsel and to participate meaningfully in their defense. Literature underscores that these provisions are critical to upholding the principles of equality before the law and fair trial, especially in the context of prisoners who may face barriers in accessing legal resources. Scholars argue that the enforcement of these rights is crucial to reducing the vulnerability of prisoners to arbitrary treatment or procedural injustice.

The literature also examines the Criminal Code's provisions concerning rehabilitation, work, and welfare of prisoners. Scholars highlight that, while the Code primarily addresses punitive measures, it contains provisions aimed at promoting humane treatment, social reintegration, and protection of prisoners' physical and mental health. Academic studies often point to gaps in enforcement, noting that overcrowding, inadequate medical care, and lack of prison oversight frequently prevent the full realization of these statutory protections, despite their presence in the law

Academic discourse considers the relationship between the Criminal Code and international human rights standards. Scholars argue that the Code is intended to operationalize constitutional and treaty-based rights, serving as a bridge between high-level normative guarantees and practical implementation in the criminal justice and prison systems. Despite these formal protections, the literature consistently identifies enforcement challenges, including weak accountability mechanisms, limited monitoring of prison conditions, and

¹⁵⁷ Art 110(1)

inconsistent application of legal safeguards, particularly in regional and local detention facilities.¹⁵⁸

The FDRE Criminal Code provides a significant legal framework for the protection of prisoners' rights, encompassing prohibitions against torture, guarantees of due process, access to legal counsel, and provisions for humane treatment.¹⁵⁹ However, the literature also underscores that statutory rights are often undermined in practice, highlighting persistent gaps in enforcement and oversight. This body of work provides a critical foundation for analyzing the practical challenges faced by prisoners in Ethiopia, including in the context of Western Oromia prison institutions, which is the focus of this research.

2.2.4. Federal Prisons Commission Establishment Proclamation No.365/2003

The Federal Prisons Commission Establishment Proclamation No. 365/2003 serves as the primary legislative instrument governing the administration, regulation, and oversight of federal prison institutions in Ethiopia. Academic literature emphasizes that the Proclamation was enacted to professionalize prison management, ensure compliance with national and international human rights standards, and provide a structured framework for the protection of prisoners' rights.¹⁶⁰ Scholars recognize the Proclamation as a key operational law that translates constitutional and statutory guarantees into administrative practice, establishing the Federal Prisons Commission (FPC) as the central authority responsible for policy formulation, monitoring, and oversight of federal detention facilities.

A major theme in the literature concerns the Proclamation's provisions on the duties and responsibilities of the Federal Prisons Commission. The Commission is charged with ensuring the humane treatment of prisoners, promoting rehabilitation and reintegration, overseeing prison administration, and coordinating with relevant stakeholders such as the judiciary, law enforcement agencies, and human rights bodies. Scholars argue that these provisions are critical for aligning prison management with international norms, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules)

¹⁵⁸ Art 110(2)

¹⁵⁹ Art 110(3)

¹⁶⁰ Federal Prisons Commission Establishment Proclamation no.365/2003. Art 22(1)

and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.¹⁶¹

Academic analyses frequently highlight the Proclamation's role in institutionalizing accountability and transparency within federal prisons. The law mandates systematic record-keeping, internal inspections, and reporting mechanisms designed to monitor prison conditions and the treatment of prisoners. Literature underscores that these mechanisms are essential for preventing arbitrary detention, abuse, and violations of prisoners' access rights, including access to legal counsel, medical care, and family visits. Scholars also note that the Commission has a mandate to investigate complaints and implement corrective measures, thereby bridging the gap between legal rights and practical enforcement.

Another key focus in scholarly discussions is the Proclamation's emphasis on the professional development of prison personnel. Academic literature notes that training, supervision, and disciplinary frameworks are intended to foster respect for human rights, ensure adherence to ethical standards, and reduce instances of misconduct within detention facilities. Scholars argue that effective implementation of these provisions is closely linked to the realization of prisoners' rights and the prevention of torture, ill-treatment, or neglect within the prison system.¹⁶²

The literature also examines the Proclamation's relationship with federal and international legal frameworks. Scholars observe that while the law operates primarily as an administrative instrument, it must be read in conjunction with the FDRE Constitution, the Criminal Code, and Ethiopia's international obligations under instruments such as the ICCPR and the Convention against Torture. Academic commentary emphasizes that this legal integration strengthens the normative foundation for the protection of prisoners' rights and reinforces the obligation of the Federal Prisons Commission to implement international and domestic human rights standards in practice.

Despite its progressive provisions, scholarly literature identifies challenges in the practical application of the Proclamation. Studies highlight issues such as limited resources, inadequate staffing, overcrowding, and weak monitoring mechanisms, which impede the Commission's capacity to fully enforce statutory and constitutional guarantees.¹⁶³ Scholars

¹⁶¹ Art 22(2)

¹⁶² Art22(3)

¹⁶³ Art23

note that these challenges often result in gaps between the rights formally recognized by law and the realities experienced by prisoners, underscoring the need for institutional reform, effective oversight, and stronger accountability mechanisms.

The Federal Prisons Commission Establishment Proclamation No. 365/2003 provides a critical legal and institutional framework for the administration of prisons and the protection of prisoners' rights in Ethiopia. By establishing a centralized authority responsible for oversight, rehabilitation, and adherence to human rights standards, the Proclamation lays the groundwork for translating constitutional and statutory protections into practical measures. However, scholarly assessments consistently indicate that persistent implementation challenges continue to limit the effective realization of prisoners' rights, a concern that remains central to studies on enforcement dilemmas in Ethiopian prison institutions, including those in Western Oromia.

2.2.5. Federal Prison Proclamation No.1174/2019.

ADMISSION OF PRISONERS

No prison can accept a person unless a proper court has given permission¹⁶⁴. A prison needs to have a current and modern way of keeping records to keep complete information about each prisoner¹⁶⁵. A prison must record this information about a new prisoner as soon as they arrive: a) Thatr full name, how old that are, thatr gender, where that are from, and thatr old address. b) The type of crime he was arrested for or the reason he is being held, along with the file number; c) The court that gave the order; d) Date of court appointment or the penalty amount; e) How long someone stays in prison and when they are released; f) lists of money and belongings the prisoner has when they arrive. g) Names and addresses of the prisoner's close family members. h) Medical test report according to the rules in Article 28 of this announcement; and A picture and fingerprints¹⁶⁶. The following details should be written down while the prisoner is in jail: a) When the court case is happening, keep track of the dates of appointments and what happened at each one. b) Results of evaluating character and moral character. c) When a complaint is made, keep track of the date, what the complaint is about, how it was answered, or what decision was made about it; and d) Any disciplinary steps taken and the outcome or response to those steps. When a prisoner is set free by a

¹⁶⁴ Proclamation of Federal Prison no.1174/2019 Art 26

¹⁶⁵ Art 27(1)

¹⁶⁶ Art 27(2)

judge's decision, the time, date, month, and year of their release will be recorded¹⁶⁷. These careful record-keeping rules help follow legal standards, ensure institutions are responsible, and protect the rights of people in prison. It will also store other important information. The prisoner can see the information if he asks for it¹⁶⁸.

A prison should, as soon as a prisoner arrives, give them a general medical check-up. Based on the results, the prison will take the right actions according to Article 34 of this document¹⁶⁹. A prisoner has the right to tell their family or lawyer about their situation as soon as they arrive. The prison will help the prisoner talk to his family or lawyer about his situation¹⁷⁰. If the prisoner is from another country, the prison must help them let their embassy, an organization that provides embassy services, or the Immigration and Foreign Affairs offices of the FDRE know about their situation¹⁷¹. If a prisoner doesn't have a country or if their country doesn't have an embassy in Ethiopia, the prison must let the prisoner contact an embassy of their choice or a similar international organization that has an office in Ethiopia. They should also be able to reach the Ministry of Foreign Affairs of Ethiopia¹⁷². A prison must give accurate information about where a prisoner is located when the family or lawyer asks¹⁷³. The prison will give information about when the foreign prisoner will be released to the Immigration, Nationality, and Vital Events Agency¹⁷⁴. When someone enters the prison, they will be told about their rights and responsibilities while they are there¹⁷⁵. The prison will make a list of the money and belongings that the prisoner has but can't bring into the prison¹⁷⁶. This list will be signed by both a prison officer and the prisoner. The prison will keep the money and belongings in a safe place and give them to the prisoner's representative or return them to the prisoner when they are released¹⁷⁷.

