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ADDIS ABABA UNIVERSITY
COLLEGE OF LAW AND GOVERNANCE
STUDIES
SCHOOL OF LAW

**Examining IDPs Right to Education: The case of Conflict-
Induced IDPs in Adama, Oromia**

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Addis Ababa, Ethiopia

September 2024

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GOVERNANCE STUDIES
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Induced IDPs in Adama, Oromia**

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A thesis submitted in partial fulfillment of the requirements for Master of Laws degree in Human Rights Law at the School of Law, College of Law and Governance Studies of Addis Ababa University.

Addis Ababa University

Addis Ababa, September 2024

Declaration

I, **Mustefa Defo**, hereby, declare that the study on “**Examining IDPs Right to Education: The case of Conflict-Induced IDPs in Adama, Oromia**” is my own work and the sources used are duly cited and acknowledged.

Declared by **Mustefa Defo** _____ Date: _____

Approval Sheet

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**Examining IDPs Right to Education: The case of Conflict-Induced IDPs in
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Acronyms

ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of Child
CRPD	Convention on the Rights of Persons with Disabilities
CRC	Convention on the Right of the Child
DTM	Displacement Tracking Matrix
EDR	Education Development Roadmap
EIE	Education in emergency
ESDP	Education Sector Development Program
ETP	Education and Training Policy
FDRE	Federal Democratic Republic of Ethiopia
GRID	Global Report on Internal Displacement
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRC	International Committee of the Red Cross
IDMC	Internal displacement monitoring Center
IDPs	Internally Displaced person/people
INEE	Inter-agency Network for Education in Emergencies
IOM	International Organization for Migration
NDRMC	National Disaster Risks Management Control
NPDRM	National Policy on Disaster Risk Management
NRC	Norway Refugee Council
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
UDHR	Universal Declaration of Human Rights
UNICEF	United Nations Children's Fund
WASH	Water, Sanitation, and Hygiene

Abstract

This thesis examines the protection of the right to education for IDPs resettled in Adama city following the 2017 conflict in the Somali region of Ethiopia. Addressing the gap in literature, it focuses on the practical implementation of educational rights within this specific context. Using qualitative methods, such as doctrinal analysis and a case study, the research assesses how well the resettlement processes have delivered accessible, quality, and affordable education to IDPs. The thesis also evaluates government policies' effectiveness in safeguarding these rights. Findings highlight significant challenges including inadequate infrastructure, resource shortages, and lack of psychosocial support for trauma-affected students. Despite some progress, substantial gaps remain in ensuring the realization of IDPs' right to education. The thesis concludes with recommendations to enhance policy frameworks, improve resource allocation, and boost coordination among stakeholders. This research contributes to the understanding of IDP protection in Ethiopia.

Key words: Human Rights, Right to Education, Internally Displaced Persons (IDPs), Conflict-Induced IDPs, Socio-Economic Rights,

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Chapter One

1. INTRODUCTION

1.1. Statement of the Problem

Millions of people are forced to flee their homes or places of residence annually due to conflict, violence, development projects, disasters, and climate change, remaining displaced within their countries. According to the Global Report on Internal Displacement (GRID) as of the end of 2019, 50.8 million people across 148 countries and territories were living in internal displacement because of conflict, violence and disasters.¹ These numbers show that internal displacement is a significant global crisis.

Internal displacement has been an on-going challenge in Ethiopia for many years. It experienced a huge increase in its internally displaced persons (IDPs) population in 2018, recording the third highest number of new displacements worldwide.² A significant portion of the total 3,191,000 IDPs identified during the year were attributable to new waves of ethnic and border related conflicts, putting the country in the first place in terms of number of new conflict-induced internal displacements.³

The Somali region was home to many ethnic Oromo people, and Somalis and Oromos had cohabited peacefully for years prior to the end of 2017. In late 2017, however, ethnic conflicts between the Oromos and the Somalis, largely related to ethnic and border-based disputes, erupted and led to an estimated forced displacement of 1,074,000 people in both regions⁴. The crisis deeply traumatized many, with some losing family members, suffering injuries, or witnessing atrocities. In response, the Oromia regional government-initiated action to resettle the IDPs. Understanding that encampment was a temporary fix, the government aimed to distribute

¹ Internal Displacement Monitoring Centre (IDMC), 'Global Report on Internal Displacement (GRID) 2020 Report' (2020) 2 <<https://api.internal-displacement.org/sites/default/files/publications/documents/2020-IDMC-GRID.pdf>>.

² Internal Displacement Monitoring Centre (IDMC), 'Global Report on Internal Displacement (GRID) 2019 Report' (2019) 9 <<http://www.internal-displacement.org/sites/default/files/publications/documents/2019-IDMC-GRID.pdf>>.

³ *ibid* 14.

⁴ Evan Easton-Calabria and others, 'Urban Refugees and IDPs in Secondary Cities: Case Studies of Crisis Migration, Urbanisation, and Governance' (Cities Alliance/UNOPS 2022) 47 <https://www.citiesalliance.org/sites/default/files/2022-10/citiesalliance_urban-refugees-and-idps-in-secondary-cities_2022.pdf> accessed 5 July 2024.

and permanently resettle the IDPs across the region, considering the capacity of 11 cities⁵ within the region; namely, Adama, Shashemene, Bishoftu, Legtafo, Modjo, Dukem, Gelan, Zeway, Sebeta, Burayu and Sululta.

According to OCHA's report of 2018, the Oromia Regional Government has resettled around 2,000 households and 506 unaccompanied IDP minors in Adama city amongst persons displaced due to the conflict along the border between Oromia and Somali Regions. However, resettlement alone does not fully address all the challenges displaced persons face; neither is it a long-lasting solution for IDPs.

Displacement disrupts the education of IDPs, causing them to lose their homes and educational facilities. Education is a fundamental right for all, but displacement often presents barriers to continuing education. A 2020 survey found that over 4.4 million African children are affected; with nearly 3 million out of school due to displacement and insufficient investment to support them.⁶

The effects of displacements that relates to education include loss of human resources and physical infrastructure, pressure on the already overstretched educational infrastructure in the host community, security risks, lack of resources needed to pay school fees or purchase other materials and increased poverty leading to some IDPs staying out of school in order to work to supplement the family income.⁷ Moreover, in context of conflict induced displacement, according to Wyndham and Mooney, "education is treated as a secondary need, to be addressed only once conflicts have subsided".⁸ This study investigates the protection of right to education of conflict-induced IDPs in the Adama city of Oromia regional state since 2017.

⁵ OCHA, 'Ethiopia: Conflict-Induced Displacement' (2018)
<https://reliefweb.int/sites/reliefweb.int/files/resources/ethiopia_conflict_displacement_situation_report_0.pdf>.

⁶ see Internal Displacement Monitoring Centre (IDMC), 'The Impacts of Internal Displacement on Education in Sub-Saharan Africa' (Global Education Monitoring Report 2020)
<<https://unesdoc.unesco.org/ark:/48223/pf0000373666>>.

⁷ Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC), 'Learning in Displacement: Briefing Paper on the Right to Education of Internally Displaced People' (2010) 4 <<https://www.internal-displacement.org/publications/learning-in-displacement-briefing-paper-on-the-right-to-education-of-internally>> accessed 6 May 2024.

⁸ Erin Mooney and Colleen French, 'Barriers and Bridges: Access to Education for Internally Displaced Children' 1 <https://www.brookings.edu/wp-content/uploads/2016/06/20050111_mooney.pdf> accessed 24 April 2024.

1.2. Objective of the study

The research has both general and specific objectives

1.2.1. General Objective

The general objective of the research is to assess the protection of right to education of IDPs resettled in Adama city of Oromia regional state due to conflict in the Somali regional state in 2017.

1.2.2. Specific Objectives

The specific objectives of the study are:

- examining the extent to which the resettlement process has provided accessible, qualitative and cost-effective education to the IDPs resettled in Adama city;
- Investigating the effectiveness of government policies and actions in addressing the protection of IDPs right to education;
- Identifying kind of measures the government and other concerned bodies should take to provide effective protection of IDPs' right to education in Adama city.

1.3. Research Questions

This study attempts to respond to the following research questions:

- To what extent has the resettlement process succeeded in providing accessible, qualitative and cost-effective education to the IDPs resettled in Adama city?
- How effective and adequate are government policies and actions in addressing protection of IDPs right to education?
- What kind of measures the government and other concerned bodies should take to provide effective protection of right to education of IDPs resettled in Adama city?

1.4. Research methodology and data collection methods

1.4.1. Qualitative research method

This study employs a qualitative methodology, involving a critical doctrinal analysis and a case study approach to answer the research questions defined above.⁹ A doctrinal analysis of national laws and international human rights instruments relevant to education rights, and scholarly

⁹ Sharan B Merriam, *Qualitative Research: A Guide to Design and Implementation* (John Wiley & Sons 2009) <<http://ndl.ethernet.edu.et/bitstream/123456789/49003/1/82.pdf>>.

literatures, as well as relevant government policies, reports, and other documents is important to understand the legal and policy framework governing IDPs' right to education. The research employs a case study approach since this approach enables a researcher to investigate and analyze the situation in question, the state of right to education of IDPs resettled in Adama City, deeply and intensively, and provide contextual insights into the complexities and nuances of the issue.¹⁰ Moreover, the case study approach also helps in developing an understanding of similar cases, phenomena, and situations¹¹; as such the context of IDPs in Adama City can serve as a representative case for understanding the broader issue of IDPs' right to education in Ethiopia. Accordingly, this combined approach is appropriate as it facilitates the exploration of the legal, practical and contextualized aspects of IDPs' right to education.

1.4.2. Sources of data

The research employs the following primary and secondary sources of data

- **Primary Sources:** laws, observation and interviews
- **Secondary Sources:** Articles, books, official documents and published literatures would be sources of data for the research.

1.4.3. Data collection and analysis

- 1. Sampling techniques:** The researcher used two kinds of sampling techniques. The first sampling technique is purposive non- random sampling because this technique enables the researcher to acquire qualified information from selected individuals based on their experience, position and professions. It will also enable the researcher to get sufficient information from selected experts. Since the area of this investigation would be very specific, the second sampling technique which is volunteer and random sampling technique was applicable for the informants.
- 2. Interview:** As a technique of generating primary data in which the interviewee gives the needed information verbally in a face-to-face situation, the researcher administered interviews for students and parents in IDPs settlement site, teachers, and government officials.
- 3. Observation:**

¹⁰ Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (6th ed, Routledge 2007) 253 <<https://islmblogblog.wordpress.com/wp-content/uploads/2016/05/rme-edu-helpline-blogspot-com.pdf>>.

¹¹ *ibid.*

Observational visits were conducted in Adama city IDPs resettlement camp, where the school attended by IDPs is located. This method helps to gather firsthand information and for the purpose of understanding the practical aspect of IDPs right to education.¹² The physical observations were very handy to understanding, specially, the practical challenges faced by IDPs in the educational setting, governments and other stakeholders' response in protecting their right of access to education and the extent to which the resettlement process has provided available accessible, acceptable and adaptable education to the IDPs resettled in Adama city.

- 4. Textual analysis:** Major documents such as international and national legal instruments, policies, different journal articles, thesis, books, reports, documents from websites and others which have direct relations with the research topic were be analyzed in order to investigate the protection of IDPs right to education in general and those relocated in Adama city in particular. Furthermore, to carry out the objectives stated, the collected data from respondents were analyzed using description of facts (explanatory). In so doing, the researcher used both tabular and essay types of questions to analyze the data.

1.5. Significance of the study

The outcome of the study would have its own significance. First, assessing practical hindrance against IDP's access to education helps the concerned administrative unit of government to update their practice. Second, as the life of large number of people in the country continuously suffers due to conflict-induced displacement, assessing the right of education of IDPs in Adama city will contribute in addressing similar problems elsewhere in the country.; finally, the study may also indicate areas of interventions for concerned government and non-governmental institutions involved in the human rights protection, mainly right to education of conflict induced displaced person.

1.6. Literature review

The issue of IDPs has been a subject of several legal researches in Ethiopia and at international level. Internal displacement scholarship in the legal domain has tended to revolve around four main interrelated themes: the development of an international framework for protection and assistance of IDPs, the legal and policy aspects of the institutional response to IDPs at the

¹² Robert Bogdan and Sari Knopp Biklen, *Qualitative Research for Education: An Introduction to Theories and Methods* (Pearson India Education Services 2016) <http://archive.org/details/qualitativeresea0000bogd_k7h7>.

international level, the global framework for assistance and protection of IDPs, and the practical implementation of assistance and protection. Several articles and books have been written on the subject from the perspective of human rights as well, both by individuals and at institutional level. While some authors engage with questions of human rights implications of internal displacement in a broad sense, others approached the subject more narrowly, writing on specific areas within the area of internal displacement, a specific context of displacement, or on the impact of displacement on a particular human right.

For instance, Catherine Phuong, in the book “The International Protection of Internally Displaced Persons”¹³, tries to offer a clear overview of the humanitarian and human rights challenges IDPs face in a general sense. After exploring the origins, nature and scope of phenomenon of internal displacement and the responses to the problem, the author examines in-depth the protection of the IDPs international law, considering existing legal regimes at various levels of governance and institutional mechanisms for IDPs. The book particularly provides an objective evaluation of international efforts to protect the internally displaced. Accordingly, she argues that IDP has never been a focus in the development of human rights instruments, but that the instruments contain provisions which are of particular relevance to IDPs. Addressing the protection of IDPs under human rights law, she affirms the fact that human rights law applies to IDPs stating that “*it applies to all individuals without distinction and in almost all circumstances*”.¹⁴ While her book does not review all national situations of internal displacement, she conducted a case study on internal displacement in Bosnia and Herzegovina, to illustrate practical application of the international frameworks.

