



**ADDIS ABABA UNIVERSITY
CENTER FOR HUMAN RIGHTS**

**THE RIGHT TO PRIMARY EDUCATION: EXPLORING
ISSUES OF ACCESS AND EQUITY IN ADDIS ABABA**

**BY
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**A thesis submitted to the School of Graduate Studies of Addis Ababa
University in partial fulfillment of the requirements for the Degree of Master
of Arts in Human Rights**

**JUNE 2015
ADDIS ABABA**

**ADDIS ABABA UNIVERSITY
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DECLARATION

I, the undersigned, declare that this thesis is my original work and has not been presented for a degree in any other university and that all sources of material used for the thesis have been duly acknowledged.

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Acknowledgements

This study was made possible through a magnanimous allocation of a number of individuals whose understanding and support enabled me to pursue it. Many thanks go to Ato Getahun Kassa, my advisor, who ensure that I had the time, resource and intellectual space with which to explore complex and controversial issues. His keen interest has been a cradle of encouragement and his criticisms have been stimulating from the scratch up to the end.

While I was the principal investigator of the research, numerous others participated in the effort and helped me in collecting different data and materials supporting it. Regarding this, I appreciate particularly the support of the participants from the Addis Ababa Education Bureau, Plan International, UNICEF, Felege Yordanos government school, Finfine government primary school, Jemo government primary school and Selam Ber government primary school. In addition, my deepest gratitude goes to the educational bureau of Kirkos sub-city and Kolfe-Keranio sub-city for their unlimited support in providing the relevant data for the study.

Last but not least, I am very indebted to my husband and my family without whose support I could not have finalized this study.

Samrawit Tadesse

Addis Ababa.

Abbreviations

AAEB: Addis Ababa Education Bureau

ABE: Alternative Basic Education

ACHPR: African Charter on Human and Peoples Rights

ACRWC: African Charter on the Rights and Welfare of the Child

AIDS: Acquired Immunodeficiency Syndrome

AIR: Apparent Intake Rate

CADE: Convention against Discrimination in Education

CEDAW: Convention on the Elimination of All Form of Discrimination against Women

CERD: Convention on the Elimination of all form of Racial Discrimination

CESCR: Committee on Economic, Social and Cultural Rights

CIEFFA: Centre for the Education of Girls and Women in Africa

CMW: Convention on the protection of the Rights of all Migrants Workers and members of
their Family

CRC: Convention on the Rights of the Child

CRPD: Convention on the Rights of Persons with Disabilities

CSA: Central Statistics Authority

CTA: Curriculum, textbooks, assessment, examinations

DFID: Department of International Development

EFA: Education for All

EMIS: Education Management Information System

ESDPs: Education Sector Development Programs

ETP: Education and Training Policy

FDRE: Federal Democratic Republic of Ethiopia

GEQIP: General Education Quality Improvement Program

GER: Gross Enrollment Rate

GPI: Gender Parity Index

GTP: Growth and Transformation Plan

HIV: Human Immune-deficiency Virus

ICCPR: International Convention on Civil and Political Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

ILO: International Labor Organization

JICA: Japan International Corporation Association

MDGs: Millennium Development Goals

MOE: Ministry of Education

MOFED: Ministry of Finance and Economic Development

MOLSA: Ministry of Labor and Social Affairs

NER: Net Enrollment Rate

NGOs: Non Governmental Organizations

NIR: Net Intake Rate

NPA: Nation Plan of Action

OHCHR: Office of the High Commission for Human Rights

OISE: Ontario Institute for Studies in Education

PCME: Program coordination, monitoring and evaluation

SGP: School Grant Program

SIP: School Improvement Program

SNP: Special Needs Program

TEVT: Technical Vocational Education and Training

TDP: Teacher Development Program

UDHR: Universal Declaration of Human Rights

UK: United Kingdom

UN: United Nations

UNDP: United Nations Development Program

UNESCO: United Nations Educational, Scientific and Cultural Organization

UNFPA: United Nations

UNICEF: United Nations Children's Fund

UPE: Universal Primary Education

USA: United States of America

USAID: United States of America Agency for International Development

Abstract

This thesis tried to explicate the extent to which the international human rights and frameworks have been implemented in light of the policy, legal and practical matters. Understanding access and equity in primary education in Addis Ababa, exploring all the factors affects its full implementation and the strategy set to tackle the challenges is very essential. The core issue that should be addressed here is how the strategies set by the city are able to ensure access and equity to all children at the primary education level in light of the international human rights instruments and national policies. The methodological approach administered is qualitative research approach.

The findings of the study shows that there are emerging challenges that not only stand on the way of the full achievement of access and equity at the primary education level but also on the overall implementation of the international instruments and national policies and laws in Addis Ababa. The challenge is even more pertinent to vulnerable children and children with special needs as there are no specific educational policies to address their needs to ensure their access to primary education. The study provides a wide-ranging practical explanation of the link between the lack of educational law as well as current socio-economic barriers and accessibility of equitable primary education in Addis Ababa.

The study will serve as reference points and a spring board for discussion of policy and legal issues; guide the development of appropriate mechanism; interpretation of the right to primary education in line with the international human rights standards as a matter of national interest. Thus, it is the writer's belief that the thesis will assist in refining the possible frameworks by informing the study of the challenges of access and equity in primary education in Addis Ababa.

Key Words: Accessibility, equity, primary education and vulnerable children

Operational Definitions

- Access: is concept that covers the issue of availability of schools, educational institutions and programs to be accessible to everyone without discrimination.
- Completion rate: is, defined as the total number of students who successfully complete the final year grade of primary school, expressed as a percentage of the total population of school leaving age.
- Dropout: Leaving a school before completion of a given stage of education or some intermediate or non-terminal point in level of education.
- Equity in Access: is fundamentally about fairness and means that ‘... personal and social circumstances...’ should not be an obstacle to achieving educational potential.
- Gender Equity: the process of being fair in accessing primary education both women and men’s equality.
- Gender Disparity: as used in this study refers to the difference between girls and boys in enrolments and academic performances in primary education in a given year.
- Gender Parity Index (GPI): is the ratio of female to male enrolment rates. When the gender parity index (GPI) for enrolment shows a value equal to 1, female enrolment and male enrolment rates are equal. A value less than 1 indicates that proportionately less females than males have enrolled.
- Gross Enrollment rate (GER): Gross enrollment rate means percentage of total enrollment in primary schools irrespective of age out of the corresponding primary school age population (age 7-14 in our case).
- Net Enrollment rate (NER): is the number of pupils in the official school-age group expressed as a percentage of the total population in that age-group.
- Primary education: refers to the eight years duration (grade 1-8), offering basic and general primary education to prepare students for further general education and training.
- Repetition: Refers to the proportion of students who have remained in the same grade over one year and used additional resource for the grade. The resource is in the form of teacher salary, school materials etc.,
- Vulnerable children: students who are at risk of repetition and dropout due to learning difficulties, disabilities or socio-emotional problems, or are excluded from education.

CHAPTER INTRODUCTION

ONE

“There are a large number of human rights problems, which cannot be solved unless the right to education is addressed as the key to unlock other human rights.”