TREATMENT OF PRISONERS

A prisoner has the right to be treated with respect, to have their rights honored, and to receive care for their health while in prison. A prisoner has the right to be safe from bad, harmful, or

¹⁶⁷ Art 27(3)

¹⁶⁸ Art 27(5)

¹⁶⁹ Art 28

¹⁷⁰ Art 29(1)

¹⁷¹ Art 29(2)

¹⁷² Art 29(3)

¹⁷³ Art 29(4)

¹⁷⁴ Art 29(5)

¹⁷⁵ Art 30

¹⁷⁶ Art 31(1)

¹⁷⁷ Art 31(2)

cruel treatment that could hurt their health¹⁷⁸. Prisoners will not be treated unfairly because of their gender, age, nationality, race, language, why they are in prison, religion, political beliefs, or their economic and social situations¹⁷⁹. The prison will set up separate areas for different groups of people based on why they are being held, their gender, age, or health needs¹⁸⁰. This includes keeping men and women apart, separating people who are awaiting trial from those who have been convicted, separating people held for minor issues from other prisoners, keeping The Young people away from adults, and isolating those who need higher security¹⁸¹. Even though they are in prison, inmates still have basic human rights. These include the rights to be treated well, to have their legal and human rights acknowledged, and to get proper medical care while in custody. A prisoner should have a safe and respectful place to stay that takes care of their rights, dignity, safety, and health while they are in prison¹⁸². The prison will make sure that no more prisoners than its usual limit stay in a prison room¹⁸³. Prisons should have enough clean places for personal hygiene, bathing, and toilets, keeping in mind the prisoners' dignity, privacy, and health¹⁸⁴. The prison will give each prisoner a clean bed, mattress, blanket, and sheet¹⁸⁵. The Commission will give different uniforms to prisoners based on their type to help keep them safe, follow rules, and do its job of protecting them¹⁸⁶. When needed, the Commission may let prisoners wear their own clothes. This applies to: males and females, people awaiting trial and those who are convicted, individuals involved in civil cases or minor offenses, The Young people, and those needing high security¹⁸⁷.

The Commission will give different uniforms to prisoners to help keep them safe and to follow rules and orders¹⁸⁸. If needed, the Commission can let prisoners wear their own clothes¹⁸⁹. The prison will give each prisoner three meals a day that are healthy and balanced to keep them in good health and fit¹⁹⁰. The food given by the Commission will try to take into

¹⁷⁸ Art 32(1,2)

¹⁷⁹ Art 32(3)

¹⁸⁰ Art 32(4)

¹⁸¹ Art 33

¹⁸² Art 34(1)

¹⁸³ Art 34(2)

¹⁸⁴ Art 34(3)

¹⁸⁵ Art 34(4)

¹⁸⁶ Art 35(1)

¹⁸⁷ Art 35(2)

¹⁸⁸ Art 34

¹⁸⁹ Art 35(2)

¹⁹⁰ Art 36(1)

account the prisoner's religion, culture, and other situations when possible¹⁹¹. Prisoners should have enough clean drinking water¹⁹². A prisoner with a health issue will get special food as advised by a doctor¹⁹³. Food prep areas and kitchens must be clean and meet the required standards¹⁹⁴. Prisoners have the right to get food and non-alcoholic drinks from their family or relatives, as long as safety rules and prison regulations are followed¹⁹⁵. Details will be decided by rules¹⁹⁶. The prison can help make food and non-alcoholic hot and cold drinks available for a fair price. Prisoners will get free medical care just like other people in the country, following the health service rules¹⁹⁷. Prisoners have the right to have enough clean drinking water because it is an important part of their basic human rights and health. People in custody who have health issues need to be given special diets, as recommended by doctors, to make sure they get the nutrition they need. The Commission will set up a medical center in the prison with trained healthcare staff, enough medical equipment, and supplies to provide medical care to prisoners around the clock¹⁹⁸. The health team at the prison clinic will include experts in general health, mental health, and psychiatry¹⁹⁹. The healthcare workers at the prison medical center must provide medical care that follows their professional ethics, the laws of the country, and the basic principles outlined in this document²⁰⁰. The Commission will make sure that how prisoners are treated, the services provided, and the prison environment do not cause health issues for the prisoners or the Commission's workers²⁰¹.) The new medical center will not only provide medical care but also protect people's dignity, ensure fair access to health care, and hold the organization responsible. The doctor at the prison health center will regularly check places that offer services and treatment to prisoners, as well as the prison itself²⁰². They will look for any problems that could affect prisoners' health and tell the prison so they can fix them²⁰³. The prison will fix the problems right away. If a medical check-up shows that some prisoners need special health care or have diseases that can spread and make other prisoners sick, the prison will set up a separate area for those

¹⁹¹ Art 36(2)

¹⁹² Art 36(3)

¹⁹³ Art 36(4)

¹⁹⁴ Art 36(5)

¹⁹⁵ Art 36(6)

¹⁹⁶ Art 36(7)

¹⁹⁷ Art 37(1)

¹⁹⁸ Art 37(2)

¹⁹⁹ Art 37(3)

²⁰⁰ Art 37(4)

²⁰¹ Art 37(5)

²⁰² Art 37(6)

²⁰³ Art 37(7)

prisoners to get medical help. A prisoner who gets sick or has a medical issue has the right to receive medical care at the prison clinic at any time²⁰⁴. Any talks or messages between a prisoner and medical staff about medical help will remain private. A prison officer must keep an eye on things from far enough away so they can't hear what the prisoner and the doctor are saying or know what medical care the prisoner is getting²⁰⁵. The Commission will help provide health care education and training for prisoners and²⁰⁶ prison staff by connecting with hospitals, private health providers, or non-profit organizations that offer similar services²⁰⁷. A prisoner has the right to practice their religion and beliefs while in jail. All religious activities must respect other people's beliefs and not be harmful to anyone ²⁰⁸; When practicing their religion, prisoners must follow the rules to keep everyone safe and maintain order²⁰⁹. Prisoners can exercise on their own or in groups, as long as it is safe for their health, inside the prison grounds²¹⁰. The Commission will create enough open space in the prison area for sports and exercise²¹¹. The Commission will work together with the community outside the prison to organize cultural, social, sports, and other similar events for the inmates, as much as they can²¹². Understanding that prisoners have the right to practice their religion and take part in their culture is an important part of today's approach to prisons. This approach connects jail practices with larger goals of fairness and justice in society. Prisoners have the right to talk or write to their spouse, family, friends, religious leaders, doctors, and lawyers while in prison²¹³. This is allowed as long as it follows the rules and procedures that ensure safety and help with rehabilitation²¹⁴. He can keep his talks with family, work advisors, religious leaders, and others private, as long as there are fair checking rules in place²¹⁵. That have the right to receive current information about the outside community while in prison. That can do this by bringing in newspapers or other media at thatr own cost or by accessing audio and video programs provided in the prison²¹⁶. To keep conversations private, the prison will create a suitable space for prisoners to meet and spend time with their

²⁰⁴ Art 37(8)

²⁰⁵ Art 37(10)

²⁰⁶ Art 37(11)

²⁰⁷ Art 37(12)

²⁰⁸ Art 38(1,2)

²⁰⁹ Art 38(3)

²¹⁰ Art 39(1)

²¹¹ Art 39(2)

²¹² Art 39(3)

²¹³ Art 40(1)

²¹⁴ Art 40(2)

²¹⁵ Art 40(3)

²¹⁶ Art 40(4)

visitors as much as their budget allows²¹⁷. Visitors of a very sick prisoner can see him in his room or at the medical center. The prison will set up a way for prisoners who are about to finish their time to start talking to people outside. This could include letting them work outside, leaving the prison for a while, or using other methods²¹⁸.

To keep prisoners safe and follow prison rules, the Commission will create a system that allows prisoners to get permission for social activities they can't do with a representative. This will be available during regular working hours²¹⁹. If a close family member dies, a prisoner will be allowed to stay in the town where the prison is. Details will be set by rules²²⁰. Creating a clear permission system in prisons is important for keeping prisoners safe and maintaining order in the facility. By creating a clear way for inmates to ask for permission to join social activities without needing their representatives, the prison administration can make sure that these requests are carefully checked and approved based on safety rules and rehabilitation goals.

CORRECTION AND REHABILITATION

Prisoners will receive mental health support, both one-on-one and in groups, starting when they enter the prison²²¹. Prisoners will get help to improve their social life and skills while they are in prison²²². Helping prisoners learn social skills, understand the law, and understand their responsibilities as citizens shows a desire to give them the skills they need to live by the law after they are released²²³. This idea matches current theories about how plants and animals change with the seasons, which focus on helping people improve rather than just punishing them. A prisoner has the right to learn and gain new skills by taking part in classes and training that match their interests while they are in prison²²⁴. This is a good step to help prisoners return to society and live normal lives²²⁵. The announcement highlights that giving people access to education and job training can help them grow and improve their lives. This can lead to fewer chances of going back to prison and a better life after they are released²²⁶. Paying attention to what each person likes is important because it can boost motivation and

²¹⁷ Art 40(5)

²¹⁸ Art 40(6)

²¹⁹ Art 41(1)

²²⁰ Art 41(2)

²²¹ Art 42(1)

²²² Art 42(2)

²²³ Art 42(3)

²²⁴ Art 43(1)

²²⁵ Art 43(2)