In the same vein Behaylu Girma in his article assessed the Human Rights Protection of IDPs in Ethiopia by examining the international, regional and nation normative frameworks.¹⁵ In the paper he argued that Ethiopia needs to revisit its normative frameworks and protect the human rights of IDPs, stating that there is a lack of comprehensive normative frameworks. He highlighted the fact that both the Constitution or subsidiary laws gave enough attention to IDPs,

¹³ Catherine Phuong, *The International Protection of Internally Displaced Persons* (Cambridge University Press 2005) <<https://perpus.univpancasila.ac.id/repository/EBUPT180286.pdf>> accessed 7 May 2024.

¹⁴ *ibid* 42.

¹⁵ Behaylu Girma, ‘The Human Rights Protection of Internally Displaced Persons in Ethiopia; Examining the International, Regional and Ethiopian Normative Frameworks’ (2023) 15 *Jimma University Journal of Law* <<https://journals.ju.edu.et/index.php/jlaw/article/download/5122/1817/>>.

and that Ethiopia ratified the Kampala Convention with different reservations and declarations and is yet to domesticate it, which according to him has disrupted the response process and the durable solution of the IDPs.

Other authors approach the impact of displacement on human right in a narrower sense, focusing on a particular human right, like the right of education. Amy S. Rhoades in the paper ‘Displaced Futures: Internally Displaced Persons and the Right to Education’ argues that education for IDPs is essential, both as a human right enshrined in international law and as a component of the peace-building process.¹⁶ She highlighted the importance of education for IDPs by exploring the practical benefits it provides to individuals and society, stating that “education deliver life-sustaining support and stability to those displaced by conflict and it provides crucial skills to prepare IDPs for sustainably rebuilding their lives, their communities and their countries”. The paper outlined the international framework for internal displacement and education for displaced populations and the status and scope of the right to education under international law and its applicability to IDPs. Nevertheless, after examining the context on the ground she concluded that “the right to education remains an unfulfilled promise for IDPs across the globe” and that “there remains much to be done to ensure the provision of quality education to IDPs during displacement”. As recommendation Rhoades, calls for among others, improved cooperation between local and international agencies and stakeholders and donor investment, "the development of a systematic international response for assisting IDPs with a single coordinating agency" and for “stronger legal instruments” at all levels in order to support and protect all human rights, including that to education.

Some other papers assess internal displacement’s impact on the right to education focusing on a single case study country or region. For example, Olanike ADELAKUN in the paper titled “Challenges for the implementation of the right to education of forcibly displaced children in North-East, Nigeria”¹⁷, assess the status of the right education of IDPs in North-East, Nigeria together with the legal and institutional framework for the right to education in the country. His

¹⁶ Amy S. Rhoades, ‘Displaced Futures: Internally Displaced Persons and the Right to Education’ [2010] University for Peace <https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Rhoades_Displaced_Futures_IDP_and_RTE_2010.pdf>.

¹⁷ Olanike Adelakun, ‘Challenges for the Implementation of the Right to Education of Forcibly Displaced Children in North-East, Nigeria’ [2020] GENIDA Policy Brief XI <<http://genida.org/wp-content/uploads/2021/03/Policy-Brief-11-Adelakun.pdf>>.

founding was that despite a strong institutional framework to protect IDPs in Nigeria, the legal framework on which the institutions could thrive is relatively weak. Accordingly, he recommended, among others, that the country's Bill of rights should be made to reflect the right to education as a fundamental right or that the judiciary should interpret the right to education in the light of fundamental rights such as the right to dignity, freedom from discrimination and the right to life.

The situation of the right to education of Ethiopian IDPs has got the attention of few scholars and international organizations. In the paper titled "The Impacts of Internal Displacement on Education in Sub-Saharan Africa", Ethiopia is one of the countries used for case study to examine the impact of displacement on IDPs' education.¹⁸ The paper highlighted good practices and positive initiatives in Ethiopia in terms of availability of schools for IDPs but it also points to some barriers that hindering education of the children. This includes lack of educational materials and teachers, and language barriers. The case study was conducted in the special zone surrounding Finfinne, Sebeta, in the Oromia region, where thousands of IDPs who moved from the Somali Regional State in 2018 or 2019 because of ethnic tensions were provided with settled.

Another paper titled "Responses to Urban IDPs in Adama, Ethiopia: A Case Study" has been conducted assessing the humanitarian and development responses to IDPs that fled ethnic conflict in the Somali region and settled in Adama. Education is one of the thematic sectors covered in this short paper. The paper highlighted the barriers the IDPs face to accessing education, including loss of documentation, financial pressure on the government, financial pressure on IDP parents and Poor infrastructure. Apart from providing an overview of the challenges and the response from key actors involved, the right of education was not even mentioned in the paper.¹⁹

Additionally some researches have overviewed statues of IDPs education while addressing the human rights implication of displacement.²⁰ For instance, Genene Negussie's 2020 thesis focuses in general on the socio-economic rights protection of IDPs who flee the conflict in Somali

¹⁸ Internal Displacement Monitoring Centre (IDMC), 'IDMC' (n 6).

¹⁹ Evan Easton-Calabria, Delina Abadi and Gezahegn Gebremedhin, 'Responses to Urban IDPs in Adama, Ethiopia: A Case Study' (Refugee Studies Centre 2021) <<https://www.rsc.ox.ac.uk/publications/responses-to-urban-idps-in-adama-ethiopia-a-case-study>> accessed 9 May 2024.

²⁰ Genene Negussie, 'Assessment of Socio-Economic Rights Protection of Conflict-Induced Internally Displaced and Resettled Persons in Sululta Town of Oromia Region' (Addis Ababa Univesity 2020).

regional state in 2017 and resettled in Sululta Town. In this thesis, protection the right to education of these IDPs was touched up on since it is one of the socio-economic rights the author intended to assess. Accordingly, he concluded that there is a limitation of government response in providing basic public services including basic education. And he offered general recommendation that including that Ethiopia should have policy frame work and must built institutional frameworks for the protection of the socio-economic rights of IDPs, and that the country must sign international instruments pertaining the rights of IDPs.

Overall, a review of the literature shows that research on internal displacement has significantly flourished. In Ethiopia too, there is growing literature on legal, policy and other aspects of internal displacement. However, researches that focus particularly on the right of education are not extensive. In many works, the practical situation of education rights of IDPs is not the specific issue of study rather they tend to try to address the general human rights of the IDPs. And thus is not examined in detail, rather it is simply overviewed briefly. Moreover, the target populations of this paper, the IDPs in Adama City, were not the focus of the researches that directly or indirectly deal with the education rights of IDPs. I.e. they did not examine the situation of the right of education of the IDPs resettled in Adama City. Few papers that focus on the education of these IDPs do not approach the situation from human rights perspective, unlike the present work.

Accordingly, despite the contributions these studies made to the understanding of the concept and its legal protection on IDPs rights stipulated in national, regional and international legal instruments, the issue of protection of right to education IDPs displaced due to conflict in Ethiopia is not yet researched. This research attempts to bridge the gap and offer a localized perspective by investigating the practical aspect in protection of right to education for IDPs displaced due to conflict and resettled in Adama city of Oromia regional state since 2017.

1.7. Organization of the study

The paper has five chapters. The first chapter is an introductory part which deals with the statement of problem, research questions, objectives and literature review, methodology and significance of the study. Chapter two defines and discusses relevant concepts including IDPs, the right to education and education in emergency (EIE), and describes how they intersect. Chapter three discusses status of IDPs' right to education under different international, regional

and domestic instruments. The fourth chapter deals with implementation of right to education of the IDPs resettled in Adama City. Finally, the fifth chapter presents summary of the major findings, conclusions drawn from the findings and possible recommendations.

CHAPTER TWO

2. THE CONCEPTUAL FRAMEWORK OF CONFLICT, INTERNAL DISPLACEMENT, AND EDUCATION

Introduction

Conflict, internal displacement, and education are three interconnected phenomena that have significant implications for societies, particularly in nations experiencing protracted violence or political instability. In recent decades, conflicts in different parts of the world have resulted in the displacement of millions, disrupting communities, and challenging the provision of basic services, including education. This chapter aims to establish a conceptual foundation for the study's central themes by explaining their definitions and interrelations. Accordingly, the section addresses key issues such as the definition of displacement, particularly within the context of conflict-induced displacement, the essence of education, its significance for IDPs and their communities, as well as the educational difficulties IDPs face. Then, the definition and development of the concept of Education in Emergencies are overviewed. These insights will provide the basis for the subsequent chapters, which will explore in detail the normative framework and the practical context under study.

2.1. Internal Displacement

Displacement is a general term that refers to the process by which people are forced to leave their homes or places of habitual residence, usually in response to a trigger event such as a disaster, environmental stressor, conflict or persecution, to seek a more secure and stable situation elsewhere.²¹ Populations can be displaced within state borders; or across international borders as refugees. International Committee of the Red Cross (ICRC) defines internal displacement as a situation in which people are at risk or have been victims of persecution in their country of origin but “*have not crossed an international frontier, but have, for whatever reason, also fled their homes.*”²² The victims of such event, the IDPs, are described by the United Nations Guiding Principles on Internal Displacement as “*persons or groups of persons who have*

²¹ Concern Worldwide, ‘Conflict and Displacement: Voices of Displacement and Return in Central African Republic’s Neglected Crisis’ (2018) 9 <<https://reliefweb.int/report/central-african-republic/conflict-and-displacement-voices-displacement-and-return-central>>.

²² ICRC, ‘Refugees and Displaced Persons Protected under International Humanitarian Law’ (ICRC, 29 October 2010) <<https://www.icrc.org/en/doc/war-and-law/protected-persons/refugees-displaced-persons/overview-displaced-protected.htm>> accessed 12 May 2024.

*been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border”.*²³ The definition was adopted by the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention); to which Ethiopia is a signatory party.

As we can observe from these definitions, the coerced or otherwise involuntary character of movement and the fact that affected persons have not crossed ‘an internationally recognized state border’ are the two constitutive elements of this notion. Moreover, the later element, the fact that the movement takes place within ‘an internationally recognized state border’ sets IDPs apart from “refugees”. This is relevant because it makes their state the main duty bearer for protect their rights, meet their specific needs and rehabilitate and resettle them without compromising their human rights. Although internal displacement is caused by a several causes there are a number of literatures in classifying the basic causes of internal displacement in the context of incidents that force people to flee. Terminski, distinguishes four root causes, which he calls the dominant classification of internal displacement including conflict induced, environmentally induced, disaster induced and development induced internal displacement.²⁴

2.1.1. Conflict-induced Internal Displacement

Internal displacement can generally be categorized into three main groups. Firstly, there exists disaster-induced displacement, denoting the displacement of people prompted by natural disasters such as earthquakes, floods, volcanoes, and by human-made disasters like radioactivity and industrial accidents. On the other hand, the displacement of persons in accordance with advance planning, and on the basis of a development project is classified as development-induced displacement. Conflict-induced displacement refers to circumstances in which people are forced to flee their homes due to pressure from an individual or group, whether or not there is the use of force or violence, in order to protect their lives from imminent threats to their safety

²³ Deng Francis Mading, UN Representative of the Secretary-General on Internally Displaced Persons, ‘Guiding Principles on Internal Displacement’ (UN Commission on Human Rights 2004) E/CN.4/1998/53/Add.2 5 <<https://digitallibrary.un.org/record/535577>> accessed 23 April 2024.

²⁴ Bogumil Terminski, *Development-Induced Displacement and Resettlement: Theoretical Frameworks and Current Challenges* (2013) 10 <<https://hdl.handle.net/10535/8833>>.

and well-being or evade violations of human rights.²⁵ Therefore, conflict-induced displacement, which is the main focus of this paper, constitutes a sub-category within the general definition of internal displacement.

Conflict and internal displacement are inextricably connected, as evidenced by the 62.5 million displacements caused by violent conflicts out of the total 71.1 million displacements at the end of 2022.²⁶ Such displacement includes displacement induced by international and/or internal armed conflict, civil war, foreign occupation or intervention, internal strife, communal or generalized violence and violent raids.²⁷ People caught in the middle of cross fire they may either feel compelled to leave their homes in order to protect themselves from physical violence, or they may be actively displaced from their houses and lands by state forces or non-state armed groups.²⁸ As such while conflict-induced displacement, in some cases, is a form of ‘collateral damage,’ with civilians being compelled to flee due to heightened insecurity, in many contexts, however, displacement is a deliberate strategy of conflict actors seeking to force the movement of civilians to and from territories under their control.²⁹

In the sense that, in the cases of the problems arising from displacement associated with conflict and violence are generally not resolved quickly, and instances in which internal displacement becomes permanent and cannot be solved for decades are frequently seen in many parts of the world, protractedness is an unfortunate feature of conflict induced displacement.³⁰ Conflict-induced displacement has immediate and often devastating consequences for individuals, households and communities. Beyond the experience of violence, destruction of property and hardship of flight, displacement has profound long-term political, economic and social

²⁵ LEK KURBAN and others, *Coming to Terms with Forced Migration: Post-Displacement Restitution of Citizenship Rights in Turkey* (Dilek Kurban ed, TESAV Publications 2007) 81

<<https://myweb.sabanciuniv.edu/bcelik/files/2015/06/coming-to-terms.pdf>>.

²⁶ Internal Displacement Monitoring Centre (IDMC), ‘2023 Global Report on Internal Displacement’

<<https://www.internal-displacement.org/global-report/grid2023/>> accessed 23 April 2024.