Ms. Katerina Tomasevski¹

1.1 Background of the Study

Education is recognized as the key to sustainable development, peace and stability within and among countries, making it an indispensable means for effective participation in societies and economies of the twenty-first century.² As Mello explains, education is basic human rights as well as an established pre-condition for sustainable human development and economic prosperity.³ Further, education is also one of the fundamental ways in which economically and socially marginalized adults and children can pull themselves out of poverty and achieve the way to participate fully in their communities.

The right to education, as being the means to the realization of human rights and an end in itself, is codified in the Universal Declaration of Human Rights (UDHR)⁴ that lays the foundation of the normative frameworks on the promotion, protection and enforcement of human rights. The right to education is also recognized under several international as well as regional human rights instruments.⁵ In these instruments, the right to education is recognized not only as a right in itself

¹ Katarina Tomaševski, (2004), The Right to Education, Report Submitted by the Special Rapporteur, Addendum, Mission to Colombia, 23, U.N. ESCOR, Comment on Human Rights, 60th Sess.

² UNESCO, (2000), The World Education Forum, which took place in Dakar, Senegal, in April 2000, was the first and most important event in education at the dawn of the new century. By adopting the Dakar Framework for Action, the 1,100 participants of the Forum reaffirmed their commitment to achieving Education for All by the year 2015 and entrusted UNESCO with the overall responsibility of coordinating all international players and sustaining the global momentum. Available at www.unesco.org/education/efa/wef_2000/ [accessed on 29 September 2014].

³ Mello, Fatima, (1994), “Sustainable development for and by whom.” In Laurie Ann Mazur (ed.), Beyond the Numbers: A Reader on Population, Consumption, and the Environment, Island Press, Washington, DC.

⁴ The right to education is one of the fundamental rights proclaimed in the Universal Declaration of Human Rights under Article 26. It is considered by the Declaration not only as a right in itself but also as a means of promoting peace and respect for human rights and fundamental freedoms generally.

⁵ The International Covenant on Economic, Social and Cultural Rights (ICESCR), article 13 and 14; International Convention on Civil and Political Rights (ICCPR), article 18; the Convention on the Rights of the Child (UNCRC)

but also as an indispensable means of promoting peace and respect for human rights; fundamental freedoms with the objective of achieving the full development of human personality and enable all persons to participate effectively in a free society.⁶

To ensure its full realization, the right to education requires commitment from governments and the international community in universalizing access to all children and to reach the most marginalized and vulnerable children. Further, the international human rights instruments, also impose a treaty obligation on state parties, to introduce constitutional provisions as well as appropriate enabling legislation so that the state obligation under relevant international treaties are incorporated in to the domestic legal order.⁷ As children are beneficiaries of the right to education, state parties are required to make primary education “free and compulsory” for all children.⁸ Thus, neither parents, nor guardians, nor the state are entitled to treat the right as optional.⁹

Articles 28-30; the Convention against Discrimination in Education (CADE)- Articles 4 and 5; Convention concerning Discrimination in Respect of Employment and Occupation (1958) - Article 3; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1981) –Article 10; African Charter on Human and Peoples Rights, (ACHPR) Article 17; the African Charter on the Rights and Welfare of the Child (ACRWC), Article 11; Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, article 2; The Charter of Fundamental Rights of the European Union, article 2; Charter on the Rights of the Arab Child, preamble; Covenant on the Rights of the Child in Islam, article 2.

⁶ UN Committee on Economic, Social and Cultural Rights, General Comment 13, The right to education (Art. 13 of the Covenant), 8 December 1999, E/C.12/1999/10.Para1. (Hereinafter, General Comment 13). Available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/ae1a0b126d068e868025683c003c8b3b](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ae1a0b126d068e868025683c003c8b3b) [accessed on December 12, 2014].

⁷ International Covenant on Economic, Social and Cultural Rights (hereinafter ICESCR), adopted 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., U.N. Doc. A/6316 (1966), 993 U.N.T.S.3 (entered into force 3 Jan. 1976). Article 13; see also African Charter on the Rights and Welfare of the Child (hereinafter ACRWC), OAU Doc.CAB/LEG/24.9/49 (1990), entry into force: 29 November 1999, article 1.

⁸ ICESCR, supra note 6, article 13 (2) (a); Convention on the Rights of the Child [hereinafter CRC], adopted 20 Nov. 1989, G.A. Res. 44/25, U.N. GAOR, 44th Sess. U.N. Doc. A/44/49 (1989), 1577 U.N.T.S. 3 (entered into force 2 Sept. 1990) article 28 (1) (a); UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, Para. 1, of the Covenant), 14 December 1990, E/1991/23 (hereinafter General Comment 3).

⁹ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 11, Plans of Action for Primary Education, U.N. ESCOR, CESCR.20th Sess., U.N. Doc. E/C.12/1999/4 (1999). (hereinafter General comment 11) The plan of action must be aimed at securing the progressive implementation of the right to compulsory primary education, free of charge, under article 14. Unlike the provision in article 2.1, however, article 14 specifies that the target date must be “within a reasonable number of years” and moreover, that the time-frame must “be fixed in the plan”. In other words, the plan must specifically set out a series of targeted implementation dates for each stage of the progressive implementation of the plan. This underscores both the importance and the relative inflexibility of the obligation in question. (On art.14 of the ICECSR), Para. 6.

In order to translate these principles and thereby realize the dual gains of education as an inherent basic right and as a means for development, state parties have declared their commitment to providing primary education to all their citizens within a reasonable period of time.¹⁰ The United Nations Educational, Scientific and Cultural Organization (UNESCO) has also placed the right to education at the forefront of its activities and Education for All (EFA)¹¹ is high on its agenda. Following this, there have been various efforts to universalize primary education and ensure its accessibility under the theme “full and equal educational opportunities for all”.¹² The right to primary education, which is the main theme of the study, is given more emphasis and a proper interpretation stating that “the main delivery system for the basic education of children outside the family is primary schooling.”¹³ Primary education must be universal, ensure that the basic learning needs of all children are satisfied, and take into account the culture, needs and opportunities of the community.¹⁴ The World Declaration on Education for All further defines “basic learning needs” as:

*Essential learning tools, such as literacy, oral expression, numeracy, and problem solving and the basic learning content such as knowledge, skills, values, and attitudes required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions, and to continue learning*¹⁵

At the Millennium summit, heads of state and governments agree to work together to ensure that ‘children everywhere, boys and girls alike’ will be able to complete a full course of primary

¹⁰ Taddele Hagos, (2008) The Feasibility of Universal Primary Education by 2015 in the State of Tigray (Ethiopia): Opportunities and Challenges. A thesis presented to The Department of Education, National University of Ireland, Cork, in fulfillment of the requirement for the degree of Doctor of philosophy. Pp.36.

¹¹ The Education for All (EFA) movement is led by UNESCO and was launched after the World Conference on Education for All in 1990.

¹² Since the pledge of education for all the international community has constantly expressed its support for basic education including the World Conference on Human Rights (1993), the World Conference on Special Needs Education: Access and Quality (1994), the Mid-term Meeting of the International Consultative Forum on Education for All (1997), International Conference on Child Labor (1997) and the World Education Forum (2000), the Dakar frame Work for Action (2000), the Millennium Development Goal (2000) and the New Partnership for African Development (NEPAD) at the regional level.