²²⁶ Art 43(3)

involvement in these programs, which helps achieve better results. The Commission will set up educational or job training programs for each prisoner to help them return to society as responsible and useful citizens²²⁷. The Commission said it will work with schools and training organizations to help prisoners get education and job skills. This will be done either inside the prison or through online classes. Any prisoner who can't read and write must learn how to do so. The fact clearly highlights how important education and training are for prisoners²²⁸. This part of the Federal Prison Announcement No. 1174/2019 emphasizes how important it is for prisoners to have access to books and the freedom to choose what they want to read²²⁹. Prisoners will be helped to become responsible members of society by teaching them to work and save money. This will be done by putting them in groups and involving them in activities that help the community grow²³⁰. Putting prisoners into groups and involving them in useful activities can create a feeling of community, teamwork, and a sense of purpose. Directive Details: How well this rule works depends a lot on the information given in the directive²³¹. This way, former prisoners can get the most benefits in the long run²³². This part can really help prisoners get better and improve their financial situation. The success of this plan depends on the details of the instructions and how much help is available. A prisoner has the right to work while in prison. The prison can require inmates to do work for reasonable pay, as long as it follows the country's workplace safety laws. There will be no payment for cleaning shared areas such as the cell, yard, visiting areas, and other spaces. People who are on remand, civil detainees, or elderly prisoners should not be forced to work²³³. The prison can make money by working with businesses and organizations that will buy the things prisoners make. They can also set up ways to sell these products. Prisoners who take part in work or services will get paid a share of the money earned²³⁴. The jobs available should match what employers need and help prisoners learn skills that can help them get jobs when they are released²³⁵. Payment Structure: The details of how payments are divided should be clearly explained to avoid confusion and disagreements. In short, this part can be beneficial for everyone by helping prisons earn money and giving inmates useful work experience and fair pay. It's important to carry out this rule in a way that

²²⁷ Art 43(4)

²²⁸ Art 43(5)

²²⁹ Art 44

²³⁰ Art 45(1)

²³¹ Art 45(2)

²³² Art 45(3)

²³³ Art 45(4)

²³⁴ Art 45(5)

²³⁵ Art 46(1)

encourages fair work, prevents unfair competition, and helps prisoners have a better chance at rehabilitation in the long run. The work that prisoners do should help them in their lives when they leave prison and return to the community. A prisoner who has had their case decided by the court can ask to move to a prison near their family²³⁶.

SECURITY PROTECTION PROCEDURES

The prison will set up the security and inspection system it needs. It will also take necessary actions to keep prisoners and the prison community safe, follow the rules, and make sure the prison is secure and calm²³⁷. After prisoners are admitted, the prison will take some time to learn about each person's background, why they are in prison, how long they will stay, and other important details. Based on this information, they will classify each prisoner as high risk, medium risk, or low risk. This classification will help the prison identify how likely it is that a prisoner might try to escape, hurt other prisoners or staff, break rules, or damage property or harm themselves²³⁸. The prison will set up security and inspection rules based on the risk levels identified in the first part of this article²³⁹. The prison will often check the risk levels mentioned in the first part of this Article and adjust the risk levels given to the prisoners²⁴⁰. The prison will check visitors, their belongings, and any food and drinks they bring, as well as the areas where prisoners work or live²⁴¹. This will only be done as needed to keep the prisoners safe, maintain order in the prison, and ensure the safety of everyone in the prison community²⁴². The search in the prison should not disrespect the dignity of the prisoners and visitors, invade their privacy without cause, or hurt or punish them. Despite what is stated in the first part of this Article, searching a prisoner's internal body parts is not allowed²⁴³. If there is a good reason to do a search, it should be done in a private area, by someone of the same gender as the person being searched, and with modern tools. The timing, process, and rules for searches, as well as what to do with any forbidden items found during the search, will be set by new rules that will be created to support this announcement or related laws²⁴⁴. A prisoner who tries to escape from prison, hurts or tries to hurt other prisoners or staff, does not follow the prison rules, ignores orders from prison officials and

²³⁶ Art 46(2)

²³⁷ Art 47

²³⁸ Art 48(1)

²³⁹ Art 48(2)

²⁴⁰ Art 48(3)

²⁴¹ Art 49(1)

²⁴² Art 49(2)

²⁴³ Art 49(3)

²⁴⁴ Art 49(4)

police, or tries to harm themselves due to health issues can be placed in a separate cell for a limited time²⁴⁵. Notwithstanding the provisions of sub-article (1) of this article, the following are prohibited: a) Keeping a prisoner in a separate cell for more than fifteen consecutive days; b) Keeping a prisoner in a dark room; c) Prohibiting a prisoner kept in a separate cell from going out of the room and seeing natural light for at least three hours a day; d) Keeping the prisoner in a room with sufficient space, without windows large enough to allow natural light, that endangers health, or without electric light, a bed, a mattress, and bedding; e) Keeping in a separate room women or juvenile prisoners, as well as prisoners who could be exposed to serious problems because of their health situation; and f) Stopping prisoners in separate cells from seeing their family and lawyers²⁴⁶.

Prison guards can use appropriate force against inmates who cause trouble or try to hurt others²⁴⁷. They do this to protect themselves, keep other prisoners safe, and enforce prison rules²⁴⁸. Prison staff may put handcuffs on prisoners who are seen as dangerous, kept in a separate cell, or thought to be a risk to themselves, other prisoners, or officers²⁴⁹. They may also use handcuffs when taking prisoners out of the prison, if needed. Prisoners should not be handcuffed when they go to court, doctors, or any government or non-government organizations. Handcuffs should not be used to disrespect or scare prisoners²⁵⁰. The Commission will create and enforce rules that outline what a prisoner must do in prison, how they should interact with other prisoners and staff, what behavior is expected, what activities are not allowed, the prison's rules, and the consequences for breaking these rules²⁵¹. Despite what is said in part 1 of Article 51, the following actions are not allowed: a) Hitting or whipping of prisoners; b) Doing something that makes the prisoner feel bad or using insults or threats against him. c) Placing limits on food, water, and health care. d) Not allowing the prisoner to see their family or lawyers. e) Punishing all prisoners in a group. f) Punishing a prisoner in a way that could cause them serious health issues due to their medical conditions²⁵². Creating detailed rules for how prisoners should be treated and behave is an important job of prisons, as required by the Commission.

²⁴⁵ Art 50(1)

²⁴⁶ Art 50(2)

²⁴⁷ Art 50(3)

²⁴⁸ Art 51(1)

²⁴⁹ Art 51(2)

²⁵⁰ Art 51(3)

²⁵¹ Art 52(1)

²⁵² Art 52(2)

PRISONERS WHO NEED SPECIAL TREATMENT

Female prison guards will only supervise areas where female inmates are held²⁵³. Male prison workers can only go into the area where female prisoners are if they are with female prison workers²⁵⁴. The Commission will provide the needed sanitary pads for women in prison²⁵⁵. A baby under 2 years old who needs a lot of care can stay with their mother if she is in prison²⁵⁶. The Commission will provide the funds needed to support the child's growth and health. Even though Sub Article 53/4/ says otherwise, children over 24 months who have a court order to live with their mothers will receive proper care and help²⁵⁷. Women in prison who have a child outside are allowed to visit their child sometimes with supervision²⁵⁸. The Commission will also set up a special place in the prison for them to meet²⁵⁹. The prison will create a way for pregnant inmates to have their babies at a hospital²⁶⁰. Women in prison will receive medical support and care while they are pregnant and after they have their babies. Women in prison cannot be made to work while they are pregnant or for a year after they have a baby²⁶¹. The prison will create a program to provide The Young prisoners with social support, mental health help, education, and fun activities²⁶². Juvenile prisoners must go to school programs²⁶³. The prison will set up a special area for The Young prisoners to see their parents and family²⁶⁴. The prison must consider the age of The Young prisoners when treating them²⁶⁵. The Commission will provide proper help for people with disabilities who have trouble taking care of themselves because of their condition or other reasons²⁶⁶. The goal is to create a welcoming space that respects the rights of all prisoners, no matter their age or ability, following human rights rules and good practices in prison care. Dormitories, dining rooms, bathrooms, and visiting areas should be easy to get to for people with disabilities²⁶⁷. The specifics will be decided by a rule. The prison must acknowledge that prisoners who are awaiting trial and those involved in civil cases are considered innocent

²⁵³ Art 53(1)

²⁵⁴ Art 53(2)

²⁵⁵ Art 53(3)

²⁵⁶ Art 53(4)

²⁵⁷ Art 53(5)

²⁵⁸ Art 53(6)

²⁵⁹ Art 53(7)

²⁶⁰ Art 53(8)

²⁶¹ Art 53(9)

²⁶² Art 54(1)

²⁶³ Art 54(2)

²⁶⁴ Art 54(3)

²⁶⁵ Art 54(4)

²⁶⁶ Art 55(1)

²⁶⁷ Art 55(2)

until proven guilty, and it must make sure that others recognize this too²⁶⁸. The prison must create a way to take care of prisoners who need extra help because of their health, age, disability, or other reasons²⁶⁹.

OBLIGATIONS OF PRISONERS

Follow the rule to be handcuffed when being taken somewhere, as mentioned in the law. Follow the rules given by prison guards and staff. Tell the prison if that see any crime, give information, or make a complaint. Be on time when going back to thatr cell. Treat other prisoners with respect and help keep the peace and safety²⁷⁰. Accept and use the help from rehabilitation workers. Wear the prison uniform as instructed and keep it clean. Take care of other duties needed for relationships with others²⁷¹. In addition to what is already banned by the Criminal Code and other laws, the following actions are not allowed in the prison: encouraging, taking part in, or helping with any plans or activities that cause trouble or disrupt the safety and peace of the prison²⁷². Start, join in, or help with a fight between groups; Take part in saying, writing, or using gestures to insult, belittle, or scare other inmates or prison staff. Use, have, or try to bring items into prison that are not allowed by the rules from the Commission²⁷³.