²⁷ Michèle Morel, ‘The Right Not to Be Displaced in International Law’ (dissertation, Ghent University 2012) 52

<<http://hdl.handle.net/1854/LU-4404866>> accessed 23 April 2024.

²⁸ Olivia Lwabukuna, ‘Internal Displacement in Africa: African Solutions to African Problems? Challenges and Prospects’ (2011) 1 *Journal of Internal Displacement* 131, 137

<<https://www.ajol.info/index.php/jid/article/view/265365>>.

²⁹ International Federation of Red Cross and Red Crescent Societies, ‘World Disasters Report 2012 | IFRC’ (2012) 20

<<https://www.ifrc.org/document/world-disasters-report-2012>> accessed 23 April 2024.

³⁰ Internal Displacement Monitoring Centre (IDMC), ‘Conflict and Violence’ (December 2022)

<<https://www.internal-displacement.org/focus-areas/conflict-and-violence>> accessed 12 May 2024.

implications. The nature and dynamics of conflict are often compounding factors in these conditions: conflict both generates population movements, and creates conditions in which movement is immensely dangerous.³¹ According to the recent Global report on internal displacement, conflict and violence have triggered 28.3 million internal displacements in 2022, an increase of almost 100 per cent compared with the previous year.³² The majority of internal displacements took place in the Middle East and Africa, particularly in Ethiopia, Yemen, Nigeria, Somalia, Sudan, and the Democratic Republic of Congo.³³

The effects of conflict on wider economic activity, livelihoods, food security, and health and education systems mean that both displaced people and host communities and families may face considerable hardship. In addition, there are many factors that may reduce willingness to welcome and support displaced people in times of conflict.³⁴ Moreover, the very fact of insecurity in a country often creates acute access challenges for humanitarian actors seeking to respond to these urgent needs.

2.2. Education

Education has been defined in many ways. The right to education, protected by International Human Rights instruments, primarily pertains to education in a narrow sense. The 1960 UNESCO Convention against Discrimination in Education defines education in Article 1(2) as: "all types and levels of education, (including such) access to education, the standard and quality of education, and the conditions under which it is given."³⁵

In a wider sense, however, education may be described as "*all activities by which a human group transmits to its descendants a body of knowledge and skills and a moral code which enable the group to subsist*".³⁶ In this sense, Education involves imparting daily living skills to future generations while also preserving the social, cultural, spiritual, and philosophical values of a

³¹ UNHCR, *The State of the World's Refugees: A Humanitarian Agenda* (Oxford University Press, 1997)

<<https://digitallibrary.un.org/record/252315>> accessed 23 April 2024.

³² Internal Displacement Monitoring Centre (IDMC), '2023 Global Report on Internal Displacement' (n 26).

³³ *ibid.*

³⁴ Alexandra C Hartman, Benjamin S Morse and Sigrid Weber, 'Violence, Displacement, and Support for Internally Displaced Persons: Evidence from Syria' (2021) 65 *Journal of Conflict Resolution* 1791, 5

<<http://journals.sagepub.com/doi/10.1177/00220027211011523>> accessed 23 April 2024.

³⁵ UNESCO, *Convention Against Discrimination in Education, 1960* (ED/2003/CONV/H/1) Art 1(2).

³⁶ Hiramani Patgiri, 'Right to Education and Children with Special Needs: Role of Sarva Shiksha Abhiyan in Barpeta District of Assam' (2017) 7 *International Journal of Humanities and Social Sciences* 46
<https://www.ripublication.com/ijhss17/ijhssv7n1_05.pdf>.

particular community. Article 1(a) of UNESCO's 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms has recognized the wider meaning of education as:

'the entire process of social life by means of which individuals and social groups learn to develop consciously within, and for the benefit of, the national and international communities, the whole of their personal capabilities, attitudes, aptitudes and knowledge'.³⁷

Education has been acknowledged in many international and regional human rights standards and norms including the UDHR; and is also considered an indispensable right for the exercising of other rights.³⁸ The international community recognizes the right to education as a fundamental right, with its multifaceted nature recognized in the "Global Education first initiative" of former UN General Secretary Ban Ki-moon, enhancing its recognition and implementation over time. However, it has been suggested that the international community has yet to recognize the full potential of education as a catalyst for development.³⁹

2.3. Education and Displacement

The relationship between education and displacement can be viewed from multiple angles. On one hand, internal displacement is one of the emergency situations which lead to disruption of the right to education and significantly diminishing learning opportunities for children and adolescents. From the other perspective, a situation of displacement is one of the situations where access to education becomes even more vital at individual and community level.

2.3.1. The Role of Education in IDP Communities

In today's world, education is considered as one of the most important aspects of an individual's life, and an important tool for societal progress. Education is even more imperative in context of IDPs grappling with the aftermath of conflict. According to INEE, forced displacement is one of

³⁷ UNESCO General Conference, 'Recommendation Concerning Education for International Understanding, Co-Operation and Peace and Education Relating to Human Rights and Fundamental Freedoms.' (1974) art 1(a) <<https://digitallibrary.un.org/record/162037>> accessed 24 April 2024.

³⁸ UNESCO, 'What You Need to Know about the Right to Education' (*unesco.org*) <<https://www.unesco.org/en/articles/what-you-need-know-about-right-education>> accessed 24 April 2024.

³⁹ UNESCO, 'Sustainable Development Begins with Education' <<https://sdgs.un.org/sites/default/files/publications/2275sdbeginswitheducation.pdf>>.

the common situations of crisis in which education in emergencies (EiE) is essential.⁴⁰ The following section explores the major benefits that quality education provides to IDPs and further reiterates why it is particularly crucial to ensure that the right to education is guaranteed in context of internal displacement.

Education empowers IDP communities by providing knowledge, skills, and opportunities to shape their lives and address emotional trauma experienced by displaced persons, ranging from confusion to fear and despair.⁴¹ Women and young people are particularly susceptible to psychological trauma.⁴² The introduction or resumption of education in an IDP's life can alleviate the long-term trauma, foster dignity and self-worth, establish normalcy, and enable families and individuals to establish daily routines, thereby reducing the impact of trauma. This alone can be a significant step in the healing process for many people.⁴³

Education can also aid in identifying IDPs who are experiencing severe shock or trauma. Once identified, additional services can be provided to these community members to address their psychological needs.⁴⁴ The Special Rapporteur on the Right to Education, in his 2008 report focusing on displaced persons, asserts;

*“Education offers life-saving and life-sustaining protection, providing safe learning spaces and support for affected individuals, especially children and adolescents. It mitigates the psychosocial impact of conflict and disasters by providing a sense of normality, stability, structure, and hope during crises. Education also serves as essential building blocks for social reconstruction and future economic stability.”*⁴⁵

⁴⁰ INEE, ‘Minimum Standards for Education: Preparedness, Response, Recovery’

<https://inee.org/sites/default/files/resources/INEE_Minimum_Standards_Handbook_2010%28HSP%29_EN.pdf>.

⁴¹ see Belay Makango and others, ‘Prevalence and Factors Associated with Post-Traumatic Stress Disorder among Internally Displaced People in Camps at Debre Berhan, Amhara Region, Ethiopia: A Cross-Sectional Study’ (2023) 23 BMC Psychiatry 81 <<https://doi.org/10.1186/s12888-023-04570-w>> accessed 25 April 2024.

⁴² Christelle Cazabat, ‘Hidden in Plain Sight: Women and Girls in Internal Displacement’ (2020) 15 <<https://reliefweb.int/report/world/hidden-plain-sight-women-and-girls-internal-displacement>>.

⁴³ Kacem Bensalah and others, ‘Education in Situations of Emergency and Crisis: Challenges for the New Century’ (2001) 28 <<https://unesdoc.unesco.org/ark:/48223/pf0000123484>>.

⁴⁴ *ibid.*

⁴⁵ Vernor Muñoz Villalobos, ‘Right to Education in Emergency Situations: Report of the Special Rapporteur on the Right to Education’ (UN, 2008) A/HRC/8/10 10 <<https://digitallibrary.un.org/record/629292>> accessed 25 April 2024.

Research shows that displacement as a result of conflict often leads to higher levels of distrust, segregation, hostility, and violence among internally displaced persons (IDPs). The classroom setting creates a space which allows students to process their emotions and begin to restore relationships.⁴⁶ Primary education and youth and adult education programs can provide therapeutic support for students, providing a centralized focus and renewed hope for the future, similar to primary education in creating routine and stability.

Apart from psychosocial well-being of IDPs, enrollment in education reduces the vulnerability of IDPs; particularly it lessens the likelihood of recruitment in illicit activities such as armed conflict or the sex trade. Research has demonstrated that where education is not available, individuals are more susceptible to recruitment into illicit activities including fighting groups or the sex trade.⁴⁷ Human trafficking is prevalent in both armed forces and sex trafficking sectors, with recruitment primarily occurring during conflict and increasing post-conflict. Recruitment can be forced or voluntary, often under deceptive pretenses. Traffickers exploit vulnerable women and children, exploiting their increased vulnerability. It is often presented as an opportunity to improve their social, economic, or political situation in more developed cities or countries.⁴⁸ Traffickers may entice potential victims by presenting it as a highly lucrative means to escape from their current situation.

Beyond giving students an individualized sense of hope and direction, education can also play a vital role in the community as a whole. The breakdown of social networks, disintegration of community and family cohesion, and of social support mechanisms are all byproducts of displacement, resulting in damage to community viability.⁴⁹ To this end, educational programming can offer a venue to engage and empower displaced communities. It can serve as a catalyst for community dialogue and healing. Additionally, it can plant the seeds for future civil society development, be it during displacement or following resettlement or repatriation of IDPs.

⁴⁶ Global Education Monitoring Report and UNESCO, 'Education as Healing: Addressing the Trauma of Displacement through Social and Emotional Learning' (UNESCO 2019) 5, 6 <<https://www.semanticscholar.org/paper/Education-as-healing%3A-Addressing-the-trauma-of-and/f3ad60fed7703a5707166623323370f0ed020b72>> accessed 25 April 2024.

⁴⁷ Global Protection Cluster Working Group, 'Handbook for the Protection of Internally Displaced Persons' (2010) 205 <<https://www.refworld.org/reference/manuals/gpc/2010/en/91963>> accessed 25 April 2024.

⁴⁸ Alja Klopčič, 'Trafficking in Human Beings in Transition and Post-Conflict Countries' (2004) 1 10 <https://childhub.org/sites/default/files/library/attachments/148_225_EN_original.pdf>.

⁴⁹ Chaloka Beyani, 'Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons' (UN, 2015) A/HRC/29/34 6 <<https://digitallibrary.un.org/record/798049>> accessed 25 April 2024.

Education on respect for diversity and peaceful values fosters understanding and can prevent ideologically-based conflict for generations to come.⁵⁰ Educators can use this opportunity to go beyond simply providing classroom instruction to laying the groundwork for promoting economic and social justice, respect for human rights, and civil society.

Overall, IDP education offers numerous benefits for IDPs and their communities, serving as a symbol of change and investment in the future, providing a lifeline for those who have lost everything, and enabling them to carry education wherever they go. As recognition of this, education is often named by leaders of displaced populations as a priority need for their community.⁵¹

2.3.2. Barriers of education for IDPs

The obstacles in getting quality education in normal circumstances, particularly in developing countries like Ethiopia, can be compounded by the problems of displacement. Lack of infrastructure is perhaps the major challenge. In most conflict affected communities, schools are often destroyed or irreparably damaged. And in some cases, school buildings may be occupied by armed forces or displaced persons. Where schools exist, they are typically makeshift structures, under-resourced and over-crowded.

Discrimination is a common challenge faced by IDPs in the educational sector. In some instances, IDPs may be sent to segregated schools or denied access to public schools based on their race or ethnicity.⁵² They may be subjected to prejudice within the classroom based on their status as an IDP.⁵³ Language barriers often hinder their integration into the school system, especially among minority populations. Such discriminatory obstacles often result in high rates of attrition and more frequent absences among IDP students.⁵⁴

⁵⁰ 'Understanding the Causes of Conflict-Related Displacement, the Potential of Humanitarian Action and the Drivers of Onward Movement' (UNHCR, 2015) <<https://www.unhcr.org/media/side-event-understanding-causes-conflict-related-displacement-potential-humanitarian-action>> accessed 12 May 2024.

⁵¹ Gerald Martone, '8. An Unexpected Lifeline', *8. An Unexpected Lifeline* (Fordham University Press 2013) <<https://www.degruyter.com/document/doi/10.1515/9780823260683-012/html?lang=en>> accessed 25 April 2024.

⁵² see Tamar Bregvadze, Nino Partskhaladze, and Sean Loughna, 'Not Displaced, Out-of-Place: Education of IDP Children in Georgia' <<https://reliefweb.int/report/georgia/not-displaced-out-of-place-education-idp-children-georgia>>.

⁵³ Mooney and French (n 8).

⁵⁴ *ibid.*

Another barrier is the lack of documentation. IDPs frequently encounter difficulties in obtaining official documents, as schools mandate them during registration. They often flee their communities without forewarning, and may have documents confiscated during travel.⁵⁵ The potential return to unstable conflict areas for replacement documents poses a significant risk to personal security.

The Handbook for the Protection of IDPs by UN High Commissioner for Refugees highlights education related challenges faced in IDP communities, including peer-to-peer violence, corporal punishment, sexual abuse, lack of qualified staff, and inadequate monitoring which contribute to high drop-out rates.”⁵⁶ Additionally, IDPs may face safety threats such as landmines or armed recruits while traveling long distances to attend school.⁵⁷ Young women and girls may face the risk of sexual assault when traveling to and from classes.⁵⁸ The numerous threats to safety undermine the potential for educational programming in many IDP communities.