¹³ UNESCO, supra note 2; See also V. R. Krishna Iyer, The Dialectics and Dynamics of Human Rights in India – Yesterday, Today and Tomorrow– Tagore Law Lectures, (Calcutta: Eastern Law House, 1999) para.9. See also ICESCR, supra note 7, article 13 (2) (a).

¹⁴ ICESCR, supra note 7, article 5.

¹⁵ UNESCO, supra note 2, article 1.

schooling and that girls and boys will have equal access to all level of education.¹⁶ The basic framework of governmental obligations is outlined through a series of explicit guarantees of the right to education in international human rights treaties, national constitutions, and domestic laws. These human rights obligation of states are structured in to the 4-A scheme of making education available, accessible, acceptable and adaptable.¹⁷

Education is also recognized as human rights in Ethiopia. The Constitution of Federal Democratic Republic Ethiopia (FDRE Constitution) recognizes the rights of all children to education.¹⁸ In addition, Ethiopia is signatory to all relevant international and regional human rights treaties¹⁹ and ratified them so that they become an integral part of the law of the land.²⁰ To realize the educational objectives, the government introduced an Education and Training Policy (ETP) and an education sector strategy in 1994 applicable to all states including Addis Ababa.²¹ Subsequently, the government developed a twenty year Education Sector Indicative Plan, which was divided in to a series of five-year Education Sector Development Programs (ESDPs). The ESDPs have paid particular attention to reducing inequalities in public education through the enhancement of access, quality, equity and relevance of the education system.²² The duration of these programs has been adapted so that they fit in to the planning cycles of the national development plan and to the time frame for the achievement of the Millennium Development Goals (MDGs). Currently, the Growth and Transformation Plan (2010/11-2014/15) and the ESDP IV (2010/11-2014/15) have placed due emphasis on children who are still out of school, most of whom are in the emerging regions or belong to specific groups: the pastoralist, semi-

¹⁶ Millennium Declaration Resolution Adopted by the General Assembly, 18 September 2000, A/RES/55/2. Available at: <http://www.un.org/millennium/declaration/ares552e.htm> [accessed on 24 December 2014].

¹⁷ Katarina Tomaševski, (2001). Human rights obligations: making education available, accessible, acceptable and adaptable, Right to education primers no. 3, Gothenburg. Available at: <http://www.right-to-education.org/sites/r2e.gn.apc.org/files/B6g%20Primer.pdf> [accessed on 13 November 2014].

¹⁸ The Constitution of the Federal Democratic Republic of Ethiopia, (hereinafter the FDRE Constitution), Proclamation No. 1/1995, (adopted in December 1994), article 36 (1) (d) & (5).

¹⁹ Ratification status of Ethiopia, Available at: <http://tbinternet.ohchr.org/layout/treatybodyexternal/treaty.aspx?countryid=59&lang=en> [accessed on 15 January 2015] see also, Ministry of Foreign Affairs, International Human Rights treaties ratified by Ethiopia, available at: <http://www.mfa.gov.et/internationalmore.php>? Page 6 [accessed on January 15, 2015].

²⁰ FDRE constitution, supra note 18, article 9 (4).

²¹ Transitional Government of Ethiopia (1994). Education and Training Policy, (ETP) Addis Ababa. Berhanena Selam Printing Enterprise.

²² Ministry of Education, (MoE) (1996). Basic Indicators of Education Systems Performance. Addis Ababa, Ethiopia: Education Management Information Systems.

pastoralist and minority groups, children with special needs and vulnerabilities living both in the cities and rural area.

Though noteworthy improvements have been observed on the accessibility of primary education and having equity oriented educational system evidences imply that the Ethiopian education system is still struggling with challenges such as high dropout rates, inaccessibility for vulnerable children, and low quality of education.²³ In relation to equity, the gender parity index as being primary indicator also shows that primary-school-age girls are still more likely to be out of school than boys in Ethiopia.²⁴ In order to enroll children that need access to education and reduce drop out as well as repetition, knowing the root cause of the barriers and addressing them is very essential. In relation to the equity issues, concerns are usually raised in terms of accessibility of education to girls and vulnerable children coming from poor the households in one hand and socio-economic as well as cultural issues on the other take the front stage.²⁵

In the pursuit for the realization of the right to education in Ethiopia, Addis Ababa has also played its role in the implementation of the international human rights standards and national policy on education. In the effort to universalize primary education, the city government of Addis Ababa has been showing noteworthy changes in terms of achieving accessibility and equity at the primary education level. Accordingly, the number of primary schools has increased from 693 (2008/09) to 795 (2013/14) which accounts to 12.8% increment within six consecutive years.²⁶

²³ Ministry of Education, 2013, Educational statistics Annual Abstract, Education Management Information System (EMIS), Planning and Resource Mobilization Directorate, November, Pp. 26. Apparent intake rate, net intake rate, gross enrollment rate and net enrollment rate at the primary education level have shown a decrease from the record of the previous years.

²⁴ Ibid.

²⁵ Adham Duri Abdella, 2011, The impact of Right Respecting Primary School Performance Initiative in Addis Ababa (A Right Based Approach to Education), Institute for Human Rights Addis Ababa University. Pp 12.

²⁶ Addis Ababa Education Bureau (AAEB), 2013/14, Education Statistics Annual Abstract, Education Management Information System (EMIS) Pp. 16.

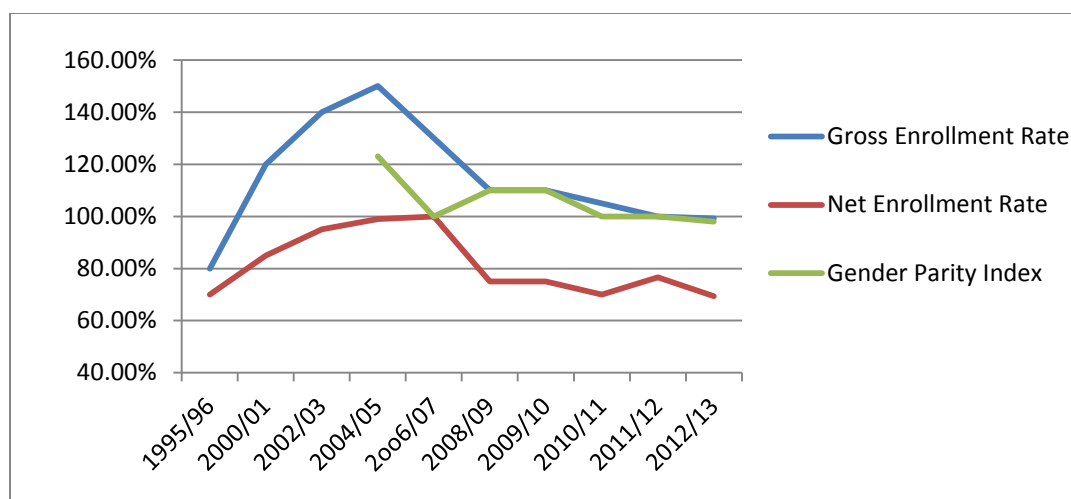


Figure 1: The progress made in access and equity of primary education in Addis Ababa.