Prison rules and laws say that people in jail must follow certain behaviors. These rules are meant to keep things safe, orderly, and help them improve while they are there. One basic rule is that you must be handcuffed when taken outside your cell or the prison, as required by security rules and laws. You must follow the rules and instructions given by prison guards and staff because they are important for keeping the prison running smoothly. Inmates should help keep the prison safe by reporting any crimes they see, sharing important information, or making official complaints through the right ways. Being on time when returning to their assigned cells shows respect for the rules and helps daily activities run smoothly. Treating other inmates with respect is important. It helps create a sense of community, where everyone is recognized, and it leads to a peaceful and safe environment. Helping inmates recover and improve themselves is an important goal in prisons. Prisoners are encouraged to work with and use the help provided by rehabilitation workers. Taking part in these programs helps

²⁶⁸ Art 56

²⁶⁹ Art 57

²⁷⁰ Art 58

²⁷¹ Ibid

²⁷² Art 59

²⁷³ Ibid

people grow personally and makes it easier for them to fit back into society. Following uniform rules, like wearing the right prison clothes neatly, shows that you respect the rules of the institution and the community. Prisoners need to take on duties that help build good relationships with each other and the whole prison community. Besides the laws in the Criminal Code and other legal rules, jails and prisons have their own rules to keep order inside. These include rules that stop people from encouraging, joining in, or helping actions that disturb the peace or threaten safety at institutions. It is not allowed to start fights between groups, or to use words, writing, or gestures to scare, insult, or hurt other staff or inmates. Also, having, using, or trying to bring in banned items, which are not allowed by the rules, is a serious rule-breaking action and damages the trust in the correctional facility.

CONTROL AND COMPLAINT PROCEDURE

The prison aims to respect the rights and dignity of inmates²⁷⁴. It will stop any abuse, torture, or cruel treatment and punishments to achieve this goal²⁷⁵. Set up and carry out rules for checking things inside and outside the organization; allow visits from outside groups when suitable; and support prisoners' right to voice their complaints²⁷⁶. The prison will create a system to help manage its operations²⁷⁷. A guideline will specify details. Besides the prison's ongoing management, the Attorney General can also check on the prisons regularly if needed²⁷⁸. The Board of Community Leaders will keep an eye on everything all the time²⁷⁹. The Ethiopian Human Rights Commission, certain committees, members of the House of Peoples Representatives, the Office of the Ombudsperson, and other authorized groups have the right to visit prisons without warning²⁸⁰. They can talk to prisoners who have complaints, check prisoner records, and speak with prison staff and police. They will share their findings and recommendations with the government and the public²⁸¹. Civic groups that work to protect prisoners' rights and improve how they are treated, as well as research groups or researchers, can carry out their activities as long as they get approval from the prison first²⁸². This ensures that these organizations and researchers are able to carry out their work and contribute to the overall accountability, transparency, and effective management of the prison

²⁷⁴ Art 60

²⁷⁵ Art 60(1)

²⁷⁶ Art 60(2)

²⁷⁷ Art 60(3)

²⁷⁸ Art 61(1)

²⁷⁹ Art 61(2)

²⁸⁰ Art 61(3)

²⁸¹ Art 62(1)

²⁸² Art 62(2)

system²⁸³. Requirement of Prior Permission: The principle requires that these organizations and researchers secure prior permission from the prison before undertaking any activities²⁸⁴. This ensures that prison authorities are able to maintain control and oversight over the activities of these organizations and researchers, and that any potential issues or concerns are addressed in a timely and appropriate manner²⁸⁵. Groups like commissions, committees, and rapporteurs formed by a treaty that Ethiopia is a part of can visit, inspect, and report, but only if the Attorney General allows it²⁸⁶. To improve how prisoners are treated and to make sure people have access to information, broadcasters can visit jails. The Commission can stop the visit, either completely or partly, if there is a real danger to the rehabilitation discussion. A prisoner has the right to complain about how they are treated, any disciplinary actions taken against them, and any penalties they receive. The prisoner, their family, their lawyer, or anyone else interested can file the complaint²⁸⁷.

The complaint will be private²⁸⁸. It is not allowed to take revenge, scare, or do anything else like that to a prisoner because they made a complaint²⁸⁹. Details about how to file complaints will be set by instructions from the Commission²⁹⁰. A prisoner who has not had their complaints heard or has had them turned down can take their complaints to the First Instance Court within two months²⁹¹. The court listens to complaints and facts from officials and then makes a decision based on this Proclamation and other important laws.²⁹²

2.2.6. A Regulation to Revise the Oromia Regional State Prison Administration Commission Police Members Code of Conduct Regulation No.168/2014.

The constitutions of the FDRE and the Oromia Regional State talk about the rights of people in custody and prisoners in a general way. Therefore, there should be some laws that give specific rules to help make these rights real and work in everyday life²⁹³. Many researchers have looked into the difference between the rights that are officially recognized in Ethiopia's

²⁸³ Art 62(3)

²⁸⁴ Art 63(1)

²⁸⁵ Art 63(2)

²⁸⁶ Art 64(1)

²⁸⁷ Art 64(2)

²⁸⁸ Art 64(3)

²⁸⁹ Art 64(4)

²⁹⁰ Art 64(5)

²⁹¹ Art 65(1)

²⁹² Art 65(2)

²⁹³ Regulation to Revise the Oromia Regional State Prison Administration Commission Police Members Code of Conduct Regulation No.168/2014

constitution and how those rights are actually enforced for people in custody and prisoners. A well-known expert, Asnake Kefale, says that even though the Constitution of Ethiopia and the constitution of regions like Oromia promise to protect human rights, there usually aren't enough specific laws or ways to make these promises happen. In his study of federalism and human rights in Ethiopia, Asnake points out that constitutional rights are mostly just hopes because there are not enough laws and organizations to make sure they are followed properly. This is especially true in the criminal justice system, where people in jail often face big problems like too many inmates, not having enough lawyers to help them, and long waits for their trials. This happens even though the Constitution says they should have fair treatment and due process. Kassahun Berhanu points out the gap between the ideas in the constitution and how things really work in practice. In his study about how laws are enforced in Ethiopia, Kassahun shows that the courts and police often don't have enough ability, independence, or desire to protect the rights of people who are imprisoned. He stresses the importance of clear laws that explain what police, prison staff, and courts must do to protect the rights of people being held, starting from when they are arrested until they are in prison. Without clear laws, people's constitutional rights might be overlooked or broken in real life. Also, Fasil Nahum, a legal expert, has emphasized for a long time that it is important to make constitutional rights into laws that can be enforced. He says that constitutions lay the basic rules and values, but to really protect the rights of people in jail, we need detailed laws about criminal procedures, rules for prisons, and ways to check on how things are working. Fasila's work supports creating a stronger legal system that connects theory with real-life application. This is important in a federal system where regions, like Oromia, need to create their own laws that follow the national constitution. These scholars emphasize that Ethiopia needs to go beyond general statements in its constitution. The country must create and follow specific laws to make sure the rights of people in custody and prisoners are respected in real-life situations.

This rule not only outlines the main responsibilities of prisoners who have been convicted or are waiting for their trial, but it also establishes the basic guidelines for how prisoners should be treated²⁹⁴. These are: treating prisoners who have been found guilty and those waiting for their trial in a way that respects their basic human rights; helping them serve their sentences in a way that encourages them to follow the law and take care of themselves; and keeping prisoners who haven't been tried yet (who are assumed innocent until proven guilty) separate

²⁹⁴ Ibid

from those who have been found guilty. The rule that are talking about is from the United Nations and is called the Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules²⁹⁵.

Fresh air and enough light are not just nice things to have; they are important for our mental health, sleep patterns, and immune system (Wener, 2012). Keeping these environmental conditions in place helps support the overall goals of the correctional system, which aim to treat inmates with respect and aid in their rehabilitation, instead of just locking them up. The regulation that are referring to is the United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules. According to these rules, prisoners should be separated based on their gender, age, criminal offense, mental disabilities, or other reasons. This separation is intended to prevent violence, abuse, and other forms of mistreatment between prisoners. The regulation also emphasizes the importance of providing adequate living conditions for prisoners, including clean air, adequate light, and facilities that do not harm their health. This ensures that prisoners are treated humanely and with dignity, and that their basic needs are met while in prison.

²⁹⁵ Ibid

CHAPTER THREE

3. ENFORCEMENT OF PRISONERS' ACCESS RIGHTS IN WESTERN OROMIA PRISON INSTITUTIONS

This chapter examines the practical enforcement of prisoners' access rights within selected prison institutions in Western Oromia Regional State of Ethiopia. While the preceding chapters established the legal and normative framework governing prisoners' rights at international, regional, and national levels, this chapter focuses on the empirical realities of enforcement on the ground. The analysis is grounded in qualitative data collected through field observations, focus group discussions (FGDs) with inmates, and in-depth interviews with prison administrators and officials from the Oromia Prisons Commission, particularly those serving in East Wollega and West Wollega Zones.