Finally, IDPs education may face challenges due to the implementation of school fees, despite international law requiring free primary education. Schools may charge families for teacher salaries or maintenance, especially in countries with limited governmental resources for education. Additional costs may arise from the purchase of uniforms, textbooks and school supplies.⁵⁹ For IDP families who have lost their primary source of income, even nominal fees can be prohibitive. IDP families losing their primary income often face prohibitive fees, exacerbated by gender inequality in access to education, as they cannot afford to send all their children to school. This is due to the fact that males are generally given preference over females in school enrollment.⁶⁰

2.1.1. Definition and development of education in Emergencies

As noted above, Education is a fundamental right that provides essential knowledge and a skill during emergencies like displacement and must be upheld. However, during emergencies, accessing education becomes more challenging due to limited resources, as states struggle to meet their obligations even in normal circumstances. Additionally, education is often not

⁵⁵ *ibid* 2.

⁵⁶ Global Protection Cluster Working Group (n 47) 283.

⁵⁷ Mooney and French (n 8) 2.

⁵⁸ Global Protection Cluster Working Group (n 47) 198.

⁵⁹ Mooney and French (n 8) 4.

⁶⁰ Christelle Cazabat (n 42) 16.

prioritized by humanitarian actors as a critical need during humanitarian intervention.⁶¹ Recognizing this gap, the international community has increasingly viewed education as central to humanitarian aid. By the mid to late-90s, the concept of EiE emerged as a crucial sector for both humanitarian aid and development cooperation.⁶²

The Inter-Agency Network for Education in Emergency (INEE) describes EiE as

*“...quality learning opportunities for all ages in situations of crisis, including early childhood development, primary, secondary, non-formal, technical, vocational, higher and adult education providing physical, psychosocial and cognitive protection that can sustain and save lives”.*⁶³

The term “emergency education” is also used to refer to education in situations where children lack access to their national education systems, due to man-made crises or natural disasters.⁶⁴

UNESCO's report emphasizes education as a crucial right for achieving life and health rights, ranking it as the fourth pillar of humanitarian assistance for conflict and natural disaster victims.⁶⁵

In its description of EiE, the INEE also specifically mentioned “forced displacement” as one of the common situations of crisis in which education in emergencies is essential,⁶⁶ implying the term “emergencies” in this context includes Internal displacement.

The UNHCR's founding in 1950 sparked the first conversation about refugee education, but a more comprehensive conversation did not surface until the 1990s. The topic of EiE was not given much thought when the mandate for Education for All (EFA) was adopted at the Jomtien

⁶¹ Margaret Sinclair, ‘Education in Emergencies’ in Jeff Crisp (ed), *Learning for a future: refugee education in developing countries* (Printed, UNHCR 2001) 7 <<https://www.unhcr.org/sites/default/files/legacy-pdf/4a1d5ba36.pdf>>.

⁶² Dana Burde and others, ‘Education in Emergencies: A Review of Theory and Research’ (2017) 87 *Review of Educational Research* 619, 621 <<http://journals.sagepub.com/doi/10.3102/0034654316671594>> accessed 14 May 2024.

⁶³ INEE (n 40) 117.

⁶⁴ Jeff Crisp (ed), *Learning for a Future: Refugee Education in Developing Countries* (1. printed, UNHCR 2001) 4 <<https://www.unhcr.org/sites/default/files/legacy-pdf/4a1d5ba36.pdf>>.

⁶⁵ UNESCO, ‘Education in Situations of Emergency, Crisis and Reconstruction: UNESCO Strategy; Working Paper’ (2003) ED.2003/WS/48 8 <<https://unesdoc.unesco.org/ark:/48223/pf0000132305>> accessed 24 April 2024.

⁶⁶ INEE (n 40).

World Conference on Education for All in 1990.⁶⁷ Nonetheless, the topic received more attention at the 1996 Mid-Decade EFA meeting.⁶⁸ *Impact of Armed Conflict on Children*, a report Graça Machel authorized in 1994, was released by the UN that same year.⁶⁹ This report was the first to examine in detail the range of ways that armed conflict affects children, and a significant part of it outlined the ways in which it impedes their ability to pursue education. It specifically emphasized the value of education in assisting children in regaining emotional stability and a feeling of normalcy in their lives.⁷⁰

International leaders recognized the serious obstacles to attaining the goals of the EFA presented by armed conflict and natural catastrophes in 2000 at the World Education Forum in Dakar. The EFA Thematic Study, *Education in Situations of Emergency and Crisis: Challenges for the New Century*, which was released by UNESCO in the same year, provided evidence to support this finding.⁷¹ Then, in 2001, a compilation of research articles released under UNHCR's commission, *Learning for a Future: Refugee Education in Developing Countries*, added to the global conversation.⁷² The articles analyzed the current educational programming and emphasized the need for more study in this area.

The Minimum Standards for EiE, Chronic Crises, and Early Reconstruction were finally published by the INEE in 2004. In order to "articulate the minimum level of educational access and provision to be attained in emergencies, through to the early reconstruction stage,"⁷³ this tool was created as guidance.

⁶⁷ Ushe Mike Ushe, 'INTERNALLY DISPLACED PERSONS AND THE RIGHT TO RELIGIOUS EDUCATION IN NIGERIA THROUGH OPEN AND DISTANCE LEARNING' (2019) 1 *Journal of African Studies and Sustainable Development* 163 <<https://journals.ezenwaohaetorc.org/index.php/JASSD/article/view/596>> accessed 24 April 2024.

⁶⁸ Ushe (n 67).

⁶⁹ Graça Machel, *Un Secretary-General and UN Expert on the Situation of Children in Armed Conflicts, 'Impact of Armed Conflict on Children'* (the General Assembly at its 51st session 1996) A/51/306 <<https://digitallibrary.un.org/record/223213>> accessed 24 April 2024.

⁷⁰ *ibid* 53, 54.

⁷¹ Bensalah and others (n 43).

⁷² Crisp (n 64).

⁷³ INEE and Ethiopia Education Cluster, 'Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction' <<https://resourcecentre.savethechildren.net/ca56f61/>>.

It is acknowledged in the Minimum Standards book that this may not address every query that comes up when offering educational support. However, it is a helpful tool for individuals working on local, national, and worldwide educational programs for refugees and IDPs.⁷⁴

This chapter reviewed key concepts for this paper, defining internal displacement as the forced relocation within a state due to natural or manmade factors. Conflict-induced displacement, a subset, specifically arises from conflicts, affecting those known as IDPs. It highlighted education's immediate and long-term benefits for individuals and communities during displacement, including reducing vulnerability, aiding psychosocial recovery, and equipping displaced children and adolescents with essential skills. The chapter also addressed the challenges IDPs face in accessing education and the difficulties in providing it. It noted that education's importance in emergencies is increasingly recognized, leading to the development of EiE as a critical component of humanitarian response.

Building on the discussion in this section, considering the global recognition of education as a fundamental human right, along with responsibilities outlined in international human rights law for states to uphold this right, the forthcoming chapter aims to examine the education of IDPs from a normative standpoint.

⁷⁴ *ibid.*

CHAPTER THREE

3. THE RIGHT TO EDUCATION OF IDPS UNDER INTERNATIONAL, REGIONAL AND DOMESTIC INSTRUMENTS

Introduction

As noted above, education is considered as a fundamental pillar of human development and societal progress, recognized universally as a right for every human being regardless of one's circumstance. The critical benefits of education, particularly in the setting of displacement, have also been acknowledged, prompting the inclusion of education among the priority needs that comprise humanitarian responses. However, a situation of displacement, particularly when it is conflict related, poses numerous challenges that hinder IDPs' access to education and complicate states' obligations in delivering education and ensuring the effective fulfillment of the right to education. This chapter explores the legal landscape surrounding the right to education for IDPs, examining the legal frameworks established at the international, regional, and domestic levels. By digging into the provisions set forth in various instruments, this analysis aims to shed light on the rights afforded to IDPs in accessing education, the obligations of states and the responsibilities of relevant stakeholders in safeguarding the educational rights of IDPs.

3.1. The Right to Education of IDPs under International Instruments

3.1.1. Universal Declaration of Human Rights (UDHR)

The UDHR, which was ratified by the UN General Assembly (UNGA) in December 1948, originally outlined the right to education. According to Article 26,

*“Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.”*⁷⁵

The UDHR established a framework for further international treaties, while being a declaration and not being legally binding. The UDHR's guarantee of the right to education is frequently included in legally enforceable agreements that also uphold this right.

⁷⁵ UNGA, Universal Declaration of Human Rights, 217 A (III), 10 December 1948, art 26.

3.1.2. Convention against Discrimination in Education (CADE)

The CADE was the second international agreement to address the right to education. The significance of equality in education is expressly addressed in the convention with regard to the standard and quality of education, its accessibility, and the conditions in which it is delivered. Article 3 is especially important because it lays out what States must do, including ending discriminatory practices in education, guaranteeing equal access to educational institutions for students of all nationalities, and forbidding any kind of differential treatment for students from specific social groups or nationalities.⁷⁶ The CADE established the then-current standards for education when it went into effect in 1962. Since particular ethnic groups are frequently singled out for displacement,⁷⁷ this particular legal tool is very important for IDPs. The CADE's non-discrimination provision ensures that IDPs are not excluded from education due to their minority status or any other reason.

3.1.3. International Covenant on Economic, Social, and Cultural Rights (ICESCR)

The ICESCR re-affirmed the right to education as a universal human right, as stated in Article 13 of the covenant;

*“The States Parties to the present Covenant recognize the right of everyone to education. Education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.”*⁷⁸

The Committee on Economic, Cultural, and Social Rights (CESCR) clarifies the obligations of the State, as it includes a provision for 'progressive realization' in the ICESCR. In General Comment 13, The CESCR mandates States to ensure non-discrimination in education as immediate obligation and take deliberate, concrete, and targeted steps towards achieving the full realization of the right to education.⁷⁹ This confirms that the State is nonetheless accountable for its obligations under the ICESCR's "progressive realization" clause. It also means that any

⁷⁶ CADE art 3.

⁷⁷ see Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC), 'Internal Displacement: Global Overview of Trends and Developments in 2008' (2009) <<https://www.refworld.org/reference/themreport/idmc/2009/en/67367>>.

⁷⁸ UNGA, International Covenant on Economic, Social and Cultural Rights 1966 (A/RES/2200(XXI)) art 13.

⁷⁹ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No 13: The Right to Education (Art 13 of the Covenant), E/C12/1999/10, 8 December 1999 [43–45].

discriminatory exclusion of internally displaced people from education due to their status is against Article 13 of the ICESCR.

Notably, secondary education in all of its forms, including technical and vocational secondary education, "shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education," as stated in Article 13(b) of the ICESCR. Article 13(d) adds, "Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education."⁸⁰ Although it falls short of imposing a legal duty on States, this phrasing supports the provision of educational services to adults and youth. In addition, the UNGA adopted an Optional Protocol to the ICESCR on December 10, 2008, which creates a system for individual complaints as well as an inquiry procedure.⁸¹ The global recognition of a right to redress for abuses of the rights outlined in the ICESCR, including education, can be facilitated by these accountability systems.⁸²

3.1.4. Convention for the Elimination of Discrimination against Women (CEDAW)

Numerous UN treaties also express the right to education for specific vulnerable groups. The persistent problem of gender discrimination in education is addressed in Article 10 of CEDAW. It requires all States to "take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education."⁸³ There are a lot of IDPs from patriarchal societies that place little value on women's education. After displacement, women's rights to education, as stated in CEDAW, become even more important, and the State must make sure this right is realized. Additionally, there is an Optional Protocol to the CEDAW that allows for individual complaints and an inquiry procedure, provided that State has ratified the Protocol.⁸⁴

⁸⁰ ICESCR art 13(d).

⁸¹ UNGA, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights 2009 (A/RES/63/117).

⁸² ICESCR arts 2, 8, 11.

⁸³ UNGA, Convention on the Elimination of All Forms of Discrimination against Women. 1979 (A/RES/34/180) art 10. Ethiopia signed and ratified CEDAW on 10 July 1980 and 10 September 1981 respectively.

⁸⁴ UNGA, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women 1999 (A/RES/54/4).

3.1.5. Convention on the Rights of the Child (CRC)

The Convention on the Rights of the Child (CRC) is another important treaty that requires States to educate all children living within their borders without discrimination. States must "take measures to encourage regular attendance at schools and the reduction of drop-out rates,"⁸⁵ according to Article 28, which goes into further detail on the subject of accessibility and the inclusion of secondary and postsecondary education.

Regarding the quality of education, Article 29 stipulates that it must be "child-friendly, culturally sensitive, and conducive to each child's complete development".⁸⁶ The Committee on the Rights of the Child's General Comment 1 expands on the qualitative aspect by stating that "curricula must respect students' cultural identities, languages, and values and be pertinent to the social, cultural, environmental, and economic context."⁸⁷ Additionally, it notes, "it is important to focus on the child's own community when teaching and children's rights and the principle of non-discrimination."⁸⁸ Thus, the right to education encompasses both availability and quality, with intolerance and discrimination-promoting education violating Article 29 of the CRC, especially in IDP contexts.