Source: Ministry of Education, Education Statistics 2006/07-2012/13, Addis Ababa Region.

As shown above, Gross Enrollment Rate (GER) and Net Enrollment Rate (NER), have been gradually increasing in all levels of schools in the Addis Ababa. However, recent reports show that the average annual growth rate of primary education has slightly decreased.²⁷ In relation to the Gender Parity Index (GPI), the intended goal is not yet achieved as there is still a difference in accessibility of education between boys and girls.²⁸ Thus, in order to assess the degree of realization and achievement of the right to primary education in Addis Ababa, it is imperative to explore the policy, legal and practical (socio-economic and cultural) dimensions of the right to primary education with a focus on access and equity.

1.2 Statement of the Problem

The degree of realization of the right to primary education is not only dependent on the government policies and measures but is also influenced by the practical matters within the society. For instance, the parental attitude towards education influenced by educational background, occupation, social and cultural condition not only precludes children from their

²⁷ MoE, *supra* note 23, Pp. 28.

²⁸ *Ibid*; Gross Enrollment Rate (GER) is the total enrollment in primary school (grade 1-8), irrespective of age, out of the corresponding primary school aged population, ages 7-14; Net Enrollment Rate (NER) for primary education is calculated by dividing the number of properly aged primary school students (for Ethiopian ages 7-14) by the number of children of school age (7-14). NER is usually lower than GER as it excludes over aged and under-aged students.

basic rights but also adversely affect accessibility and equity of education in general.²⁹ Further, financial and social constraints also present a challenge for the realization of the right to primary education. Hence, it can be said that there is a significant difference between the norm and the reality of primary education.

For Africa and Ethiopia, the right to primary education, in addition to being fundamental human right, the elements of good quality, accessible and equity of education are recognized as an important foundation for economic growth and instrument in attaining other objectives of development.³⁰

Recognizing this reality, access and equity of primary education that were very minimal have now shown noteworthy changes that confirm the recognition of the primary education as human rights.³¹ Further, due to the governments various sustained efforts in the implementation of international principles and target set, Ethiopia has graduated from being one of the lowest scoring states in enrolment to having the potential of achieving Universal Primary Education (UPE). The framework of the ETP, the series of ESDPs have also brought significant changes on the educational system of Addis Ababa by focusing on quality, efficiency and equity in access for primary education. The government has undertaken positive measures including the consideration of pro-poor policies and initiatives such as teachers training, construction of schools, girl's education, Productive Safety Net Program (PSNP), School Feeding Programs (SFP), Alternative Basic Education (ABE) and non-formal education (NFE).

Despite progress and achievements in the education sector, evidences show that the general literacy rate in Ethiopia remains low as it did not reached the target set to achieve UPE by 2015.³² In Addis Ababa, accessibility of primary education is mainly seen in light of construction and expansion of schools which brought a positive impact. Accordingly, Addis Ababa is one of the states (being administrative state) making positive truck in achieving universal primary education in Ethiopia. On spite of the better resources and construction of schools, other aspects of education mainly quality, lowering repeaters and dropout has remain to be a constant challenge in the city. In addition, inclusion of vulnerable children primary education delivery is

²⁹ Adham Duri Abdella, *supra* note 25, Pp. 38.

³⁰ General Comment 13, *supra* note 6, Para 2.

³¹ AAEB, *supra* note 25, progress made on access and equity of primary education in the past five years.

³² *Ibid.*

also major challenges to attainment of the MDG 2 i.e. right to universal primary education. This thesis explores policy, legal and practical aspects of the right to primary education and its influence on accessibility and equity in primary education in Addis Ababa. It is important to mention the fact that, to the best of the writer's knowledge, there is no reported study on primary education as human rights in Addis Ababa.

1.3 Research Questions

This thesis tried to explore factors that influence accessibility and equity in primary education in Addis Ababa. It specifically examined the following questions:

- To what extent are the national policies and laws on the right to primary education comply with international and regional human right instruments?
- To what extent are the international human rights standards, national policies and laws on the right to primary education implemented in Addis Ababa?
- What strategies and programs are used to ensure access and equity of primary education to vulnerable children?
- To what extent is primary education accessible and equitable in Addis Ababa?
- What are the challenges encountered in the implementation of the programs and strategies? How can these challenges be tackled in order to ensure realization of access and equity in primary education in Addis Ababa?

1.4 Objectives of the Study

This study aims to explore the factors that affect access and equity in primary education in Addis Ababa. It will examine implementation of international human rights standards, and national policy and laws pertaining to right to primary education along with the practical aspects in Addis Ababa. Specific objectives of the study include:

- To analyze the compatibility of national policies and laws on the right to primary education with the international and regional human rights instruments;
- To analyze implementation of the right to primary education in Addis Ababa in light of relevant international human rights standards, national policies and laws ;

- To assess strategies set for meeting the educational needs of vulnerable children at the primary education level in terms of access and equity in Addis Ababa;
- To assess strategies and programs aimed at achieving access and equity of primary education in Addis Ababa;
- To clearly identify the challenges that may affect the implementation of international standards as well as national policies and laws on primary education in Addis Ababa.

1.5 Significance of the Study

Over the past years, substantial attempts have been made to expand primary education and improve access and equity to education in Ethiopia and Addis Ababa was part of this national initiative. Accordingly, the goal of achieving UPE and MDG. In order to reach this goal however, Addis Ababa will need to tackle the outstanding challenges including disparity in access, dropout rates, repetition rates and issues relating to equity.

Since the focus is more on access and equity, it enables one to find the extent to which the international human rights and frameworks have been implemented in Addis Ababa. The synthesis can stimulate discussion of policy and legal issues; guide the development of appropriate mechanism; interpretation of the right to primary education in line with the international human rights standards as a matter of national interest. Further, it will also contribute for the City Government of Addis Ababa and different stockholders to give their undivided attention to re-examine assumptions and identify the loopholes that stand on the way of implementation of the right to primary education in Addis Ababa.

More specifically, as the study explores issues of access and equity, it will help in making suggestions that will contribute in addressing problems of children excluded from educational opportunities and towards more equitable coverage of basic education in Addis Ababa. Thus this study aims to add value to the ongoing efforts in Addis Ababa.

1.6 Scope and limitation of the Study

The area of the research, as can be understood from the nature of the problem and issues it involve, is very wide. Exploring issues of relevance, quality, access and equity of primary education requires not only normative and institutional framework but also the interaction of

societies, economic conditions, political commitment and structural aspects. To make the study manageable and contribute new insights to efforts of tackling challenges of children in primary education, the study is limited to access and equity in relation to regular (day-time) primary school children at government schools in Addis Ababa. The study has an exclusive focus on Addis Ababa. Issues of access and equity still remain a challenge despite significant expansion of educational facilities and implementations of various initiatives with the aim to attain access.

Moreover, given the Ethiopian government's goal to achieve MDG 2 and UPE the thesis will emphasize on examining the practical and structural impediments along with the possible normative and institutional solutions that can be implemented in Addis Ababa. This approach guides the study to focus on exploring issues that may affect accessibility and equity of primary education and identify better instances for meeting the basic educational needs of vulnerable children.