The central objective of this chapter is to assess the extent to which legally guaranteed access rights-such as access to legal counsel, courts, family contact, healthcare, information, and complaint mechanisms-are respected, implemented, or constrained in practice. By identifying gaps between law and practice, this chapter highlights the structural, institutional, and administrative challenges affecting the realization of prisoners' access rights in Western Oromia.

3.1. Admission of Prisoners

Western Oromia Regional State currently administers four major prison institutions. However, the scope of this study is limited to prison facilities located within the East Wollega and West Wollega Zones, as these institutions are representative of the broader challenges affecting prisoners' access rights in the region.

The principal prison institutions examined in this research are located in Nekemte and Gimbi towns. According to information obtained from prison officials during field interviews, these prisons were established in March 1992 G.C. and occupy a total area of approximately 16 hectares. The facilities comprise administrative buildings, prisoner dormitories, service units, and limited auxiliary infrastructures intended to support custodial and rehabilitative functions.

Despite their original design capacity, the prisons are currently experiencing severe overcrowding. Empirical data gathered from institutional sources indicate that the facilities

were designed to accommodate between 400 and 600 inmates, distributed across approximately 20 dormitories, each intended to house between 30 and 55 prisoners. In contrast, at the time of the study, the combined inmate population exceeded 1,995 prisoners. This discrepancy between design capacity and actual occupancy has resulted in excessive congestion, placing significant strain on available infrastructure and services.

A further critical issue identified during the study concerns the absence of reliable and comprehensive institutional data. Prison officials acknowledged that accurate and up-to-date records regarding the total number of inmates, the precise number and condition of dormitory rooms, and the operational status of key facilities were not readily available. This information gap reflects systemic weaknesses in documentation, record-keeping, and data management within the correctional institutions.²⁹⁶

The lack of dependable institutional data has serious implications for prison administration and the enforcement of prisoners' rights. Inadequate record-keeping undermines effective planning, resource allocation, and oversight, while also impeding transparency and accountability. Consequently, these deficiencies exacerbate existing challenges related to overcrowding, service delivery, and the realization of prisoners' legally guaranteed access rights.

The admission of prisoners is governed by established legal and administrative guidelines, which require that no individual may be admitted to a prison institution without a valid court order or a decision issued by a competent legal authority. This requirement is intended to safeguard individuals against arbitrary detention and to ensure compliance with constitutional due process guarantees. In accordance with these rules, practices observed at Western Oromia Prison indicate that the institution formally admits inmates only upon the presentation of detention or conviction orders issued by duly authorized courts.

Upon admission, prisoners are reportedly provided with written information outlining applicable prison rules, their rights and obligations, and the procedures for submitting requests or complaints within the institution. This practice, in principle, reflects compliance with both national regulations and international standards, which emphasize the importance of informing prisoners of their rights at the earliest possible stage of detention.

²⁹⁶ Interview with Sergeant Reta Getachew, March 13/2017 E.C

Notwithstanding these formal procedures, empirical findings reveal significant challenges in practice. Despite assertions by prison officials that the institution no longer admits criminal suspects directly from police stations, a substantial proportion of the prison population consists of remand prisoners and individuals held in prolonged pre-trial detention. This situation suggests systemic delays in criminal proceedings and weak coordination between law enforcement, prosecutorial authorities, and the judiciary, thereby undermining the right to a speedy trial and contributing to chronic overcrowding.

In addition, serious deficiencies were identified in the prison's record-keeping and data management systems. Although existing guidelines require prisons to maintain comprehensive, accurate, and regularly updated records for each inmate, Western Oromia Prison lacks a modern, computerized database management system. Initial registration of prisoners is conducted upon admission; however, inmate records are rarely updated or reviewed throughout the period of detention until release. Most institutional records are maintained exclusively in paper form, rendering them susceptible to loss, damage, or inaccuracy over time.

These shortcomings are further exacerbated by the absence of trained personnel in information and communication technology (ICT) and database management. Prison officials acknowledged that the shortage of qualified staff severely constrains the institution's capacity to manage prisoner information effectively. The cumulative effect of these limitations is a weakened administrative system that hampers effective supervision, planning, and the protection of prisoners' access rights, particularly with respect to legal follow-up, complaint handling, and sentence management.²⁹⁷

3.2. Treatment of Prisoners

As discussed in earlier chapters of this thesis, both international human rights instruments and domestic legal frameworks require that prisoners be classified and accommodated separately on the basis of relevant criteria, including gender, age, legal status (remand or convicted), criminal history, and specific treatment or protection needs. These standards are intended to safeguard prisoners' dignity, ensure their safety, and promote rehabilitation, particularly for vulnerable groups such as juveniles, first-time offenders, and pre-trial detainees.

²⁹⁷ Interview with Sergeant Biranu Chala, March 13/2017 E.C

Findings from the first focus group discussions (FGDs) reveal that, in practice, separation of prisoners in Western Oromia Prison is largely absent, except on the basis of gender. Most participants reported that inmates are not classified or accommodated separately according to age, criminal history, or legal status. A minority of participants suggested that some degree of separation exists at the level of dormitories or rooms; however, they acknowledged that this arrangement does not constitute a systematic or legally compliant classification system.²⁹⁸

Participants in the second round of FGDs similarly emphasized that meaningful separation is applied only to female prisoners, who are housed in distinct facilities. Beyond this limited measure, they indicated that there is no consistent practice of separating inmates based on other legally relevant criteria within the Western Oromia prison administration.²⁹⁹

These accounts were corroborated during in-depth interviews with prison officials, who confirmed that prisoners are not separated on the basis of age or type of offense. As a result, juveniles under the age of 18 are housed together with adult inmates, and remand prisoners are not accommodated separately from convicted offenders. Officials further acknowledged that, apart from the designated facilities for female inmates, the prison lacks distinct accommodation arrangements for other categories of prisoners.

The position of the Oromia Prison Administration Commission aligns with these findings. Officials from the Commission conceded that, due to infrastructural and resource constraints, there is no functional system of separate accommodation in Western Oromia prisons beyond gender-based segregation.³⁰⁰ Field observations conducted by the researcher further confirmed this reality, revealing that prisoners of varying ages, criminal backgrounds, sentence lengths, and legal statuses are routinely housed together in the same dormitories.³⁰¹

The situation is significantly aggravated by chronic overcrowding. Due to limited space and excessive inmate populations, individuals convicted of serious offenses, such as homicide, are reportedly placed in the same dormitories as prisoners serving short sentences for minor offenses. Respondents highlighted that the absence of a proper classification and separation system exposes young, first-time, and low-risk offenders to negative influences from hardened criminals.

²⁹⁸ Response Of FGDs group one, April 17/2017 E.C

²⁹⁹ Response of group of FGDs, April 17/2017n E.C

³⁰⁰ Interview with Sergeant Kumara Iddosa, March 18/2017 E.C

³⁰¹ Ibid

According to several respondents, this environment undermines the rehabilitative purpose of imprisonment and has, in some cases, contributed to reoffending. Prisoners reportedly adopt harmful behaviors and criminal attitudes during incarceration, increasing the likelihood of recidivism upon release. The lack of separate accommodation, therefore, not only violates established legal standards but also poses serious risks to prisoner safety, institutional order, and long-term crime prevention objectives.³⁰²

International and domestic legal frameworks, as discussed in Chapter Two, establish that prisoners are entitled to living conditions that respect their human rights, dignity, security, and health. Standards under both the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and Ethiopian law require that individual cells or dormitories not exceed their designated occupancy limits. Prison authorities are also obligated to ensure that living quarters provide adequate hygiene, bathing, and toilet facilities that respect privacy, as well as clean bedding, mattresses, blankets, and sheets for each inmate.

Field data from the first focus group discussion (FGD) confirm that, in practice, these standards are largely unmet in Western Oromia Prison. Participants noted the absence of distinct accommodations based on age, legal status, or criminal background, with the exception of gender-based separation. All dormitories are essentially uniform, reflecting a lack of institutional classification or tailored accommodation. Prison administrators acknowledged that bedding and facilities are insufficient, unhygienic, and fail to uphold the dignity of inmates.³⁰³

Overcrowding represents the most pressing challenge in the East Wollega and West Wollega prison zones. Dormitories designed for a limited number of inmates now house between 105 and 115 individuals each. This excessive population density has created unsanitary conditions, contributing to physical and mental health risks, while simultaneously impeding the prison's ability to provide essential services such as healthcare, adequate food, and proper sleeping arrangements. In many dormitories, although beds are provided, prisoners are forced to sleep underneath them or on the floor, often placing personal belongings around their sleeping areas due to insufficient space.³⁰⁴

³⁰² Interview with Ijigu Birra, March 13/2017 E.C

³⁰³ Response Of FGDs group one, April 17/2017 E.C

³⁰⁴ Response of group of FGDs, April 17/2017n E.C

The overall cleanliness of the dormitories is poor, and ventilation is inadequate, resulting in hot and stuffy conditions. Ten dormitories lack electric lighting due to incomplete electrical installations, further compromising living conditions. Male prisoners face additional challenges from infestations of bed bugs and lice, which have facilitated outbreaks of vector-borne diseases, including Borela, reportedly causing three fatalities. Preventive measures such as insecticide-treated bed nets for malaria are not provided.