The international conventions on the elimination of all forms of racial discrimination (ICERD), the international convention on the protection of the rights of all migrant workers and members of their families (ICMW), and the convention on the rights of persons with disabilities (CRPD) all include provisions pertaining to the right to education. Articles 5 and 7 of the ICERD, the oldest international human rights treaty, emphasize the significance of preventing discrimination in education.⁸⁹ Articles 30, 40, and 45 of the ICMW address the right to education and state that migrant workers and their families must have equal access to education in the host country.⁹⁰ Last but not least, Article 24 of the CRPD emphasizes the rights of people with disabilities to accommodations and equal opportunities in educational settings and that it should be provided

⁸⁵ UNGA, Convention on the Rights of the Child 1989 (A/RES/44/25) art 28. Ethiopia ratified the CRC on 14 May 1991.

⁸⁶ *ibid* 29.

⁸⁷ UN Committee on the Rights of the Child (CRC), General comment No. 1 (2001), Article 29 (1), The aims of education, 2001 (CRC/GC/2001/1) paras 4, 9.

⁸⁸ *ibid* 11.

⁸⁹ UNGA, International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (A/RES/20/2106) arts 5, 7.

⁹⁰ UNGA, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 (A/RES/45/158) arts 30, 40, 45.

by the State as well.⁹¹ The treaties contribute to the international legal establishment of the right to education.

3.1.6. IDPs right to education under International Humanitarian Law

Armed conflict often leads to internal displacement. International humanitarian law is relevant in both internal and international armed conflicts. The first and most important thing to remember is that human rights law applies in both peacetime and wartime.⁹² Furthermore, States are not permitted to temporarily suspend their obligations under the ICESCR through the use of a derogations clause. Consequently, even during emergencies, States are required to uphold the rights contained therein. Article 2(1)'s reference to "progressive realization" has been used to limit State culpability; however, new jurisprudence is gradually undermining this pretense.⁹³ Recalling that human rights law is still in effect, it is important to take into account the limitations placed on a State during times of conflict.

For the purposes of this discussion, the Second Protocol Relating to the Protection of Victims of Non-International Armed Conflicts and the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War which apply to international armed conflict are the two most important pieces of the extensive body of international humanitarian law that are pertinent in times of armed conflict.

Article 24 of the Fourth Geneva Convention, which applies to international armed conflicts, mandates that the parties to the conflict make sure that children's education is "facilitated in all circumstances," with the added caveat that it should, if at all possible, be carried out by people with similar cultural traditions.⁹⁴ Regarding internal armed conflicts, Article 4(3) of the Second Optional Protocol states that children are entitled to receive care and aid including educational programming.⁹⁵ Thus, even in times of armed conflict, a State's duty to respect, protect, and

⁹¹ UNGA, Convention on the Rights of Persons with Disabilities, 2006 (A/RES/61/106) art 24.

⁹² UN Office of the High Commissioner for Human Rights, *International Legal Protection of Human Rights in Armed Conflict* (Vereinte Nationen ed, UN, 2011) 55 <<https://digitallibrary.un.org/record/717182>> accessed 26 April 2024.

⁹³ see *Free Legal Assistance Group and Others v Zaire* [1995] ACmHPR Comm. 25/89, 47/90, 56/91, 100/93; *Cyprus v Turkey* [2001] European Court of Human Rights 25781/94.

⁹⁴ ICRC, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 1949 (75 UNTS 287,) art 24.

⁹⁵ ICRC, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977 (1125 UNTS 609,) art 4(3).

fulfill the right to education remains applicable. These provisions serve as a foundation for the right to education to be applicable during times of conflict.

3.2. The Right to Education of IDPs under Regional Instruments

As discussed, international treaty law provides a solid foundation for the right to education, which is further guaranteed by a number of regional agreements as well. Many regional human rights treaties from Asia, Africa, the Americas, the Middle East, and Europe outline this right. The terms of these accords are discussed in more detail below, with an emphasis on Africa.

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

More IDPs reside in Africa than any other continent, making it particularly difficult to ensure their security and the realization of their human rights.⁹⁶ The legal basis for protecting the right to education has been enshrined in regional documents in recent years as the African Union has grown more established. The African Charter on Human Rights (ACHPR), which came into effect in October 1986, is the fundamental human rights law of the continent. Every person has the right to education, as stated in Article 17.⁹⁷ Article 17 does not, however, sufficiently align the State's obligation. By stating that "every individual has the right to education," the statement does not mandate that the state be responsible for providing this education or that it be provided at no cost, at least for elementary school. Even while the ACHPR included relatively little in the way of education provisions, later regional treaties increased the State's obligations. Article 12 of the Protocol to the ACHPR on the Rights of Women in Africa expressly mentions the right to training and education. States must "take all appropriate measures" to end discrimination, ensure women have equal access to education, and guard against sexual harassment and gender stereotypes in the classroom.⁹⁸ This represents a significant legal development for the protection of African women's rights to education.

3.2.2. The African Charter on the Rights and Welfare of the Child (ACRWC)

To further protect African youth's right to an education, several legal instruments were developed. In November 1999, the ACRWC came into effect. Article 11 states that the State is in

⁹⁶ Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC) (n 77) 8.

⁹⁷ Organization of African Unity (OAU), African Charter on Human and Peoples' Rights ('Banjul Charter') 1981 (CAB/LEG/67/3 rev 5, 21 ILM 58 (1982),) art 17.

⁹⁸ African Union, Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, -, African Union, 2003 art 12(1).

charge of ensuring that every child, without discrimination, has access to education and that this right is fully realized. The ACRWC emphasizes the importance of secondary and higher education possibilities in addition to elementary education.⁹⁹ It is currently one of the human rights instruments that is most widely supported in Africa, having been ratified by over 44 States. Given that, the ACRWC can and ought to be a useful weapon in challenging the denial of the right to education in those states.

3.2.3. The African Youth Charter

The African Youth Charter (AYC), a more recent legal document, mentions education and skill development in Article 13. It restates young people's entitlement to high-quality education. It also declares, "To meet the diverse needs of young people, the value of multiple forms of education, including formal, non-formal, informal, distance learning, and life-long learning, shall be embraced."¹⁰⁰ The defining section in the AYC's introduction is especially crucial. "Youth or young people shall refer to every person between the ages of 15 and 35 years,"¹⁰¹ the Charter states specifically. The non-discrimination clause in Article 2 may be a potent weapon for IDPs, particularly those who are older than the average school age, in battling illiteracy and offering alternative forms of education to support the reconstruction of their communities and way of life after displacement.

3.2.4. The Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)

The African Union was the first regional human rights organization to draft a statute specifically intended for IDPs. In October of 2009, the Kampala Convention was ratified. Along with other forms of humanitarian assistance, the State must provide IDPs with educational services "to the fullest extent practicable and with the least possible delay,"¹⁰² as stipulated in Article 9. The Convention is implemented under the direction of the state Parties conference, with assistance from the AU. With the African Commission or African Court, individual complaints may be

⁹⁹ Organization of African Unity (OAU), African Charter on the Rights and Welfare of the Child, 1990 (CAB/LEG/249/49,) art 11.

¹⁰⁰ African Union, African Youth Charter, 2006 (AYC) art 13(2).

¹⁰¹ *ibid* (definition of 'youth').

¹⁰² African Union, African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa ('Kampala Convention') 2009 art 9.

submitted.¹⁰³ There is a prospective that this convention help advance the rights of IDPs in Africa, particularly when it comes to education.

3.3. The 4A Schemes of Education in Emergencies and State's Obligations

Education needs to be available, accessible, acceptable, and adaptable in order to be a real right. Katarina Tomaševski, a former UN Special Rapporteur on the Right to Education, created this conceptual framework, often known as the 4As.¹⁰⁴ the achievement of the 4As defines the process as well as the end of fulfilling the human right to education. International human rights law states that education is a human right, not a privilege. Hence, states are required **to respect, protect, and fulfill** these rights, and failure to do so constitute a violation. The 4As constitute a conceptual framework for understanding the obligations of governments to fulfill the rights to education. It can also be used to analyze and evaluate the provision of education, its meaning and content.¹⁰⁵

3.3.1. Availability of Education

The availability of education pertains to education being free and government-funded, that there exists adequate and appropriate infrastructure, facilities, resources and equipment, and that there are sufficient trained teachers who are able to support the delivery of education.¹⁰⁶

The concept of availability reflects two distinct governmental responsibilities regarding the provision of education: the right to education as a political and civil right necessitates that governments allow the establishment of schools by non-state actors, and the right to education as an economic and social right requires governments to establish or fund education to guarantee that education is available.¹⁰⁷ In summary, availability refers to the responsibility of governments to guarantee that the educational system has sufficient teachers, schools, and financing to satisfy the demand for education from the community.

¹⁰³ *ibid* 20(3).

¹⁰⁴ Katarina Tomaszewski, 'Right to Education Primer No. 3, Human Rights Obligations: Making Education Available, Accessible, Acceptable and Adaptable' 2001 <https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski_Primer%203.pdf>.

¹⁰⁵ Gauthier de Beco, 'Right to Education Indicator Based on the 4 A Framework' (The Right to Education Project 2009) 11 <<https://www.right-to-education.org/es/node/243>> accessed 25 April 2024.

¹⁰⁶ Katarina Tomaszewski (n 104) 12.

¹⁰⁷ *ibid* 13.

3.3.2. Accessibility of Education

The accessibility of education pertains to the issue of equity: that education is non-discriminatory, physically and economically accessible to all, and that actions are taken to ensure the inclusion of the most marginalized populations.¹⁰⁸ The educational system must end all forms of discrimination against people based on their gender, race, religion, economic status, disability, political affiliation, or any other characteristic in order for every member of the society to have access to education. Schools must be within safe physical, all barriers to education must be removed, including physical barriers, attacks must be prevented, education must be free or affordable in cases where fees are necessary, and parental choice over their children's education must be respected.¹⁰⁹

3.3.3. Acceptability of Education

Acceptability has to do with the content and quality of education. Acceptable education has relevant content that is of good quality and culturally appropriate, is non-discriminatory, and is delivered in a safe and healthy environment by teachers who are trained professionals using quality methods and textbooks.¹¹⁰

Governments and other duty-bearers have an obligation to make sure that all educators and schools meet the minimal standards that they have established in order to ensure that the education that is both available and accessible is also of better quality. The government is responsible for establishing and enforcing the minimal requirements for teacher professionalism and environmental health and safety in schools. Additionally, acceptable education needs to be provided in a language that is convenient for both the teachers and the pupils.¹¹¹ To put it concisely, it means that education is acceptable to children, parents and teachers, has appropriate, good quality content and methods, and respects the rights of all parties involved.

3.3.4. Adaptability of Education

Adaptability pertains to education developing to meet the specific needs of children, the changing needs of society, while being able to be adapted locally to suit specific contexts.¹¹²

¹⁰⁸ *ibid* 12.

¹⁰⁹ *ibid* 29.

¹¹⁰ *ibid* 12.

¹¹¹ *ibid*.

¹¹² *ibid*.

Governments and other duty-bearers have a responsibility to make sure that education is tailored to the unique circumstances and skills of young learners. An adaptable education system can change to accommodate students' demands in a variety of social and cultural contexts as well as the ever-changing best interests of the individual. The adaptability of education also refers to how it can improve the human rights of children who are not in school, disabled children, working children, displaced children, children in prison, and other marginalized children.¹¹³

The acceptability and adaptability of education constitute the obligations that must be met to ensure the quality and relevance of education. Generally, the 4A framework addresses the core issues of the access, equity, quality and relevance of education. These are inter-connected and collectively crucial to achieving the right to education.

3.4. The Right to Education of IDPs under Ethiopian Laws, Policies and Strategies

3.4.1. The 1995 FDRE Constitution

The three generations rights are included in Ethiopia's Federal Constitution, which is the supreme legislation of the land.¹¹⁴ The right to education of a child is not expressly mentioned in the legislation, but it is implied nonetheless. For example, the rights of a child are covered under Article 36 of the constitution. It does not, however, mention the right to education. Instead, it alludes to it subtly. "Not to be subjected to exploitative practices, or to be required nor permitted to perform work which may be hazardous or harm to his or her education, health, or well-being..."¹¹⁵ states Article 36(1) (d) of the Constitution. While this sub article appears to be about the Constitution's prohibition on child labor abuse, it actually protects children's right to education indirectly by forbidding parents from placing an undue burden on their children and from allowing them to work in jobs that could jeopardize their education.

This can have a significant bearing on IDP children because of their vulnerability and limited educational opportunities, which expose them to a high risk of labor exploitation that undermines their education.

¹¹³ see, INEE and Ethiopia Education Cluster (n 73).

¹¹⁴ Constitution of the Federal Democratic Republic of Ethiopia, 1995 (Proclamation No 1/1995) art 9(1).

¹¹⁵ *ibid* 36(1) (d).

Article 41 of the FDRE Constitution, which addresses about socio-economic rights, is another important article. ("*Every Ethiopian national has the right to equal access to publicly funded social services*") is stated in the same article's sub article (3). It appears that one can consider education to be a social service that is supported by public funds. IDPs therefore have the same right to education as other Ethiopians under the terms of this sub-article. Similarly, the state is required under Article 41(4) to allocate ever-increasing resources for the public to receive health, education, and other social services, and IDPs are considered members of the public.

Despite the fact that the Constitution makes no explicit mention of the right to education, one can interpret its indirect references. All citizens, including IDPs, are able to fully realize and enjoy their right to an education despite the FDRE Constitution's limited and indirect educational provisions.

Additionally, the right to equality is guaranteed by Article 25 of the Constitution. It reads:

"All persons are equal before the law and are entitled to equal protection of the law without discrimination. And the law shall guarantee to all persons equal and effective protection without discrimination on the grounds of race, nationality... or other status"

In this case, IDPs have the right to education without discrimination, which is the foundation of all other rights.