The limitations of the study include lack of proper data on all the required variables to use comprehensive approach in evaluating the implementation of the international and regional instruments regarding the right to primary education in Addis Ababa. In addition there is also a limitation on the availability of up to date data on the current status of access and equity of primary education for vulnerable children in Addis Ababa. As a result, the scope and depth of the information desired may be limited that may have an implication on the outcome of the study.

1.7 Research Methodology

Due to the nature of the study, the methodological approach administered is qualitative research approach. Using the qualitative research, the study will be able to understand the lived experience of primary schooled children including vulnerable children in terms of accessing education and learning in equity oriented learning environment. Using this approach, the study was also able to explore influential factors affecting the accessibility and making primary education equitable for all children including vulnerable and disadvantaged children.

1.7.1 Participants of the Study

Government officials, experts and researchers from the Federal Ministry of Education, City Government of Addis Ababa Education Bureau, the Human Rights Commission, Ministry of

Women, Children and Youth Affairs and Ministry of Finance and Economic Development are mainly involved in the study. The study also included inter-governmental agencies, civil societies; international as well as national NGO's working specifically on the right to primary education, education bureau of sub-cities and primary school administrators as respondents.

1.7.2 Instruments of Data Collection

The necessary data for the study are going to be collected from primary and secondary sources. The education policy and official documents as well as relevant international, regional and national human rights treaties are explored as primary source. The type of data gathering technique employed in the research is highly related to the research questions of the study.

Case study: the study is conducted to gain an in-depth understanding of access and equity of primary education in Addis Ababa. Further, it also allow the study to meet the goal of exploring the existing situation, challenges and the way forward to achieve access and equity in primary education in Addis Ababa. Though the study is made on Addis Ababa ample qualitative data was collected from Kirkos and Kolfe-keranio sub-cities. Kirkos sub-city is one of sub-cities with minimum Gross Enrollment Rate (GER) of 79.39% and one of the target areas for the cities re-development programs which may influence the accessibility of primary education in the sub-city. On the other hand, kolfe-Keranio holds the highest GER of 119.22% and one of the sub-cities in which the expansion of Addis Ababa city is taking place with many new residents. The two sub-cities are also areas of the city in which the school feeding programs in taking place as an effort to increase accessibility to vulnerable groups.

Felege Yordanos and Finfine government primary schools from Kirkos sub-city and Jemo and Selam Ber primary government schools from Kolfe-Keranio sub-city are selected for case study and FGD. In these schools, different programs intended for increasing access and equity including school feeding programs are being implemented by different stakeholders. Thus, the study chooses these schools to assess strategies and clearly identify the practical challenges.

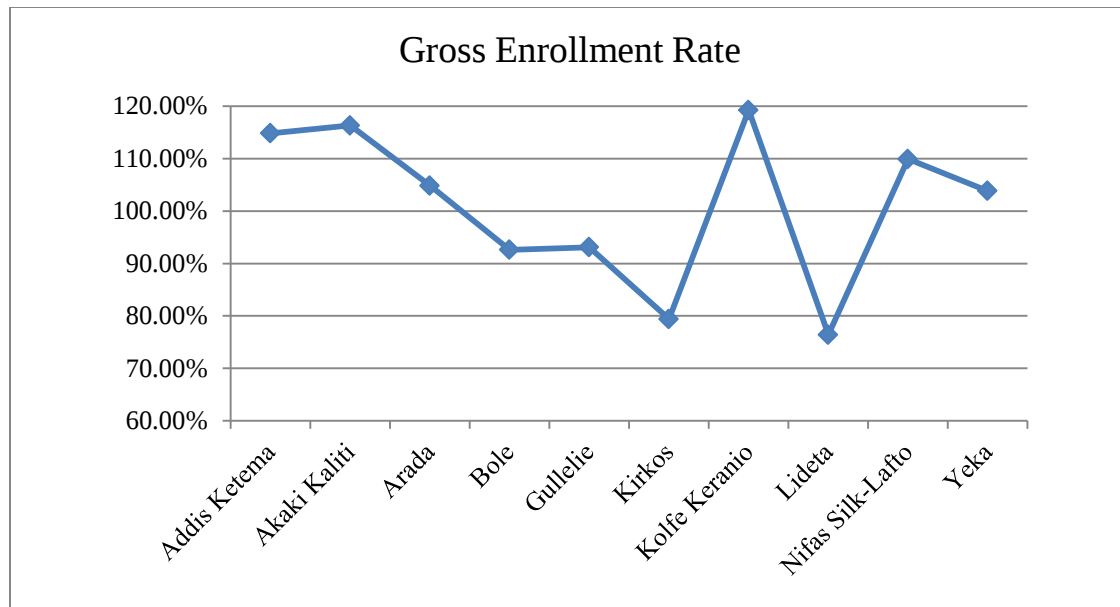


Figure 2: Gross Enrollment Rate of sub-cities in Addis Ababa.

Source: Addis Ababa Education Bureau, education Statistics Annual Abstract 2013/2014.

The research is not representative of the full dimensions of education situations of the city of Addis Ababa as the aim of the study is to give a first view of primary education.

Interview: was used in the course of the study as it enables the researcher to get reliable information from target respondents. The interview guide questions were semi-structured in nature to guide the interview on the specific issues of the study and also enable the interviewee to have room to explain the issues in his/her own understanding. A total of 25 interviews were conducted with higher experts and researchers at Addis Ababa Education Bureau, education bureau administration of the selected sub-cities, school administrators of targeted schools and parents.

Focus group discussion (FGD): was conducted in order to understand the way in which individuals collectively make sense of accessibility and equity at the primary education level. Accordingly small number of very general questions was raised by the researcher to guide the discussion and a lot of latitude was given to participants so that the discussion can range fairly widely. The researcher took part with minimum intervention to guide the proceeding in line with the topic of discussion. A total of eight FGD were conducted with school administrators, teachers and students in each of the selected government primary schools in the selected sub-cities for the

study. Each FGD had average size of four to five members and was undertaken in the school compound.

Area of research	Access and equity at the primary education level in Addis Ababa
Number of groups	8
Average size of groups	4-5
Stratifying criteria	Participants need to be schools administrators, teachers and students at the primary education level enrolled in government schools in Addis Ababa.

Table 1: Composition of grouping in focus group discussion.

Relevant books, scholarly articles and thesis are also used as a secondary source with a view to assess the implication of the current policy, legal and practical aspects affect the realization of the right to primary education.

1.7.3 Sampling Techniques

Purposive sampling technique is selected to conduct the study on the basis of the existing knowledge and the purpose of the study. This type of sampling is selected based on the review of existing literature and current reports made in relation to access and equity at the primary education level in Addis Ababa. Accordingly,

1.8 Ethical considerations

For the purpose of ensuring the privacy only the names of the adult participants that gave their consent for their names to be mentioned is included in the study. For the focus groups discussions, none of the participants names or identity is used as its conducted with minor that cannot give their consent.

