

A RE-EXAMINATION OF ECONOMIC, SOCIAL AND  
CULTURAL RIGHTS IN A POLITICAL SOCIETY IN THE  
LIGHT OF THE PRINCIPLE OF HUMAN DIGNITY

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**A Re-examination of Economic,  
Social and Cultural Rights in a  
Political Society in the Light of  
the Principle of Human Dignity**

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## ACKNOWLEDGMENTS

Finalising this thesis took more than originally expected. When I started this research in February 2010, my original intention was to critically explore issues surrounding the justiciability of ESC rights in the African Continent, in particular, if and whether courts could play a meaningful role in the effective realisation of ESC rights and thereby contribute to the fight against poverty and marginalisation affecting the bulk of population in the Continent. However, half-way between my research, I realised that, at the fundamental level, the problem of the realisation of ESC rights is not unique to the African Continent: it is the problem of every continent and legal system although the degree varies. This led me to substantially revise the research project and expand the scope of investigation. I was able to finish the major theoretical discussions and the review of the case law of the four international human rights systems (African, Inter-American, European and UN) in the remaining two years of my research period at the University of Groningen. Meanwhile, in May 2013, I had to return to my family and give company to my wife for the next six months awaiting the arrival of our third child, Shalom. Although I kept working on the research specially on the case law, I was not as effective as my time in Groningen for different reasons. When I returned to Groningen at the end of November 2013, I was only left with two months to finalise the entire research project but it was already obvious to me that more time was actually needed. Thus, having finished my research time at the University of Groningen, I returned to Jimma University Law School to resume my teaching position at the end of January 2014. But no sooner than my arrival at the Law School, I was given the task to coordinate and develop an LL.M curriculum for the specialisation in Human Rights and Criminal Law. I was also appointed as a deputy director of the School's Legal Aid Centre (LAC) which was responsible for providing free legal aid to the vulnerable members of the community such as the poor, children, women, persons with disabilities and the elderly (the position I held until September 2015). This meant that from March through July 2014 I was fully engaged in researching and developing the curriculum (together with few colleagues at the School) and in the works of the LAC. I had only spent a marginal time working on my dissertation during this time. Meanwhile, the LL.M specialisation program started accepting students since July 2014 for the summer programme and October 2014 for the regular programme. This also meant that I had to be responsible for the large share of teaching activities particularly for the human rights and international law components of the programme as there were

only very few of us who could lecture postgraduate courses in the School, the problem which to my knowledge remained a critical challenge even at the time I left the University in October 2019. Interestingly, by the time I left, the School had already graduated its fifth batch and has been struggling to cope with the growing number of students and high demand for the programme. My promotor, Professor dr. Marcel Brus, had the opportunity to give a class and public lecture during his summer visit to Ethiopia in 2015. Having realised the stagnation in my project, my dear and kind promotors, Professor dr. Marcel Brus and Professor dr. Gijs Vonk, helped me to retreat from the busy workload in Jimma to have time in Groningen as a visiting researcher. I had a valuable time from mid-February through mid-June 2015 to focus on my research project. It was during this time that I was able to write the draft outline and contents of the Part two of the study. From October 2015 through May 2018, I had to assume an additional academic responsibility at Jimma University as the coordinator of research and postgraduate studies of the College of Law and Governance. This was meant that for the next three years I barely had the time to work on the dissertation. This led me to resign from all of my academic responsibilities except class lectures. The first major revision of the entire thesis was accomplished between August and December 2018. The second and final revision was accomplished between April and December 2019. I am more than sure that had it not been for the encouragement of my promotors and the perseverance of my wife, Hirut Adnew, this project would not have come this far. I particularly promised my supervisors several broken deadlines but they were only humans with me. Especially during the last part of the revision, my first promotor Professor Marcel Brus bore the lion's share of the burden in reading through different versions of the thesis and providing feedbacks as well as in translating the thesis summary to *Samenvatting*. I owe both of my dearest supervisors the deepest of my gratitude, not just for their academic supervision but also for their kindness, patience and humanity during this difficult process of the journey. I am very grateful for all members of the scientific (assessment) committee, Professor B.C.A. Toebes, Professor M. Ssenyonjo and Professor P.C. Westerman for their role and comments on the manuscript. I am also grateful to the University of Groningen for giving me the position as a PhD Researcher through Ubbo Emmius Scholarship scheme from February 2010 through January 2014. My summer course at Upsala University (Sweden) on *Method and Methods in Legal Science* and at Abo Academy (Finland) on *Intensive Course on Justiciability of ESC Rights* (through a valuable financial support from the Finish Foreign Ministry) had significant contributions to my research project. My philosophy course on '*Global Justice*' at the University of Groningen helped me to appreciate the problem of ESC rights from a wider perspective. I had also a wonderful company from Marlies, Kirsten, Andre, Birgit, Antenor, Etienne, Esther, Wouter, Michiel, Mentko, Hans, Fitsum, Tadesse and many of the colleagues and friends at the University of Groningen during my

time in Groningen. The special cooperation and assistance of the people at the International Service Desk of the University is quite amazing. My special thanks also go to the staffs of the Groningen Graduate School of Law, in particular, Joop, Barbara, Marjolijn and Anita for their relentless assistance till the end of my research project. I would never forget the many times Marlies and I debated on the issues of human dignity, ESC rights and social justice, at times all the way from Amsterdam to Groningen. I continue to cherish the Groningen memory with Etienne Revebana and his family who remains to be a dear family. Matthias Olthar was and continues to be my dearest Dutch brother. I shared and enjoyed a lot of life's beauty and mystery with brother Matthias. I would like to say thank you to all of my companions at the University of Groningen. My dear wife Hirut Adnew and our three wonderful children, Daniel, Phares and Shalom, endured the pain of my absence and workload at the time they needed me most. They deserve the most of my gratitude.





# DEDICATION

This dissertation is dedicated to my dear wife, Hirut Adnew, and to Daniel, Phares and Shalom.

It is also dedicated to all members of humanity around the globe who continue to endure an unnecessary socioeconomic exclusion, discrimination, marginalisation and indignity in their everyday living.



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## ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
AfCoHPR	African Commission on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of Child
Ad-Prot	Additional Protocol
AU	African Union
CEDAW	Committee on Elimination of All forms of Discrimination against Women
CEDAW	Convention on Elimination of All forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
Chapt(s)	Chapter(s)
CoE	Council of Europe
CRC	Committee on the Rights of Child
CRPD	Committee on the Rights of Persons with Disabilities
CRPWD	Convention on the Rights of Persons with Disabilities
ECSC	European Committee of Social Rights
ECtHR	European Court of Human Rights
ESC	Economic, Social and Cultural
EUCFR	European Union Charter of Fundamental Rights
FAO	Food and Agriculture Organisation
GA Res	General Assembly Resolution
G.C	General Comment
HRC	Human Rights Committee
HRCo	Human Rights Council
IACoHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court on Human Rights
IBR	International Bill of Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICPMW	International Convention on the Protection of the Rights of All Migrant Workers and Their Families
ILO	International Labour Organisation
n(nn)	Note(s)
NGO	Non-Governmental Organisations

No. (Nos.)	number(s)
OAS	Organization of American States
OAU	Organization of African Unity
OHCHR	Office of High Commission on Human Rights
P(pp)	Page(s)
Para(s)	Paragraph(s)
SG	UN Secretary General
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNC	United Nations Charter
UN Doc.	UN Document
UNDP	United Nations Development Programme
WHO	World Health Organisation