Moreover, Article 9(4) of the FDRE Constitution, which stipulates that "*All international agreements ratified by Ethiopia are an integral part of the law of the land,*" should also, carefully considered. As a result, the enacted human rights instruments and their provisions such as the UDHR, ICESCR, CRC, ACRWC, ACHPR, AYC, and others become a part of national legislation. Consequently, any IDP in the nation is entitled to exercise all of the rights guaranteed by the regional and international agreements that Ethiopia has ratified, including the right to education.

In a same vein, the Constitution mandates that the interpretation of its human rights principles adhere to pertinent UDHR and International Covenant on Human Rights provisions.¹¹⁶ This also ensures that IDPs in Ethiopia have the right to an education. For instance, discrimination is

¹¹⁶ ibid 13(2).

prohibited by practically all international conventions that Ethiopia has ratified, and discrimination is also prohibited by the FDRE Constitution's "equality" principle. IDPs are therefore entitled to the same access to education as other Ethiopians.

3.4.2. The Education and Training Policy of Ethiopia (1994)

The educational system has had difficulties in the past with regard to content, quality, accessibility, and relevance. The government has implemented new education and training policies¹¹⁷ to address this. The policy's preamble emphasized the importance of education for both society and individual growth. Thus, according to the National Education and Training policy, one of the primary goals of the educational system is to “develop the physical and mental potential and the problem-solving capacity of individual by expanding education and in particular by providing basic education for all,”¹¹⁸ In so doing, the policy guarantees that general education is free of charge, hence facilitating access to primary and secondary school and ensuring the full realization of the right to education.

The National Education and Training Policy, as its preamble makes clear, promotes the equitable inclusion of vulnerable social groups, especially children and youth, in access to education while highlighting the need for targeted assistance for out-of-school children, vulnerable groups, and the disadvantaged. Therefore, it can be said that the national education and training policy incorporates the principles of equality of opportunity for education as stated in the different documents to which Ethiopia is party.

3.4.3. The Education Sector Development Program (ESDP IV, V & VI)

In an effort to enhance the quality of education offered, the government developed the Ethiopian Education and Training Policy, which has resulted in the launch of six distinct ESDPs (I, II, III, IV, V, and VI), the most recent of which is ESDP VI of 2020/21–2024/25.

Both ESDP I and ESDP II have significantly raised primary school enrolment, minimized gender gaps, and decreased the rate of school dropout and repeat¹¹⁹. Additionally, they increased the rate

¹¹⁷ FDRE Ministry of Education, ‘Federal Democratic Republic Government of Ethiopia Education and Training Policy’ (1994).

¹¹⁸ *ibid* 4.

¹¹⁹ FDRE Ministry of Education, ‘Education Sector Development Program I (1997/98–2001/02)’ (FDRE Ministry of Education 1997); FDRE Ministry of Education, ‘Education Sector Development Program II (2000/01-2004/05)’ (FDRE Ministry of Education 2002).

of enrollment in rural and underserved schools. In a similarly, ESDP III has significantly improved access to education at all levels. Even though the number of educational institutions and qualified teachers has increased significantly, the education sector's major problems continue to be low-quality education and the limited educational opportunities available to the most vulnerable members of society.¹²⁰

In light of these circumstances, the government subsequently adopted ESDP IV (2010/11-2014/15), which focuses on the issues of equity, quality, and access that vulnerable, underprivileged, and out-of-school youth face.¹²¹ It is after ESDP IV, that eight crosscutting issues which has been mainstreamed into the subsequent ESDPs including the recent one aimed to focus attention on the situation of specific groups and on issues of particular importance: Capacity development for improved management; Gender and education; Special needs education; HIV/AIDS and education; Environmental education and protection; EiE; School health and nutrition; and Drug and substances abuse prevention in education.

According to ESDP V, when the National Education Cluster was set up in October 2008, comprising representatives from the Ministry of Education and International as well as national NGOs, EiE was acknowledged as a crucial element of humanitarian response in Ethiopia. The cluster's role is to support the Ministry of Education in ensuring that children and youths continue to receive some form of education during emergencies. Therefore, one may conclude that these programs address the educational needs of IDP children and young people, who most of the times are unable to access educational services, due their situation.

3.4.4. Education in Emergency Strategic Response Plan (2017)

Restoring the hope and dignity of crisis victims is one of the acknowledged goals of education in such circumstances. The Ethiopian government created the "Education in Emergency Response Strategy" in order to achieve this goal. The primary goal of education in emergency response plans, according to the policy, is “to guarantee that school-age boys and girls (IDPs) continue to have access to safe and high-quality education in an emergency” The strategy also seeks to increase communities' and the school system's capacity to respond to education needs in a timely

¹²⁰ see FDRE Ministry of Education, 'Social Assessment of the General Education Quality Improvement Program PHASE 2' (2013).

¹²¹ FDRE Ministry of Education, 'Education Sector Development Program IV (2010/2011 – 2014/2015)' (FDRE Ministry of Education 2010).

and evidence-based manner. Through its sub-national cluster coordination mechanisms, it will guarantee strong partnership at the local, regional, and national levels in order to meet established objectives.¹²² Moreover, this EiE 2017 response strategy helps in forging connections between development and humanitarian efforts, mobilizing resources, and systematically dealing with the difficulties associated with education in emergencies within the framework of the ESDP V, which has previously designated EIE as one of its focus areas.

Ethiopia is also committed to achieve the Dakar Framework for Action, the Education for All (EFA) goals and targets, and the Millennium Development Goals.¹²³ These give IDP children and youth more educational chances. Additionally, a clear direction for the education sector has been specified in the 2015/16-2019/20 Growth and Transformation Plan II, with a particular emphasis on ensuring that citizens' rights to an education are protected.¹²⁴ If these promises are fulfilled, then IDPs will be able to effectively exercise their right to education as guaranteed by various international treaties as well as Ethiopian legislation.

The discussions above reveal that substantial legal and policy frameworks protect the right to education for IDPs at international, regional, and national levels. International instruments like the UDHR, ICESCR, CRC, ACHPR, and ACRWC recognize education as a fundamental human right and mandate states to ensure education is available, accessible, acceptable, and adaptable for all, including IDPs. Ethiopia's Constitution, Education and Training Policy (ETP), National Policy on Disaster Risk Management (NPDRM), and Education Development Roadmap (EDR) highlight the country's commitment to inclusive education. However, how far the commitments are put in to effect and the extent to which they address specific educational needs of IDP children and young people remain critical to ensuring this right is realized in practice. As such, Chapter 4 will build upon this framework by offering a detailed examination of the realities faced by IDPs in Adama city and the extent to which their right to education is realized or denied.

¹²² Ethiopia Education Cluster and FDRE Ministry of Education, 'Education in Emergency Strategic Response Plan - 2017' (2017) 6.

¹²³ Derebssa Dufera, 'Prospects and Challenges of Achieving the Millennium Development Educational Goals in Ethiopia: Where Does Ethiopia Stand on EFA Goals?' (2006) 26 *The Ethiopian Journal of Education* 25 <<http://ejol.ethernet.edu.et/index.php/EJE/article/view/132>> accessed 28 April 2024.

¹²⁴ National Planning Commission, 'Federal Democratic Republic of Ethiopia, Growth and Transformation Plan II (GTP II), (2015/16-2019/20)' (2016) 185.

CHAPTER FOUR

4. ASSESSMENT OF IMPLEMENTATION ON RIGHT TO EDUCATION OF THE IDPs RESETTLED IN ADAMA CITY

Introduction

As noted in the previous chapters, most IDPs face difficulties to access school and can lose the right to education as a result of the impact of conflict-induced displacement. Though IDPs have the same rights to education as any other citizen, in practice several implementation challenges remain. As a human rights obligation, the government must make education available, accessible, acceptable and adaptable. But there are many challenges to realizing these obligations and ensuring that IDPs enjoy their right to education. This chapter is devoted to assessing the state of the realization of right to education of IDP children in accordance with the national and international standards discussed in the previous chapters in Adama IDP resettlement site. The first section describes the background of the case study. The second section analyses the data obtained from the IDP center in light of the normative standards of the right to education.

4.1. The Adama City IDPs Resettlement

The construction of Adama City IDPs resettlement site took place in 2018 to accommodate IDPs who were relocated to Adama after experiencing displacement due to violence and conflicts between ethnic Somalis and Oromos. The site houses 1,340 registered IDP households and 506 registered unaccompanied IDP minors who were selected through a lottery system.¹²⁵ Among the registered IDP children residing in the site currently, 900 of them are attending the Sena Seba School. This school was constructed by the Adama city administration and the Adama city education Bureau to educate IDPs from kindergarten to 6th grade within the resettlement area. Out of the 900 children, 78 are in preprimary grades, while the remaining 822 are in grades 1-6.

The selection of the Adama city IDP resettlement site for this research purpose was based on the significant number of IDPs present compared to other relocation centers in various towns within the Oromia regional state, as well as the fact that they have not been target population for similar research studies unlike other relocation sites.

¹²⁵ Easton-Calabria, Abadi and Gebremedhin (n 19) 8.

4.2. Assessment of Measures Taken by the Adama City Administration towards Addressing and improving IDPs access to education

States are duty bound to take positive actions in enhancing the right to education which is one of the pillars of human right principles. Among others, states are bound to alleviate legal, political, economic, social and cultural constraints that hinder the realization of this right. General Comment No. 13 stresses that realizing the right to education in respect of availability, accessibility, acceptability and adaptability is the main role of government.¹²⁶

The INEE minimum standards for education in emergency and the Guiding Principles on Internal Displacement have critical importance for full realization of the right to education of internally displaced children. Ethiopia has demonstrated commitment to the implementation of the INEE by taking part in the contextualizing the INEE Minimum Standards to Ethiopia.¹²⁷ And the Guiding Principles, although not a binding legal instrument, have gained considerable authority since their adoption and are globally recognized including by the UN General Assembly, as an important international framework for IDP protection to be used by states in situations of internal displacement.¹²⁸ In order to understand and evaluate in depth whether these as well as other relevant international and local standards, i.e. the 4As, were applied and respected in the case study of Adama city IDP's settlement site, the researcher assessed and provided in the following sections of the chapter. The prevailing challenges of the IDP children to enjoy right to education and responses by the city administration's education bureau to alleviate the challenges were evaluated.

4.2.1. Availability

Availability implies that education be available and economically accessible for all internally displaced children. Schools should be available to all IDPs, regardless of whether they have found refuge in camps or elsewhere.¹²⁹ In addition, sufficient numbers of school buildings should be available with sanitation facilities for both male and female students, safe drinking water,

¹²⁶ *General Comment No. 13* (n 79) para 6.

¹²⁷ INEE and Ethiopia Education Cluster, 'Contextualized INEE Minimum Standards: Ethiopia' (2012) 11.

¹²⁸ 'Guiding Principles on Internal Displacement' (*IDMC - Internal Displacement Monitoring Centre*) <<https://www.internal-displacement.org/internal-displacement/guiding-principles-on-internal-displacement>> accessed 27 August 2024.

¹²⁹ Erin Mooney and Jessica Wyndham, 'The Right to Education in Situations of Internal Displacement' (2010) 41 *Studies in Transnational Legal Policy* 247 <https://www.brookings.edu/wp-content/uploads/2016/06/0119_internal_displacement_complete.pdf>.

trained teachers receiving domestically competitive salaries, teaching material and so on.¹³⁰ Furthermore, the INEE minimum standard articulates that, it is important to set locally defined, realistic limits on class size, which allow the inclusion of all children and youth including those with disabilities.¹³¹ It also requires physical structures to be appropriate for the situation with adequate space for classes. Accordingly, the Ethiopian Education cluster strategic response plan standards for EIE call for a classroom size of 56 square meters for 1st and complete primary (grades 1-8), 40 learners per classroom for pre-primary and 50 learners per classroom for primary level education.¹³²

However, the 8 classrooms which exist at Sena Seba school were smaller at approx. 7x4 meters compared to the stipulated 8x7 meters and had an average of 85-90 students per class instead of the recommended. Moreover, the kindergarten classes at the school lacked sufficient desks for the children and the desks were not child sized as required by the cluster's strategic response plan standard which calls for 1 desk for 3 children or a sitting mat for 10 children. The children had to squeeze themselves into the few desks available. These challenges block students from following their education properly. This is contrary to the obligations set out in various international instruments, namely Article 13 of the ICESCR and the Guiding Principles on Internally Displaced Persons, Principle 23(4), which obliges the Government to ensure the right to education of internally displaced children by improving facilities and supporting educational institutions specifically tailored to the needs of internally displaced children.

¹³⁰ *General Comment No. 13* (n 79) para 6.

¹³¹ INEE (n 40) 97.

¹³² Education Cluster and UNICEF, 'Ethiopia Education Cluster Strategy (March 2023)' 18 <<https://reliefweb.int/report/ethiopia/ethiopia-education-cluster-strategy-march-2023>> accessed 1 May 2024.



Figure 1: A class room at Sena Seba School. Photograph taken by Mustefa Defo (May 02, 2024)

In addition, in terms of school facilities and teaching material, the researcher observed that the School lacked pedagogical centers, reading rooms/ libraries, laboratories, indoor and outdoor play spaces, child friendly spaces, teaching aids and had very limited learning materials. And this goes against the Ethiopian INEE minimum standards which reiterate that among other things, education facilities including indoor and outdoor play spaces should exist and promote the safety and well-being of learners.¹³³ Thus, identifying and securing conducive learning space including playground, for the affected population is essential to create access to learning opportunities.¹³⁴

However, the lack of play space and materials for both indoor and outdoor play has denied the children access to learning opportunities and access to play; the right conferred by article 31 of the CRC. Moreover, the ACRWC under Article 12 (2) obliges member states to "respect and promote the right of the child to fully participate in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity". However, the data reveals a significant lack of opportunities for internally displaced students to engage in their rightful leisure, cultural, and recreational activities, as per international human rights agreements.