1.9 Organization of the Study

The thesis has five chapters. The first chapter deals with a brief general background of the study with the view to introduce the readers to the framework of the work. Chapter two provides review of related literature. These are followed by a discussion on the overall concept of access and equity at the primary education level and the human rights obligation towards attainment of the right to education. Chapter three is a detailed reference section on the normative framework

of the right to primary education at the international, regional and national level. It contains the description of the study area and the current status of access and equity in Addis Ababa. Chapter four presents the findings and analysis of access and equity in primary education in Addis Ababa. In addition, it will also analyze policy, legal and practical aspects of the right to primary education and the mechanisms set to ensure accessibility and equity in primary education for all including vulnerable children in Addis Ababa. It also explores the challenges that stand on the way of goal of achieving universal primary education in Addis Ababa. Finally, all these are framed by concrete conclusion and recommendations.

CHAPTER REVIEW OF RELATED LITERATURE TWO

“Education is the premise of progress, in every society, in every family.”

Kofi Anan³³

“Education is the most powerful weapon which you can use to change the world”

Nelson Mandela³⁴

2.1 The Right to Primary Education

Education is the primary vehicle by which economically and socially relegated adults and children can lift themselves out of poverty and facilitate means to participate fully in their communities.³⁵ The importance of education also extends to the promotion of peace and security through collaboration among nations.³⁶ Gaining due recognition, the right to education is acknowledged, promoted and protected at the international , regional and national level all over the world. Further, the right to education is fundamental human rights of its own and also a means for the promotion and protection of other human rights. Despite the pressure through the recognition of the right under the international conventions, numerous writings and reports by the United Nations (UN) bodies, achieving the right to basic education or what we call primary education, as fundamental human rights, is one of the biggest development challenges today.

³³ Kofi Anan, (1997), 7th Secretary General of the United Nations, to address the World Bank conference “ Global knowledge 97”, press release SG/SM/6268, Toronto, Canada.

³⁴ Nelson Mandela, (1993), former president of South Africa, Nobel peace Prize Laureate.

³⁵ General Comment 13, supra note 6, Para 1.

³⁶ UNESCO’s Constitution (1945) Adopted in London, 16 November 1945, and amended by the General Conference at its 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 12th, 15th, 17th, 19th, 20th, 21st, 24th, 25th, 26th, 27th, 28th, 29th and 31st sessions.) “Article I

Purposes and functions

1. The purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.”

2.1.1 Definition

Though the definition of the right to education can be viewed from different angles due to the multi-nature of the right, UNESCO defines the right to education as:

*“Education” refers to 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 capacities, attitudes, aptitudes and knowledge.*³⁷

The Committee on the ICESCR further took guidance on the proper interpretation of the term “primary education” from the World Declaration on Education for All which states:

*The main delivery system for the basic education of children outside the family is primary schooling.*³⁸

Primary education must be universal, ensure that the basic learning needs of all children are satisfied, and take into account the culture, needs and opportunities of the community.³⁹ The Declaration further defines “basic learning needs” as “essential learning tools, such as literacy, oral expression, numeracy, and problem solving and the basic learning content such as knowledge, skills, values, and attitudes required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions, and to continue learning”.⁴⁰

As the primary beneficiaries of rights to education are children, the realization of the right to primary education entails (in most cases) the participation of three parties: the state, the parents and the child. This fact demands that a position be taken not only with respect to the relationships maintained between public authorities and the individual, as with the application of other social rights, but also regarding relationships between parents and children. The right to education a socio-economic right most commonly acknowledged throughout the world, requiring

³⁷ UNESCO, (1974), The Recommendation concerning Education for International understanding, cooperation and peace and education relating to Human Rights and Fundamental freedoms, adopted by the General Conference of UNESCO at the 18th session, November. Article 1(a).

³⁸ General Comment 13, supra note 6, Para. 9.

³⁹ UNESCO constitution, supra note 36, Article 5.

⁴⁰ Id, Article 1.

a well standing capital for its realization and incorporates the element of duty and compulsion as the services cannot be refused by the state or the subjects of the right.⁴¹

2.1.2 The Nature of the Right to Primary Education

Historically, education of all children has been responsibility of the state because it is seen as a vital investment in a country's economic future and, moreover as one determinant factor on future of the country concerned.⁴² Rights-based education prioritizes the primary schooling of all children, necessarily directing political choices that might otherwise under-emphasize education.⁴³ This approach also recognizes that, as children lack a political voice, they need coordinated efforts on their behalf to secure quality education through the political process. Accordingly, a careful reading of the articles referring to the right to education in treaties and conventions leads to the conclusion that the right to education encompasses three basic rights that should be distinguished from one another: the right to receive education, the right to choose (a stream of) education and the right to equal education.

The Right to Receive Education: precisely refers to the individual's right to receive education and educational services funded by the state. The international covenants and national constitutions of many countries⁴⁴ protect the right to receive free basic education (primary education). The reason behind the right to receive education is due usually related to the justification that education provides the foundations for individual autonomy, liberty and human dignity; essential to the realization of basic civil and political rights and its benefits not only the individual but also the society at large.⁴⁵ In general terms in order to be part of a community and

⁴¹ Daphne Barak-Erez and Aeyal M Gross (ed.), 2007, *Exploring Social Rights Between Theory and Practice*. Hart publishing, c/o International Specialized Book Services, Portland, USA. Pp. 260 Also available at: <http://www.isbs.com> [accessed on January 20, 2015].

⁴² Klaus Dieter Beiter, *The Protection of the Right to Education by International Law* (2006); Julian Lonbay, *Implementing the Right to Education in England*, in *Economic, Social and Cultural Rights: Progress and Achievement*. Pp.163.

⁴³ Ibid.

⁴⁴ For examples of national constitutions that grant free elementary and high school education see: Art 29(1), South Africa's Constitution; Art 42(4), Ireland's Constitution; Art 27(4), Spain's Constitution; Art 19, Switzerland's Constitution; Art 24(1), Belgium's Constitution; Art 34(2), Italy's Constitution; Art 16(1), Finland's Constitution; Art 26(3), Japan's Constitution; Art 70(2), Poland's Constitution; Art 23(1), Luxembourg's Constitution; Art 160(1), Taiwan's Constitution.

⁴⁵ CRC, supra note 8, article 29 (1) (a)-(e).

influence the character of that community, each person must recognize their own inherent capabilities,⁴⁶ such as the skills acquired in the course of primary and secondary education.

The Right to Choose Education: Paragraphs 3 and 4 of article 13 of the ICESCR address the freedom of choice in education. They establish the right of parents to choose an alternative school (as opposed to a public one), as well as the right of individuals to establish and direct educational institutions. Thus, the state has the duty to respect the rights of parents to establish and direct private schools and to ensure that their children receive an education that is in accordance with their own religious and moral beliefs.⁴⁷

However, this right does not include the choice of not sending children to school as it contradicts with the compulsory nature of primary education.⁴⁸ The right to choose is derived from the centrality of individual autonomy and liberty as well as human dignity. On the other hand, the fact that education is a condition for the perpetuation of those aspects of culture considered necessary for an individual's realization of their freedom, human dignity and self-identity is also another driving factor. It is usually raised when the law fails to establish a duty to provide education or when the law permits flexibility in the application of compulsory education.