Bathing and shower facilities are limited and often malfunctioning, with taps and valves in disrepair. Prisoners do not receive essential hygiene products. Female inmates, in particular, must either purchase sanitary pads themselves or rely on donations from charitable organizations. Latrines are extremely unsanitary, and inmates are often unable to access them at night due to overflowing or damaged facilities, forcing some to use makeshift containers within the dormitories.

Insect infestations—including fleas, bed bugs, cockroaches, ants, and mites—remain a persistent problem. Disinfection and pest control are reportedly conducted only once per year, an insufficient frequency to manage the problem effectively. Prison officials acknowledged that, despite the recognition of these challenges, little improvement has been achieved over time. The cumulative effect of overcrowding, unsanitary conditions, pest infestations, and inadequate hygiene facilities severely compromises the physical and mental well-being of inmates, violating both national and international standards on prisoners' living conditions.³⁰⁵

As discussed in Chapter Two, both international and domestic legal frameworks mandate that prison authorities provide inmates with adequate, nutritious, and safe food to maintain their health and physical fitness. According to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and relevant Ethiopian laws, prisoners should receive at least three balanced meals per day, prepared under hygienic conditions. Food provision should, whenever feasible, respect the religious, cultural, and dietary requirements of inmates. Clean and safe drinking water must be readily available, and individuals with medical conditions should receive diets adapted to their health needs as advised by medical professionals. In addition, prisons are expected to facilitate reasonable access to supplementary food and non-alcoholic beverages from family members or through prison stores at fair prices, while maintaining appropriate inspection and safety measures.

³⁰⁵ Interview with Gadiisaa Girma, March 18/2017 E.C

Despite these clear standards, empirical findings from the focus group discussions (FGDs) highlight serious deficiencies in food provision within the East Wollega and West Wollega Prison Zones. Participants from the first FGD indicated that meals lack sufficient nutritional balance and are inadequate to maintain prisoners' health and physical well-being. The second FGD group reported that although the prison supplies maize Injera accompanied by Shiro wot, the quality of the food is poor, unappetizing, and potentially detrimental to health. Participants noted a perceived lack of commitment from prison authorities, including the Oromia Prison Administration Commission, to address these issues.

In practice, meals are consistently limited to maize Injera with low-quality Shiro wot, and morning tea is served without sugar. Prisoners living with HIV or other medical conditions do not routinely receive specialized diets as recommended by health professionals; access to supplementary nutrition, such as Plumpy'Nut, depends on the inmates' active requests. While water is technically supplied, inmates often resort to unsafe well water, contributing to frequent waterborne illnesses, or are compelled to purchase bottled water from shops within the prison compound.

According to respondents, the quality and quantity of food in the correctional facility are insufficient to meet basic nutritional needs. Meals are reportedly prepared in unhygienic conditions and consumed primarily for survival rather than to maintain health. As a consequence, outbreaks of food-related illnesses, including typhoid, typhus, and diarrhea, are common. Prisoners emphasized that, despite recurring health problems linked to inadequate food provision, no significant remedial measures have been implemented by prison authorities.

These conditions clearly contravene both national and international standards on prisoners' rights to adequate food, hygiene, and health care, reflecting systemic deficiencies in prison administration, resource allocation, and accountability mechanisms.³⁰⁶

International and national legal frameworks mandate that prisoners are entitled to the same standard of medical care as other citizens, free of charge. According to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and Ethiopian health service laws, prisons are required to establish medical facilities staffed with qualified healthcare professionals, adequately equipped and supplied with essential

³⁰⁶ Interview with Hunde Gemechu, March 18/2017 E.C

medicines, to provide continuous, 24-hour medical care. Medical teams should include general practitioners, mental health specialists, and, where possible, psychiatric professionals. Health services must adhere to professional ethical standards, national laws, and relevant regulatory guidelines, while ensuring that the prison environment itself does not exacerbate inmates' health conditions.

Prison authorities are obligated to monitor and evaluate medical services, inmate treatment, and environmental conditions regularly to identify health risks and implement corrective measures. Facilities should provide dedicated areas for inmates requiring specialized care, including those with communicable diseases that may pose a risk to others. Inmates have the right to timely access to medical attention, both within the prison facility and, where necessary, at external public hospitals. Such external referrals must be based on a medical assessment by qualified personnel and carried out under appropriate security measures. Communications between prisoners and medical professionals must remain confidential, and all medical records should be securely maintained. Furthermore, prison authorities should, where feasible, facilitate general health education and awareness programs for both inmates and staff, potentially in collaboration with public or private healthcare institutions or non-governmental organizations.

Despite these obligations, field research in the East Wollega and West Wollega Prison Zones reveals severe deficiencies in the provision of medical services. Focus group discussions (FGDs) indicated that the prison operates only a single clinic on site, which provides extremely limited services due to shortages of personnel and medical supplies. Available medicines are largely restricted to basic painkillers, with no access to diagnostics, prescriptions, or specialized treatments. The clinic does not operate on weekends, leaving inmates without medical care during these periods. The facility is further constrained by staffing shortages, with only one laboratory technician available, and only one of the two microscopes functioning due to limited funding and insufficient personnel.

Prison administration officials reported that the facility has health service agreements with external institutions, such as Wollega University Referral Hospital, for inmates requiring specialized treatment. However, independent reports from representatives of the Oromia Attorney General Bureau (East and West Wollega Zones) indicate that the prison fails to meet both international and national legal requirements for inmate healthcare. Critical

deficiencies include the absence of a fully equipped medical center, insufficient staffing, and inadequate supplies, leaving prisoners without effective access to timely and appropriate care.

Observations by the researcher corroborate these findings. The prison clinic is unable to provide essential health services due to staff shortages and limited budget allocations. Available medical professionals reportedly lack adequate expertise, and essential medicines and laboratory services are largely unavailable. Inmates are often administered ineffective or “placebo” treatments, while referrals to external hospitals are rare and frequently denied on the grounds that the illness is “not serious.” Even when prisoners are prepared to cover the costs themselves, access to external medical care is frequently restricted. These deficiencies have contributed to serious health outcomes, including preventable deaths, as late or inadequate medical intervention reduces the likelihood of recovery.

The empirical evidence demonstrates that, despite clear legal obligations, the East Wollega and West Wollega prison institutions are failing to provide adequate, timely, and safe medical services to inmates. This represents a significant violation of prisoners’ fundamental rights under both domestic law and international standards, highlighting the urgent need for structural reforms, increased staffing, adequate medical supplies, and systematic monitoring of health service provision within the correctional facilities.³⁰⁷

International and national legal frameworks recognize that prisoners are entitled to participate in physical activities and recreational programs appropriate to their health, age, and abilities. According to the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), prison administrations are responsible for providing adequate open space and facilities for physical exercise, sports, and recreational activities. Where possible, the administration should collaborate with external organizations or the broader community to organize cultural, social, and sporting events to promote physical and mental well-being among inmates. Such programs are intended not only to enhance prisoners’ health but also to support rehabilitation and social reintegration.

Empirical evidence from the East Wollega and West Wollega Prison Zones indicates a significant gap between these standards and actual practice. Prisoners reported that daily outdoor exercise is virtually non-existent. Even inmates of appropriate age and fitness levels are unable to access structured physical or recreational training due to the absence of

³⁰⁷ Interview with Yosef Desta, March 18/2017 E.C

designated outdoor areas, insufficient sports facilities, and a lack of equipment. Focus group participants expressed frustration over the inability to engage in sports such as football or volleyball, noting that the lack of adequate recreational space often leads to physical discomfort, boredom, and occasional injuries.

Field observations confirmed that the areas allocated for sports and exercise are insufficient and overcrowded. Prison officials acknowledged the problem, noting that while some equipment, including footballs and volleyballs, has been donated by the regional sports commission, the facilities remain inadequate and poorly maintained. Access to available equipment is irregular and dependent on the discretion of prison staff, limiting the opportunity for structured recreational activity. Inmates often exercise individually, improvising within the constrained space, but without proper facilities or supervision.

Additional recreational opportunities are minimal. The prison provides only two television rooms with a very limited number of channels, primarily government-related programming. Channels featuring entertainment, music, or drama, which were previously available, have been discontinued due to disputes among inmates.³⁰⁸

Overcrowding exacerbates the lack of recreational opportunities. The limited sports fields and indoor spaces are rarely used for organized activities because conflicts frequently arise among inmates during games. Consequently, despite existing legal obligations, the provision of sports, physical exercise, and recreation remains severely restricted, undermining the health, well-being, and rehabilitative prospects of prisoners in the East Wollega and West Wollega prison zones.