¹³³ INEE (n 40) 115; INEE and Ethiopia Education Cluster (n 127) 41.

¹³⁴ Education Cluster and UNICEF (n 132) 30.

Furthermore, in order to ensure access to education, it is essential for schools to incorporate WASH (Water, Sanitation, and Hygiene) as a fundamental aspect of emergency education response and overall school infrastructure. Thus, it is essential that the status and availability of latrines, hand-washing facilities and drinking water is ascertained.¹³⁵ The Strategic plan mandates that all learning spaces must meet WASH standards, including appropriate latrines, hand washing facilities, and safe drinking water.¹³⁶

The EIE strategic response plan requires standard for WASH facilities to be 1 pit latrine for 40 girls: 1 pit latrine for 50 boys and 4 liters of water per learner, per day for drinking and hand washing.¹³⁷ Yet, in Sena Seba School, water installations were ineffective, leaving the entire school reliant on unclean water. The toilets were unfitting for young learners and in need of renovation. Insufficient water for hand washing would pose health risks, as may the shared latrines for both primary and pre-primary students do.

The data gathered on the availability of WASH facilities in the school corroborates the response plan frameworks' operationalization constraints¹³⁸ wherein reported inadequate water and sanitation facilities as a challenge in delivering safe and healthy learning environment within camps or settlement sites for the displaced in Ethiopia. Nevertheless, this should have been worked on by the government as stated under the National school health and nutrition strategy that one of the objectives of the government is to promote the provision of safe and sanitary school environments which includes clean and potable water that is well maintained and with gender-segregated hygiene and sanitation facilities.¹³⁹

¹³⁵ Ethiopia Education Cluster and FDRE Ministry of Education (n 122) 18.

¹³⁶ *ibid* 20.

¹³⁷ *ibid* 17.

¹³⁸ *ibid*.

¹³⁹ Ministry of Education, 'National School Health and Nutrition Strategy' (2012) 9.



Figure 2: A toilet at Sena Seba School. Photograph taken by Mustefa Defo (May 02, 2024)

Furthermore, under ‘access and learning environment’ domain of the INEE minimum standards, it is suggested that learning environments should be safe, secure and protective.¹⁴⁰ It also asserts that School construction materials need to be safe for children.¹⁴¹ On the top of that, Education facilities must comply with national health standards, provide first aid services in case of injury, and have proper sanitation and hygiene facilities in or near the learning environment.¹⁴²

The researcher however, found that some classrooms at Sena Seba School, made of iron sheets, were hazardous due to rusty, dirty edges, posing a risk of injury or disease. The school also lacked a primary care system and visitor controls, further compromising children's safety. The absence of proper gate or visitor controls further exacerbated the situation.

¹⁴⁰ INEE and Ethiopia Education Cluster (n 127) 38.

¹⁴¹ *ibid.*

¹⁴² *ibid* 43.



Figure 3: Class rooms made up of iron sheets. Photograph taken by Mustefa Defo (May 02 2024)

The researcher has noted that the physical facilities at the school did not meet the requirements outlined in article 3(3) of the Convention on the Rights of a Child which emphasizes the need for state parties to ensure children's care and protection adhere to established standards. Nonetheless, the findings suggests that school facilities in the Adama resettlement site are inadequate and of poor quality, failing to meet international and domestic standards for quality education. This results in IDP children not receiving equal education opportunities, despite the government's promise to provide accessible education for all.

4.2.2. Accessibility

Accessibility of education refers to the requirement that educational institutions and programs have to be accessible to everyone, without discrimination, within the jurisdiction of the State party.¹⁴³ It means that education should be made available to everyone without any form of discrimination, be easily accessible in terms of physical proximity and affordable for all individuals ensuring that financial constraints do not hinder their ability to pursue education.

¹⁴³ *General Comment No. 13* (n 79) para 6.

Though international law requires that education, at least at the primary level, be compulsory and free, in practice, access to education commonly entails direct and indirect costs.¹⁴⁴ Tuition fees and other hidden costs, such as uniforms, textbooks, and supplies, are often included in the cost of sending a child to school. For IDPs, who are economically disadvantaged, these costs can be particularly prohibitive.¹⁴⁵ This is also true for the IDP children attending at Sena Seba School. They are unable to afford essential school materials, such as uniforms, which has resulted in them missing classes or even leaving school altogether. Aliyi Ibro a resident at the site and who sends four children to Sena Seba School confirmed this, stressing that

*“Providing educational materials is particularly hard on parents like me who has many children. My eldest daughter had to quit at fifth grade and find a job after I told her I cannot afford to buy her books and uniform.”*¹⁴⁶

The education bureau of Adama City has made efforts to address the financial obstacles that contribute to dropout among IDP children in the school. Mrs. Tamire Bushu, V/ head of Adama City Education Bureau, has revealed that a citywide campaign has been launched at the end of each summer break since the resettlement back in 2018.¹⁴⁷ According to her, the campaign aims to support both IDP children who have discontinued their education and those who have never had access to education due to lack of school uniform and materials. The bureau V/head added that they have collaborated with various partners to ensure all IDP students receive necessary materials, such as uniforms, books, and pencils, and has provided cash vouchers and in some cases, assistance with groceries for parents.

¹⁴⁴ Mooney and Wyndham (n 129) 262.

¹⁴⁵ *ibid.*

¹⁴⁶ Interview with Mr. Aliyi Ibro, a resident at Adama City IDP camp, on 2 May 2024.

¹⁴⁷ Interview with Mrs. Tamire Bushu, V/ head of Adama City Education Bureau, on 2 May 2024.



Figure 4: Officials from Adama City Education Bureau distributing groceries to IDP students for a holiday. Photograph taken by Mustefa Defo (May 02, 2024)

The assistance to the displaced students at the school suggests that the students may not lack educational resources at the moment. However, the findings revealed that compared to the lower grades students at Sena Seba School; IDP students who attend above 6 grades needed more than just school supplies. Since these children had to walk long distances to go to the nearby public primary school which very often prevented their regular school attendance. Iman Adam, a grade 7 student expressed how walking for 50-60 minutes twice a day affected her education stating that;

“It is really exhausting, especially on very hot days. I sometimes miss school because of this; but my younger sister who has a heart problem doesn’t go to school at least twice a week. Moreover, when we finally get to school, it is really difficult for us to focus on what the teacher says, at least during the first period, as we are very tired.”¹⁴⁸

This clearly shows that existing educational institutions are not physically accessible for the IDP children. This is not compatible with the commitments Ethiopia entered under different international instruments to make schools physically accessible. For instance, General Comment 13 obliges state parties to create a convenient situation for children and provide education within safe physical reach.¹⁴⁹ Further, one of the objectives of the recent ESDP VI is expansion of

¹⁴⁸ Interview with Iman Adam, an IDP student at Sena Seba School, on 2 May 2024.

¹⁴⁹ General Comment No. 13 (n 79) para 6(B).

access to primary education to all children through bringing schools closer to the communities.¹⁵⁰ However, a lot is expected from the ESDP VI to accomplish its mission.

Therefore, if on one hand it could be argued that through the campaign, the bureau tried to address the issue of accessibility to education; On the other hand it was not possible for it to reach alone the goal of making education accessible to all as other issues had to be tackled as well. Such issues were notably issues related to distance and abolition of direct or indirect costs associated to education.

Mr. Tesfaye Beriso, an expert in the Education Bureau acknowledged the challenges posed by distance and expressed efforts to address the transportation issue that hinders students from accessing education due to their limited financial capacity. He further, highlighted the budget constraint and clarified that although funding for education of IDPs was available; it was severely limited and did not adequately support the educational requirements of the displaced students.

Based on the data collected, the main reason indicated is that the city administration does not have adequate budgets to fulfill their demands. And this shows the failure of the government in fulfilling the right to education of IDP children despite its commitments under the Education Policy which states that "*special financial assistance will be given to those who have been deprived of educational opportunities ...*"¹⁵¹ The ESDP VI also demonstrates a similar commitment to providing financial aid to economically and socially disadvantaged families, enabling their children to complete their primary education by covering the associated expenses.¹⁵²

Therefore, it can be concluded that although some of the barriers hindering access to education were considered by the city administration, problems related to school infrastructure, and physical distance, are not given an emphasize or could not be tackled. Thus, the researcher believes that the Education bureau and administration of the city are expected to work hard on this area if educational needs of the IDP children are to be met at any point in time.

¹⁵⁰ FDRE Ministry of Education, 'Education Sector Development Programme VI (ESDP VI) 2020/21 – 2024/25', (FDRE Ministry of Education 2021) 85.

¹⁵¹ FDRE Ministry of Education, 'Federal Democratic Republic Government of Ethiopia Education and Training Policy' (n 117) 7.

¹⁵² FDRE Ministry of Education, 'ESDP VI' (n 150) 88.

IDP children in many cases miss school because they are needed by their families for domestic or agricultural work or to generate income to help ensure their families' economic survival.¹⁵³ In this regard, it was observed by the researcher that a considerable number of IDP children who are not attending school are being subjected to exploitation by their parents or the surrounding community. Some of them spend most of their time working as street vendors in order to support their poor family. This proves the assertion that “children who are not going to schools are the victim of labor exploitation”¹⁵⁴. This is not compatible with the state obligation to ensure that communities and families are not dependent on child labor.¹⁵⁵

Furthermore, the prevalence of child labor in these circumstances not only disrupts the children's education but also increases the likelihood of them eventually dropping out of school altogether.¹⁵⁶ Ethiopia, as signatory of ICESCR, CRC and ACRWC is obliged to “take measures to encourage regular attendance at school and the reduction of dropout rate”.¹⁵⁷ The government can alleviate the burden on IDP students for instance, by providing support (e.g., meals, transportation) and resources to help them afford school fees, exemptions from fees, scholarship schemes, and free learning materials. Alternative schooling options, such as evening classes or tutorial programs for IDP children and adolescents whose household or economic obligations impede regular school attendance¹⁵⁸ would also be offered. By addressing chronic poverty and offering such alternative solutions for economic survival, the government can enable these children to pursue their education without hindrance.

Hence, based on the preceding discussion, it can be contended that despite certain positive endeavors, significant disparities persist within the IDP community, and the economic and logistical obstacles have not been completely surmounted as of yet. Consequently, the city administration should prioritize and work on provision of learning materials and free transportation services for IDP children to address the challenges associated with school accessibility.

¹⁵³ Mooney and Wyndham (n 129) 262.

¹⁵⁴ Kyra Dupont, ‘UNESCO Official: “Not Going to School Increases the Risks of Child Abuse, Sexual Exploitation, Child Labour”’ (29 April 2020) <<https://genevasolutions.news/global-health/unesco-official-not-going-to-school-increases-the-risks-of-child-abuse-sexual-exploitation-child-labour>> accessed 11 May 2024.

¹⁵⁵ *General Comment No. 13* (n 79) para 55.

¹⁵⁶ Mooney and Wyndham (n 129) 262.

¹⁵⁷ CRC art 28(1) (e); ACRWC art 11(3) (d).

¹⁵⁸ Mooney and Wyndham (n 129) 290.

4.2.3. Acceptability

Education is deemed to be acceptable if the form and substance, including curricula and teaching methods, is relevant, culturally appropriate and of good quality.¹⁵⁹ Similarly, the guiding principle on internal displacement under article 23(2) affirms that education should respect IDPs' "cultural identity, language and religion." The legal basis for this principle is also found under Article 29(1) (c) of the CRC which recognizes that a child's education shall be directed to various aims including the development of "his or her own cultural identity, language and values."

When inquired about the measures taken by the city education bureau to ensure the acceptability of education for the internally displaced students, the bureau responded by stating that their main objective was to ensure that children could resume their education promptly after being resettled, while also safeguarding them from any form of mistreatment and assisting them in recovering a sense of normalcy. In order to make education more acceptable, the bureau actively worked towards enhancing the quality of education by offering instruction in the language spoken by the displaced children. Additionally, they organized training sessions for school directors and teachers at Sena Seba School, covering various topics such as school and classroom management, as well as the psychological and social well-being of students.

The city's response highlights the positive step taken in providing IDP students with the choice to learn in either Afan Oromo or Amharic. This approach acknowledges the importance of ensuring both during displacement as well as upon return or resettlement; that IDPs have access to education without discrimination of any kind and in a language that they understand;¹⁶⁰ which in this case is Afan Oromo, their first or second language after Somali.

It is suggested that this successful initiative should be replicated in other educational responses for IDPs across the country, as it ensures rendering education not only acceptable but also adaptable to the IDP students.

¹⁵⁹ *General Comment No. 13* (n 79) para 6.

¹⁶⁰ Mooney and Wyndham (n 129) 290.