The Right to equal education: is derived from the general principle of equality⁴⁹ as inequality is demonstrably one of the most common problems to surface within the sphere of education.⁵⁰ Article 2 (2) and article 3 of the ICESCR obliges state parties to ensure the principle of equality and non-discrimination for all rights under ICESCR including the right to education. In this regard, the principle of non-discrimination is of immediate effect and is "subject to neither progressive realization nor the availability of resources; it applies fully and immediately to all aspects of education and encompasses all internationally prohibited grounds of discrimination."⁵¹ Thus, states parties must immediately guarantee nondiscrimination and equal treatment in education, particularly with regard to gender and other enumerated grounds, in order to fulfill its

⁴⁶ Ibid.

⁴⁷ Klaus Dieter Beiter, *supra* note 42, Pp. 24.

⁴⁸ General Comment 11, *supra* note 9.

⁴⁹ Universal Declaration of Human Rights (hereinafter UDHR), G.A. Res. 217A, art. 26, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (10 Dec. 1948) article 2. See also ICESCR, *supra* note 7, article 2; ICCPR, *supra* note 4, article 2; CRC, *supra* note 8, article 4; UNESCO constitution, *supra* note 37, Article I.2(b)

⁵⁰ C De La Vega ' (1994) 'The Right to Equal Education: Merely a Guiding Principle or Customary International Legal Right? Vol.11. Harvard Black letter Law Journal, Pp. 37.

⁵¹ General Comment No. 13, *supra* note 6, Para. 31.

obligations under the ICESCR. In order to achieve the goal of equal education, more resources should be allocated to underprivileged, children with special needs requiring special types of education and group's formerly suffering historic discrimination in educational institutions.⁵²

2.1.3 Goal of Primary Education

The UDHR asserts that education shall be directed to the full development of human personality and fundamental freedoms; promote understanding, tolerance and friendship among all nations, racial or religious groups.⁵³ The CRC discusses the goal of education in more specific manner as a process by which every child's personality, talents and mental as well as physical abilities to the full. The principal objectives of the right to education included;

- The development of the child's personality, talent, mental and physical abilities to their fullest potential.
- The development of respect for human rights and fundamental freedoms, and for the principle enshrined in the charter of the United Nation.
- The development of respect for the child's parents his or her own culture identity, language and values for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.
- The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes and friendship among all peoples, ethnic, national, religious groups and persons of indigenous groups.
- The development of respect for human the natural environment.⁵⁴

Thus from the spirit of these human rights instruments it can be asserted that education is not just a mere right that belongs to children but a right with a vast nature that can impact the world either positively or negatively.

⁵² See, eg, Art 29(2)(c) of the South African Constitution: 'the state must consider all reasonable educational alternatives, including single medium institutions, taking into account... the need to redress the results of past racially discriminatory laws and practices'.

⁵³ UDHR, supra note 49, article 26. See also ICESCR, supra note 7, article 13 (1).

⁵⁴ CRC, supra note 8, article 29 (1) (a)-(e).

2.1.4 Realization of the Right to Primary Education

Realization of the right to education has progressive nature⁵⁵ and subject to states parties' maximum available resources.⁵⁶ More specifically, progressive realization means that states parties are not obligated to realize these rights immediately; rather, states may fulfill these rights over time. Additionally, the realization of ICESCR rights is subject to states parties' maximum available resources.⁵⁷ Hence the United Nations' Committee on Economic, Social and Cultural Rights (CESCR or the Committee),⁵⁸ allots states discretion to determine the meaning of maximum available resources, including which resources to apply and what to regard as maximum. Moreover, the CESCR has declared that the concept of progressive realization "imposes an obligation to move as expeditiously and effectively as possible towards the goal" of the full realization of the right in question. According to the Committee's General Comment No. 3, "while the full realization of the relevant rights may be achieved progressively, steps towards that goal must be taken within a reasonably short time after the Covenant's entry into force for the states concerned."⁵⁹

Recognition of the right to education also imposes differing obligations for each level-primary, secondary and tertiary-of education. Article 13 of the ICESCR recognizes that "primary education shall be compulsory and available free to all."⁶⁰ States parties that have not secured compulsory, free primary education at the time of treaty ratification must develop a plan within two years and must implement it within a reasonable number of years after ratification.⁶¹ Unlike with respect to some progressive obligations, the ICESCR specifically provides time periods for the realization of free and compulsory primary education.

The Committee notes that, when read together, Articles 13(2) and 14 require states parties to "prioritize the introduction of compulsory, free primary education."⁶² Emphasizing on the need

⁵⁵ ICESCR, supra note 7, art. 2 (1).

⁵⁶ Ibid.

⁵⁷ General Comment 13, supra note 6; See also; Klaus Dieter Beiter, supra note 42, Pp. 382.

⁵⁸ Committee on Economic, Social and Cultural Rights (CESCR), Monitoring the Economic, Social and Cultural Rights. Available at <http://www2.ohchr.org/english/bodies/cescr/index.htm> [accessed on December 1st 2014].

⁵⁹ General Comment 3, Supra note 8, Para. 2.

⁶⁰ ICESCR, supra note 7, art. 13(2) (a); see also, General Comment No. 13, supra note 6, Pp. 59.

⁶¹ Id, article 14; General Comment 11, supra note 8, Pp. 10.

⁶² General comment 13, supra notes 6, Para. 5.

to “prioritize the introduction of compulsory and free primary education”⁶³ the CESCR also recommends the requirement that states provide compulsory and free education is subject to a stronger requirement than progressive realization. The CESCR further points out that the requirement that primary education be free of charge is “unequivocal” and “the right is expressly formulated so as to ensure the availability of primary education without charge to the child, parents or guardians.”⁶⁴ Thus, the requirement to provide free and compulsory education is not subject to progressive realization rather, immediate action must be taken.

In general terms the core of the right to education that require immediate realization include: ensuring the right of access to public educational institutions and programs on a nondiscriminatory basis; ensuring that education conforms to the objectives set out in international standards; providing free and compulsory primary education for all; adopting and implementing a national educational strategy that includes provision for fundamental, secondary, and higher education and ensuring free choice of education without interference from subject to conformity with ‘minimum educational standards’.

2.2 4-A Scheme in the Right to Primary Education

For education truly to be appreciated as a universal human right, governments’ obligations to this end must also be universal. The right to primary education as provided for under existing instruments can be availed by its beneficiaries (children) when the state obligations under these instruments are incorporated into national legal system and their implementation is ensured effectively.⁶⁵ In the pursuit of the key objective, namely that everyone has access to primary education as a fundamental human right, the CESCR underlined the importance of how state obligations relating to the right to education is reflected in national legal systems and how constitutional and legislative bases of the right to education can be reinforced.

⁶³ General Comment No. 13, supra note 6, Para. 51. See also Katarina Tomaševski, supra note 1, Para. 23. The former Special Rapporteur on the Right to Education Katarina Tomaševski has explained that states are “obliged to ensure with immediate effect that primary education is compulsory and available free of charge to everyone, or to formulate a plan and seek international assistance to fulfill this obligation as speedily as possible”.

⁶⁴ General Comment 11, supra note 9, Para. 7.