The findings highlight a persistent implementation gap between the legal framework and institutional practice, demonstrating the urgent need for adequate investment in infrastructure, equipment, and structured recreational programs to fulfill prisoners' rights to exercise and recreation as mandated by law.³⁰⁹

International and national legal frameworks guarantee that prisoners retain the right to maintain regular contact with the outside world. According to the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and Ethiopian law, inmates must be allowed to communicate with family, friends, legal counsel; medical

³⁰⁸ Interview with Oli Tariku , March 20/2017 E.C

³⁰⁹ Interview with Abdi Tesfaye, March 18/2017 E.C

professionals, religious figures, and other authorized individuals in a manner that ensures confidentiality. Communication may occur through letters, telecommunication, electronic or digital means, and personal visits. Prisons are required to provide adequate facilities for visits and to facilitate the inmates' access to public or private media at their own expense, as well as institutional publications, radio programs, or other authorized channels, enabling them to remain informed about developments in the wider community.

Interviews with prison officials indicate that designated areas for visitation exist and that, in principle, prisoners are permitted to meet visitors. However, responses from inmates in the East Wollega and West Wollega Prison Zones reveal serious deficiencies in the protection of their rights. The designated visitation areas fail to ensure confidentiality, as meetings often occur in crowded, noisy open halls with minimal privacy, and visitors are sometimes called in via loudspeakers. Electronic communication is entirely absent, and ten dormitory rooms lack access to televisions. The prison library is inadequately stocked, with limited recreational or educational materials and outdated newspapers and magazines, further restricting inmates' ability to remain informed about current affairs.

While inmates generally have sufficient time for visits, access is frequently curtailed by the number of visitors or administrative discretion. Interview data indicate that inmates are well-informed about their rights and obligations and attempt to assert them; however, enforcement is inconsistent, leading to frequent conflicts with prison staff and campus police. Access to professional services, including therapists, legal counsel, and religious advisors, is tightly controlled and often requires the approval of prison authorities. Meetings with family members, including parents with children or spouses, are constitutionally guaranteed but are regularly denied or delayed.

The study also uncovered practices in which some prison officials exploit inmates' rights for personal gain, requiring payments to allow access to constitutionally guaranteed visits or communication. Inmates accused of politically sensitive offenses experience even more severe restrictions, including limited or no access to family, advisors, or external contacts. Authorities often justify these restrictions with administrative reasons such as "preventing further crimes" or citing security concerns. Additionally, ongoing political instability and regional armed conflicts exacerbate these limitations, further isolating inmates and restricting their contact with the outside world.

Overall, the findings demonstrate a significant gap between the legal and policy framework and the actual practices within East Wollega and West Wollega prisons. While some structures and procedures exist in theory, the practical enforcement of inmates' rights to confidential communication, visitation, and access to information is limited, inconsistent, and, in some cases, subject to abuse. These deficiencies undermine the fundamental rights of prisoners and hinder their social, legal, and rehabilitative engagement with the broader community.³¹⁰

3.3. Correction and Rehabilitation

International and national standards recognize the right of prisoners to access educational and vocational training during incarceration. According to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and relevant Ethiopian laws, such programs aim to develop prisoners' knowledge and skills, foster ethical behavior, and promote productive reintegration into society. Education and training are intended to cultivate a work ethic, facilitate the development of practical skills, and provide inmates with the capacity to contribute meaningfully to society upon release. Prisoners should also have the opportunity to engage in remunerated work, with compensation proportional to the labor performed, thereby supporting both self-sufficiency and rehabilitation.

In the East Wollega and West Wollega Prison Zones, educational and vocational initiatives are formally established. The facilities provide primary and secondary education programs and operate vocational training centers. According to reports from the prison commission in 2016 E.C., 350 inmates were enrolled in primary and secondary education, while 433 participated in vocational training programs.³¹¹ The prison collaborates with external institutions, including the Nekemte TVT center and other vocational organizations, to provide certified training opportunities. Additionally, the administration reported that seven inmates were pursuing higher education at colleges and universities, although systemic limitations restrict broader access to tertiary programs.

Focus group discussions with inmates revealed mixed experiences. Some participants acknowledged the administration's efforts to provide academic and vocational opportunities. However, many highlighted shortcomings in program organization and implementation.

³¹⁰ Interview with Fatehun Benya, March 18/2017 E.C

³¹¹ Interview with Korsä Beyisa, March 18/2017 E.C

Vocational training is often poorly structured, and sentenced inmates who are physically and mentally capable frequently lack access to meaningful work, resulting in enforced idleness. Even when inmates participate in vocational activities, fair compensation for their labor is rare.

Interviews with individual inmates underscore these challenges. One respondent, who had studied grades 9–12 within the prison for five years and achieved a university entrance score, was unable to access higher education due to systemic barriers, including repeated unsuccessful applications and insufficient administrative support. In some cases, police or prison staff failed to facilitate attendance at educational programs due to staffing shortages.

Vocational programs currently available include training in modern and traditional clothing weaving, metalworking, and carpentry. While these programs allow inmates to earn income if they engage willingly, the absence of structured higher education programs within the facility limits opportunities for advanced skill acquisition. Consequently, young inmates are deprived of educational opportunities that could positively influence their reintegration and post-release productivity. Respondents emphasized the urgent need for more comprehensive and well-organized educational and vocational programs, particularly at the tertiary level, to empower inmates with the knowledge and skills necessary for successful societal reintegration.

East Wollega and West Wollega prisons provide some educational and vocational opportunities, the existing programs are limited in scope and poorly structured. To align with both international standards and national law, there is a need to expand access, improve organization, and introduce higher education programs within the correctional facility, thereby promoting rehabilitation, skill development, and post-release success.³¹²

3.4. Security Protection Procedures

Disciplinary measures and instruments of restraint are recognized tools for maintaining order, security, and compliance within correctional facilities. However, international and national standards, including the Nelson Mandela Rules and Ethiopian law, strictly limit their application. Disciplinary measures must never exceed what is necessary to maintain safety and order, and under no circumstances should they constitute torture, cruel, inhuman, or degrading treatment. Specifically prohibited practices include physical beating, humiliating

³¹² Interview with Fatehun Benya, March 18/2017 E.C

acts, threats or insults, withholding food, water, or medical care, collective punishment, and measures that endanger an inmate's health due to pre-existing conditions. Instruments of restraint, such as chains or other painful devices, should only be used in narrowly defined circumstances and must never serve as a form of punishment. Restrictions on family contact are permissible only temporarily and to the minimum extent necessary to maintain order and safety.³¹³

The use of restraints or disciplinary measures is legally authorized only under strict conditions: (i) when prescribed by law, and (ii) under the direction of the prison administration to prevent self-harm, harm to others, or damage to property. In such cases, the responsible officer must promptly inform a qualified health professional, and upper administrative authorities are accountable for oversight. These rules aim to ensure that all interventions are proportionate, monitored, and respect prisoners' fundamental rights.

Empirical evidence from East Wollega and West Wollega Prison Zones indicates a substantial gap between these legal standards and actual practice. Prisoners who commit disciplinary violations—whether related to work duties, personal conduct, or dormitory cleanliness—may face severe punitive measures that exceed lawful limits. Reported sanctions include the binding of inmates' hands, or hands and legs, with chains, placement in isolated areas distant from their release date, or involuntary transfers to remote prisons. Such punishments are often imposed at the discretion of police or prison staff, without transparent legal justification, and inmates frequently lack knowledge of the legality or procedural basis of these sanctions.

The consequences of these practices are severe. The use of chains and physical restraints has caused hand injuries, bleeding, and restricted mobility. Reports indicate that police frequently administer severe beatings, resulting in loss of eyesight, broken limbs, spinal injuries, and psychological trauma. Inmates often experience denial of family visits, forced labor without compensation, overwork, and compulsory cleaning duties. Constitutional and legal rights, including access to fair treatment, medical care, and legal counsel, are frequently disregarded.

findings reveal a systemic pattern of abusive disciplinary practices in East Wollega and West Wollega prisons. Physical and psychological abuse is prevalent, legal protections for prisoners are inconsistently enforced, and the use of instruments of restraint often violates

³¹³ Interview with Fatehun Benya, March 18/2017 E.C

both international and domestic standards. The evidence underscores the urgent need for comprehensive reform, including clear legal guidelines, staff training on humane disciplinary procedures, and effective oversight mechanisms to prevent abuse and protect inmates' fundamental rights.³¹⁴

3.5. Prisoners Who Need Special Treatment

International and domestic legal standards recognize that certain categories of prisoners particularly juveniles, individuals with disabilities, and those with mental health conditions require special treatment tailored to their specific needs. According to the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), juvenile inmates must be provided with educational, recreational, and social programs appropriate to their age. Attendance in educational programs should be mandatory, and facilities should include designated spaces for family visitation to support social development. Similarly, prisoners with physical or mental disabilities must have access to accommodations, medical care, and assistive devices appropriate to their conditions, ensuring equality of treatment and protection of dignity.³¹⁵

Juvenile Prisoners

Focus group discussions (FGDs) reveal that juvenile inmates in East Wollega and West Wollega Prison Zones are not segregated from adult prisoners. This practice exposes young offenders to the influence of hardened criminals, creating what some inmates described as a “university of crime,” where juveniles are at risk of adopting harmful behaviors. Juvenile inmates lack access to age-appropriate physical exercise, vocational training, and structured educational programs. Moreover, there is no dedicated mechanism for handling complaints or grievances specific to young prisoners, further limiting their ability to assert rights or seek protection.³¹⁶