4.2.4. Adaptability

Adaptability entails the imperative that education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.¹⁶¹ In connection to this, the INEE minimum standards reiterates that all education personnel, formal and non-formal, should be trained to recognize signs of trauma or distress in learners and to take steps to appropriately respond to this behavior in the learning environment.¹⁶² The key informant from Adama education bureau said that, in terms of making education adaptable for the IDP students, they focused on empowering the teachers on different teaching methods to cater for the peculiarities of the IDP children. He added:

*“Since 2018, seven teachers have received psychosocial support, including two IDP teachers who were hired. One of these teachers also serves as a director at Sena Seba School. The support aims to help them deal with their own trauma and provide psychosocial support to their students. The training includes identifying children's psychosocial needs, managing emotional stress, and implementing positive classroom management practices”*¹⁶³

Through its training activities for teachers and other education personnel, the bureau was committed to enhance the quality of education and make it more acceptable and adaptable. It can be argued education was made adaptable both to the needs of children by hiring IDP teachers, in a sense that hiring an IDP as a teacher by itself can help to support the displaced students and ensure teaching staff that are personally aware of, and sensitive to, the challenges faced by the displaced and who, therefore, should be able to provide the practical and psychological support needed by IDP children.¹⁶⁴

The director of the Sena Seba School, Mr. Hasan Ahmed, holds the same view and elaborates that during the first few months, classes focused on non-formal learning, providing psychological and emotional support to help children recover from the tragedy.¹⁶⁵ In addition, Special school

¹⁶¹ General Comment No. 13 (n 79) para 6.

¹⁶² INEE and Ethiopia Education Cluster (n 73) 58.

¹⁶³ Interview with Mr. Tesfaye Beriso, Expert at Adama City Education Bureau, on 2 May 2024.

¹⁶⁴ Mooney and Wyndham (n 129) 277.

¹⁶⁵ Interview with Mr. Hasan Ahmed, Director of Sena Seba School, on 2 May 2024.

programs, such as accelerated learning and bridging programs, were also implemented to help IDP students catch up with their peers.

From the above discussion it is comprehensible that not only was attention paid to children's psychosocial recovery but also were non-formal learning activities put in place. Thus, the training activities organized by the bureau can be seen as applying both the INEE Minimum Standards on learning environment and those on teaching and learning¹⁶⁶. More precisely, the first set of standards has to do with the training of teachers to provide psychosocial support to traumatized children which makes education adaptable, while the second is related to the quality of teaching that makes education acceptable.

However, some of the interviewed teachers highlighted the need of the school to meet the psychological needs of the students. They raised concerns over their limited ability to fulfill this role due to a lack of experience, inadequate training, or time constraints. A teacher noted:

*“Many students, especially those in higher grades, experience depression. Due to the absence of a dedicated counselor, we are tasked with providing support, but it is challenging for us to bear the weight of this responsibility entirely.”*¹⁶⁷

This clearly shows the principal and teachers in the school, largely without sufficient resources or guidance, planned and delivered education to traumatized students in need of academic and special support. In this regard, teachers identified several types of support needed in response to the situation faced by the IDP students. They overwhelmingly called for a greater need of supplemental educational resources. They similarly requested occasional access to education specialists to offer infrequent consultation and highlighted psychosocial support resources or training as a clear need.

In conclusion, data gathered suggests that despite the availability of school, the IDPs in Adama city face several challenges in terms of getting adequate and proper education. While there are certain positive initiatives, the responses and measures taken by the government, the primary duty bearer for the assistance and protection of the rights of IDPs including the right to education is far from being adequate and consistent with the international and national standards.

¹⁶⁶ INEE (n 40) 62, 65–66, 72, 80–88.

¹⁶⁷ Interview with Mr. Shura Tufa, A teacher at Sena Seba School, on 2 May 2024.

Apart from efforts being made by the city administration and education bureau to tackle the education barriers faced by IDPs in the Adama resettlement site, there is still a significant amount of work that needs to be done by the government to adequately address the severity of the issue. As a result, it is crucial for the government to take effective measures in order to fulfill the commitments outlined in the Education Policy, Strategies, and Programs and ensure that the right to education for IDP children in Adama becomes a reality.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1. Conclusion

Internal displacement has become one of the prominent issues in Ethiopia today. The country has been witnessing the internal displacement of millions of people since 2017. The Oromia Regional Government has resettled an approximate number of 1340 households and 506 accompanied IDP minors in Adama city amongst hundreds of thousands persons displaced due to the conflict along the border between the regional states of Oromia and Somali. The focus of this paper is on the status of the right to education of the IDPs residing in an IDP site located in Adama city.

The conceptual framework explores the interconnected phenomena of conflict, internal displacement, and education in nations experiencing prolonged violence or political instability. Internal displacement refers to the forced movement of people within a country's borders due to conflict, environmental stressors, or persecution. Conflict-induced displacement is particularly devastating and often leads to long-term hardship for affected communities. Education is a fundamental human right and a critical tool for IDPs offering knowledge, skills, psychological support, and a sense of normalcy. However, IDPs face challenges in accessing education, such as discrimination, lack of infrastructure, and safety concerns. Education however was not always part of the responses to situations of displacement. The recognition of education as a fundamental right in emergencies, including displacement, has led to the development of the concept of education in emergencies, placing education at the forefront of humanitarian responses during emergencies.

Then the paper discusses the right to education for IDPs, analyzing international and regional legal and policy frameworks. It emphasizes the non-discriminatory nature of education and the state's responsibility to ensure access for all, including marginalized groups. The chapter also introduces the 4A framework; Availability, Accessibility, Acceptability, and Adaptability as a comprehensive approach to safeguarding education during emergencies. This framework ensures that education is well-funded, equitable, relevant, and adaptable to meet the needs of all, especially during crises. Ethiopia's laws and policies, such as the 1995 FDRE Constitution and

ESDPs, emphasize the country's commitment to providing inclusive and quality education, even in emergency situations.

The application of these legal and policy commitments in practice, particularly for IDPs in Adama city, is explored in the fourth chapter. Accordingly, The Ethiopian government is obliged to ensure education is accessible, acceptable, and adaptable under national and international human rights standards. However, various challenges hinder the realization of these standards for IDP children. The Sena Seba School was built within the site to provide education from kindergarten to 6th grade. Despite some positive measures, significant gaps remain in the availability, accessibility, acceptability, and adaptability of education for IDP children at the school.

For education to be considered available, schools must have adequate infrastructure and resources. However, the classrooms at Sena Seba School are overcrowded, and essential facilities such as proper desks and play spaces are lacking. The absence of these basic facilities hinders the ability of IDP children to get a quality education, violating both international human rights standards and Ethiopia's education policies. Education must be physically and economically accessible to all, without discrimination. However, IDP children at Sena Seba School face significant barriers due to the cost of educational materials and the physical distance to schools offering grades beyond 6th. The Adama City Education Bureau has launched campaigns to provide uniforms and supplies, but these efforts are insufficient to address broader accessibility issues, particularly for older students who must travel long distances. The remoteness and physical infrastructure of the school also indicate a lack of consideration for the educational needs of disabled students. Acceptability of education involves ensuring that the curriculum and teaching methods are relevant and culturally appropriate. The Adama City Education Bureau has taken steps to provide instruction in the children's languages and has trained teachers to be sensitive to the needs of IDP students. The adaptability of education is also crucial, requiring that education systems be flexible to meet the diverse needs of students. In this respect, the bureau has made efforts, among others, to train teachers in psychosocial support, recognizing the trauma experienced by displaced children. Nevertheless, Teachers called for more educational resources, access to specialists, and psychosocial support training to help

displaced students succeed, as these efforts are essential for supporting children in challenging circumstances.

5.2. Recommendations

Based on the analysis of the right to education for IDPs in the Adama City resettlement site, the following recommendations are proposed to address the identified challenges and improve educational outcomes for IDP children:

1. **Enhance Infrastructure and Facilities:** The government and other concerned organs should prioritize upgrading the physical infrastructure of schools, such as increasing classroom sizes, improving sanitation facilities, and ensuring adequate teaching materials. Schools like Sena Seba should be equipped with proper desks, play spaces, and pedagogical resources to meet both international and national standards.
2. **Increase Accessibility:** To address the issue of physical distance and economic barriers, the government should consider transport solutions or establishing additional schools closer to IDP communities. Financial assistance programs should be expanded to cover the costs of uniforms, books, and other educational materials to reduce dropout rates due to economic constraints.
3. **Strengthen Psychosocial Support:** To better support IDP children, schools should enhance psychosocial support by training teachers to recognize and address trauma, hiring dedicated counselors, and providing mental health resources, as well as implementing programs that cater to their specific emotional and psychological needs. Moreover, making students from IDPs and from host community attend the same school facilitate the psychosocial recovery and integration of the displaced children.
4. **Budget Allocation:** Since the observed challenges are attributable primarily to budget constraints, it is crucial for schools, the government and other concerned organs to ensure that a sustained and adequate budget is allocated for the educational needs of the IDPs.
5. **Monitor and Evaluate Progress:** A comprehensive monitoring and evaluation system should be implemented to regularly evaluate the effectiveness of educational programs and interventions, incorporating feedback from students, parents, and educators to ensure responsiveness to IDP community needs.

6. **Collaborate with Partners:** Strengthen collaboration with international organizations, NGOs, and community-based groups to leverage additional resources and expertise. Partnerships can enhance support services, including educational materials, training for educators, and infrastructure improvements.
7. **Policy Development:** Ethiopia's response to internal displacement primarily focuses on humanitarian actions, but it is crucial to include education for IDPs in these efforts. To achieve this, not only Ethiopia should ratify the Kampala convention, but also develop a national IDP education policy framework, and establish institutional frameworks to protect the right to education for IDPs.

By implementing the recommendations above, the government and relevant stakeholders can make significant advances towards ensuring that IDP children throughout the country and in Adama City in particular have access to quality, and inclusive education, thereby upholding their right to education in line with international and national standards.

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6. Interviews

Interview with Mr. Hasan Ahmed, Director of Sena Seba School, on 2 May 2024.

Interview with Mr. Tesfaye Beriso, Expert at Adama City Education Bureau, on 2 May 2024

Interview with Iman Adam, an IDP student at Sena Seba School, on 2 May 2024

Interview with Mrs. Tamire Bushu, V/ head of Adama City Education Bureau, on 2 May 2024

Interview with Mr. Aliyi Ibro, a resident at Adama City IDP camp, on 2 May 2024

Interview with Mr. Shura Tufa, A teacher at Sena Seba School, on 2 May 2024

Appendix

Interview Questions Used in the Study

Title of Research: *Examining IDPs Right to Education: The Case of Conflict-Induced IDPs in Adama, Oromia*

Purpose:

This annex presents the structured interview questions used in the field study conducted at the Adama City IDP resettlement site. The interviews were designed to explore the availability, accessibility, acceptability, and adaptability of the right to education for internally displaced persons (IDPs), based on national and international standards.

1. Mr. Hasan Ahmed – Director, Sena Seba School

Date of Interview: 2 May 2024

Location: Sena Seba School, Adama IDP Resettlement Site

1. Can you describe the current physical conditions of classrooms at Sena Seba School?
2. What kind of challenges do you face in ensuring the availability of educational materials and facilities for IDP students?
3. Are there any recreational or play spaces for children in the school compound?
4. How would you describe the sanitation, hygiene, and water supply facilities at your school?
5. What safety measures are in place to protect students from physical hazards or outsiders?
6. How has the school adapted its curriculum and activities to meet the specific needs of displaced children?
7. Could you explain what non-formal or psychosocial support programs have been introduced for the students?
8. What are the major limitations your school faces in supporting IDP children effectively?

2. Mr. Tesfaye Beriso – Expert, Adama City Education Bureau

Date of Interview: 2 May 2024

Location: Adama City Education Bureau

1. What measures has the Bureau taken to ensure the physical availability of education for displaced children?

2. What challenges are most significant when addressing the right to education for IDP children in Adama?
3. How has the city addressed the transportation and distance-related barriers for students attending schools beyond Grade 6?
4. Is there sufficient funding allocated specifically for IDP education? How are budget limitations impacting implementation?
5. What long-term strategies are in place to ensure the sustainability of educational support for displaced learners?
6. What plans, if any, are there to scale up successful interventions like psychosocial support and IDP teacher employment?

3. Mrs. Tamire Bushu – Vice Head, Adama City Education Bureau

Date of Interview: 2 May 2024

Location: Adama City Education Bureau

1. What support mechanisms has the Bureau implemented to alleviate financial barriers to education for IDPs?
2. Could you elaborate on the citywide campaign supporting school supplies and uniforms for displaced students?
3. What partnerships have been formed to support educational efforts in the IDP resettlement area?
4. How do you ensure that the education provided is culturally appropriate and linguistically accessible?
5. What training or capacity-building activities has the Bureau provided to teachers and school staff working with IDP students?

4. Mr. Aliyi Ibro – IDP Parent and Resident

Date of Interview: 2 May 2024

Location: Adama City IDP Resettlement Site

1. How many children in your household are attending school, and in which grades?
2. What are the biggest difficulties you face in sending your children to school?
3. Have any of your children dropped out of school due to lack of educational materials or uniforms?
4. Do you receive any support from the government or NGOs in helping your children access education?

5. How important do you think education is for your children's future, considering your family's current economic situation?

5. Iman Adam – Grade 7 IDP Student, (Geda Kilole Primary School)

Date of Interview: 2 May 2024

Location: IDP camp

1. How far is your home from the school you currently attend?
2. How does the long walking distance affect your education?
3. What kind of learning materials do you receive from the school?
4. Are there any parts of school life you particularly enjoy or find challenging?
5. Do you or your classmates feel safe and supported in the school environment?

6. Mr. Shura Tufa – Teacher, Sena Seba School

Date of Interview: 2 May 2024

Location: Sena Seba School

1. What are the major educational and emotional needs of the IDP students you teach?
2. Have you received any training in supporting students with trauma or psychosocial challenges?
3. How do you manage classroom sizes and limited teaching resources?
4. What types of support do you think would help teachers better serve displaced learners?
5. Are there any specific signs of emotional distress among the students that concern you?
6. Would you say the curriculum and teaching methods are flexible enough to meet the needs of displaced children?