Prisoners with Disabilities and Mental Health Needs

The prison administration asserts that it prioritizes inmates with disabilities by arranging psychological support through external visitors. However, significant gaps remain. Dormitories, visitation areas, and other facilities are largely inaccessible to prisoners with

³¹⁴ Interview with Degefa Mosisa, March 18/2017 E.C

³¹⁵ Interview with Habatamu Jirra, March 18/2017 E.C

³¹⁶ Ibid

physical disabilities. FGDs indicate that approximately 54% of inmates perceive that prisoners with disabilities do not receive adequate consideration and are treated the same as able-bodied inmates. Prisoners with mental health issues similarly face neglect. They are rarely referred to psychiatric hospitals, and medication and clinical follow-up are inconsistent. Tragically, there has been at least one reported death of a prisoner with mental disabilities due to a vector-borne illness.³¹⁷

Systemic Challenges

The lack of special treatment is compounded by overcrowding, inadequate bedding, insufficient nutrition, limited medical services, and the absence of age-appropriate recreational and educational opportunities. Juvenile inmates and mentally ill prisoners are housed with adults, exposing them to physical abuse, neglect, and exploitation. Disabled prisoners lack access to assistive devices, specialized accommodations, and supportive facilities. Budgetary constraints, limited staff training on vulnerable groups, and insufficient collaboration with non-governmental organizations exacerbate these deficiencies. There is also limited coordination with other government agencies to provide the necessary support for prisoners with special needs.

Legal and Human Rights Implications

Ethiopia has ratified multiple binding international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT), and the African Charter on Human and Peoples' Rights (ACHPR). These instruments, alongside domestic legal provisions such as the FDRE Constitution and the Federal Prison Proclamation No. 1174/2019, mandate that prisoners receive humane treatment and special consideration based on their vulnerability. Despite these legal obligations, the treatment of juveniles, disabled inmates, and prisoners with mental health needs in East Wollega and West Wollega Prison Zones falls far below required standards. Applicable regional prison proclamations are not effectively implemented, reflecting systemic neglect and inadequate prison management.

The evidence demonstrates that prisoners requiring special treatment in East Wollega and West Wollega Prison Zones face significant violations of their legal and human rights. Juveniles are exposed to harmful influences, mentally ill inmates lack appropriate care, and

³¹⁷ Ibid

prisoners with disabilities are inadequately accommodated. These deficiencies result from insufficient funding, inadequate staff training, lack of intergovernmental and NGO cooperation, and an institutional focus on punitive enforcement rather than rehabilitation. Urgent reforms are required to align practices with both international standards and domestic legal obligations, ensuring protection, humane treatment, and rehabilitative opportunities for vulnerable inmate populations.

CHAPTER FOUR

4. CONCLUSION AND RECOMMENDATIONS

4.1. Conclusion

The study on the enforcement dilemmas of access rights of prisoners in Western Oromia prison institutions reveals a significant gap between the legal provisions on prisoners' rights and their practical implementation. While Ethiopian law, alongside international human rights instruments, guarantees prisoners' rights to access justice, healthcare, legal counsel, education, and family communication, the research indicates that these rights are frequently inadequately protected in practice.

The study finds that enforcement mechanisms remain weak despite the existence of laws and policies. Prison authorities often face constraints that hinder inmates from fully exercising their rights, leading to inconsistencies and selective application of regulations. Structural and institutional challenges, such as limited resources, overcrowding, insufficiently trained staff, and a lack of effective monitoring mechanisms, further exacerbate the violation of access rights. Administrative inefficiencies compound these difficulties, making the practical realization of prisoners' rights more complex.

The lack of access to basic rights significantly undermines the physical, psychological, and social well-being of prisoners. Juvenile and other vulnerable inmates are disproportionately affected, as their specific needs are often neglected. Moreover, the study highlights substantial gaps in communication and accountability. Interaction between prisoners, their families, legal representatives, and prison management is often restricted by procedural delays, inadequate infrastructure, and administrative negligence. These shortcomings weaken transparency and limit the ability to hold authorities accountable for rights violations.

Overall, the findings demonstrate that although Ethiopia's legal framework aligns with international human rights standards, the practical enforcement of prisoners' access rights in Western Oromia remains a persistent challenge. Addressing this gap requires a multifaceted approach, including institutional reforms, appropriate resource allocation, targeted staff training, and the establishment of stronger monitoring and accountability mechanisms. Only through such comprehensive measures can the rights of prisoners be effectively safeguarded and their dignity preserved.

4.2. Recommendations

1. Develop a Regional Legal Framework

In light of the findings and conclusions, the following targeted recommendations are made for the relevant bodies of the Oromia Regional State Government: Oromia Chaffe should develop a legal framework specifically addressing the treatment of prisoners, tailored to the region's unique context and fully aligned with national and international human rights standards.

2. Revise Inadequate Existing Laws

The Oromia Regional State should revise laws and regulations that fall short of human rights standards—especially Regulation No. 168/2014, concerning the Code of Conduct for Oromia Regional State Administration Commission Police Members. This regulation must comply with the Standard Minimum Rules for the Treatment of Prisoners (SMRs) or at least match the provisions of Federal Prison Proclamation No.1174/2019.

3. Enact New Legislation Swiftly

Prioritize the enactment of new legislation to address prisoner treatment and prison administration based on the revised legal framework.

4. Strengthen Dynamic Security in Prisons

East and West Wollega Prison Administrations should enhance dynamic security (interpersonal relationships and staff awareness) as a core component of prison security, alongside physical and procedural measures.

5. Inform Inmates of Their Rights and Responsibilities

Upon entry, all inmates must be clearly informed of their rights and responsibilities in a language and format they understand.

6. Classify and House Inmates Appropriately

Inmates should be housed separately based on gender, age, criminal history, legal status, and treatment needs, in accordance with national and international standards.

7. Improve Sanitation, Hygiene, and Medical Services

Prisons must ensure access to proper sanitation, personal hygiene, and 24/7 medical care with adequate medical personnel and supplies.

8. Provide Recreational Facilities and Programs

Develop open spaces for sports like football and volleyball, and supply the necessary equipment. Where possible, collaborate with communities to organize cultural, social, and sports events for inmates.

9. Ensure the Right to File Complaints

Establish a robust and transparent complaint system with clear documentation, accessible to all prisoners. Guarantee regular oversight by independent external bodies.

10. Address Overcrowding Through Infrastructure Expansion

Allocate and administer the necessary capital budget to expand prison facilities, particularly dormitories, to address overcrowding in East and West Wollega prisons.

11. Improve the Quality of Inmate Meals

Conduct a cost-of-living assessment in Nekemte and Gimbi cities and revise the per-inmate daily food budget accordingly to enhance meal quality.

12. Foster Partnerships with Human Rights Organizations

The Oromia Prisons Administration Commission should actively collaborate with external stakeholders such as:

Justice For All – Prison Fellowship Ethiopia (JFA-PFE)

Ethiopian Human Rights Council (EHRCO)

Association for Human Rights in Ethiopia (AHRE)

Consortium of Ethiopian Human Rights Organizations (CEHRO)

Ethiopian Human Rights Defenders Center (EHRDC)

Ethiopian Women Lawyers Association (EWLA)

BIBLIOGRAPHY

Laws FDRE Constitution, 1995

Federal Prison Proclamation No.1174/2019

Oromia National Regional State Revised Constitution Proclamation No. 46/2001, Megeleta Oromia, 1st Year, No. 1, 4th July 2008

FDRE Criminal Code

The Oromia Region Prisons Administration Commission Establishment Regulation No. 137/2015

The Oromia Region Manner of Treatment Inmates of Prisons Regulation No. 45/2005

Universal Declaration of Human Rights (1948)

International Covenant on Civil and Political Rights

Books and Articles

‘Justice & Prisons’ accessed on 25 October 2021

A.T. Turk, *Criminality and Legal Order*, Rand McNally, Chicago, 1969, 19; A. Fagothey, *Right and Reason: Ethics in Theory and Practice*, C.V. Mosby Company, U.S.A., 1959, 371.

Addisu Gulilat, *The Human Rights of Detained Persons in Ethiopia: Case Study in Addis Ababa*, Faculty of Law, School of Graduate Studies, Addis Ababa University, December 2012

Andrew Coyle, *Human Rights Approach to Prison Management: Handbook for Prison Staff*, International Centre for Prison Studies, 2nd edition, 2009, London

ARC Foundation/Garden Court Chambers, *Prison Conditions in Ethiopia*, February 2021

Asres Bedaso, Gemechu Kediro, and Tebikew Yeneabat, *Factors associated with depression among prisoners in southern Ethiopia: a cross-sectional study*, School of Nursing, College of Medicine and Health Sciences, Hawassa University, Hawassa, SNNPR, Ethiopia, 2018

Fitsum Meseret, *Discrepancy Between Rhetoric and Practice: A Qualitative Study Assessing Barriers Associated With Prisoner Rehabilitation at Hawassa Correctional Facility*, Southern Ethiopia, Wolaita Sodo University, Wolaita Sodo, Ethiopia, January-March 2018

John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (3rd edn., SAGE Publications Inc. 2009) 18.