⁶⁵ General Comment No. 13, supra note 6, on the right to education (Article 13 of the Covenant) by CESCR lays emphasis on how the States are duty bound to implement the provisions enshrined in the ICESCR (article 13) and refers to the basic education for all.

According to General Comment no.13 of the CESCR, state parties have the obligation to respect, protect and fulfill the right to education. The obligation to respect requires states to avoid measures that hinder or prevent the enjoyment of the right to education. The obligation to protect requires states parties to take measures that prevent third parties from interfering with the enjoyment of the right to education. The obligation to fulfill incorporates both an obligation to provide and to facilitate and requires States to take positive measures to enable and assist individuals and communities to enjoy the right to education.

Primary education statistics inevitably show that not all children enjoy the same quality of, or level of access to education. The first step towards eliminating discrimination⁶⁶ and exclusion is to bring these issues out into the open. Within the international framework, CESCR in its general comment⁶⁷ observed that states parties are required to ensure that education conforms to the aims and objectives identified in Article 13(1), as interpreted in the light of the World Declaration on EFA,⁶⁸ the CRC,⁶⁹ the Vienna Declaration and Program of Action,⁷⁰ and the Plan of Action for the United Nations Decade for Human Rights Education.⁷¹ While all these texts closely correspond to Article 13(1) of the ICESCR, they also include elements, which are not expressly provided for in Article 13(1), such as specific references to gender equality and respect for the environment. These new elements are implicit in and reflect a contemporary interpretation of Article 13(1).⁷²

Further, the right to education also denotes that national education system of a state must meet the minimum standards. In her preliminary report to the Commission on Human Rights, the former Special Rapporteur on the right to education sets out “four essential symbiotic features that primary schools should exhibit i.e. availability, accessibility, acceptability and adaptability.”⁷³

⁶⁶ International Convention on the Elimination of All Forms of Racial Discrimination, [hereinafter ICERD] adopted 21 Dec. 1965, G.A. Res. 2106 (XX), U.N. GAOR, 20th Sess., art. 5(e)(v), 660 U.N.T.S. 195 (entered into force 4 Jan. 1969), article 5 (V).

⁶⁷ General Comment No. 13, supra note 6, Para 4.

⁶⁸ UNESCO. Supra note 2.

⁶⁹ CRC, supra note 8, Article 29 (1).

⁷⁰ UNESCO, supra note 2, Part I, para. 33 and Part II, para. 80.

⁷¹ Id Para. 2.

⁷² General Comment No.13, supra note 6, para. 4.

⁷³ Katarina Tomasevski, (2000), Progress report of the Special Rapporteur on the Right to Education, , submitted in accordance with Commission on Human Rights resolution 1999/25, E/CN.4/2000/6 of 1 February 2000.

2.2.1 Making Education Available

Availability embodies governmental obligation in ensuring the availability of educational institutions and facilities in sufficient quantity (buildings, sanitation facilities for all, safe drinkable water, trained teachers receiving domestically competitive salaries, teaching materials, computers and technology)⁷⁴ within the jurisdiction of the state. The core principle underpinning this assertion is that there is a close correlation between low levels of education and poverty, both individual and societal. However, in recognition that for some countries constrained by a lack of funds it is just not viable to insist on immediate and widespread free primary schools, these treaties allow for a progressive realization of governments' commitments.

In general the concept of availability of education requires fiscal allocations matching human rights obligations, schools matching school-aged children (number, diversity) and teachers (education & training, recruitment, labor rights, trade union freedoms).

2.2.2 Making Education Accessible

2.2.2.1 Definition

While the precise and appropriate application of the terms will depend upon the conditions prevailing in a particular state, education in all its forms and at all levels shall be accessible and available to all.⁷⁵ If an expanded definition of access is adopted, the concept includes regular attendance at least 80% of the time, progression at an appropriate age with no child more than two years overage, achievement consistent with national attainment targets and within 2 years of the norm for the grade level, and successful completion of a basic education cycle.⁷⁶

Further, access to education is seen as a central plank in development strategies as the implication is linked to the Millennium Development and Dakar goals associated with EFA.⁷⁷ These headline the achievement of UPE and gender equity in enrolments across all low income countries as an essential component of efforts to reduce poverty, increase equity and transform

⁷⁴ General Comment No. 13, Supra note 6, Para 6.

⁷⁵ ICESCR, supra note 7, article 13 (2).

⁷⁶ Lewin, K.M., 2007a. Improving Access, Equity and Transitions in Education: Creating a Research Agenda Create Pathways to Access Monograph 1. Consortium for Research on Educational Access, Transitions and Equity. Also available at: http://www.create-rpc.org/pdf_documents/PTA1.pdf. [accessed on December 21 2014]

⁷⁷ Ibid.

the developmental prospects of individuals and nation states. Sustained and meaningful access to education is critical to long term improvements in productivity, the reduction of inter-generational cycles of poverty, demographic transition, preventive health care, the empowerment of women, and reductions in inequality.⁷⁸

Accessibility of primary education is not limited to just the concept of availability but also requires educational institutions and programs have to be accessible to everyone, without discrimination⁷⁹. Thus, the right to primary education should be realized by making free and compulsory education available as soon as possible, and facilitating access to post-compulsory education as circumstances permit.

2.2.2.2 The Dimensions of Access

States have obligations to establish the legislative and policy framework, together with sufficient resources, to fulfill the right to education for every child. Each child must therefore be provided with an available school place or learning opportunity, together with appropriately qualified teachers and adequate and appropriate resources and equipment.⁸⁰ In addition, the level of provision of primary education must be consistent with the numbers of children entitled to receive it. Accessibility of the education also has three overlapping dimensions⁸¹ that is

- Non-discrimination – education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds.⁸² Accessibility means governments must strive for the practical elimination of gender and racial discrimination and ensure the equal enjoyment of all human rights, and must not be satisfied with merely formally prohibiting discrimination.
- Physical accessibility – education has to be within safe physical reach, either by attendance at reasonably convenient geographic location like a neighborhood school or via distance learning as the case may be.

⁷⁸ Sen, A. K. (1999) *Development as Freedom*. Oxford: Oxford University Press. See also

Streeten, P. (1999) *Ten Years of Human Development*. Human Development Report. New York: UNDP.

⁷⁹ The Salamanca Statement and Framework for Action on Special Needs Education, 1994, “..... those with special educational needs must have access to regular schools....”

⁸⁰ General Comment No. 13, *supra* note 5, Para. 50.

⁸¹ UNESCO, 2007, *A Human Rights-Based Approach to EFA; A framework for the realization of children’s right to education and rights within education*, UNICEF. New York, USA. Pp.29.

⁸² *Id*, Para 31-37.

- Economic accessibility – education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13 (2) in relation to primary, secondary and higher education: whereas primary education shall be available “free to all”.⁸³

2.2.2.3 Challenges to Access

Though access to primary education has increased significantly throughout the world since adoption of the EFA and MDG, achieving the EFA goal could still remain a dream for many populations of the world. The challenge is even more visible in Africa as the progress is threatened by slower economic growth, reduced public and international expenditure on education, and by the complex demands placed on systems struggling to cope with increased enrollment. The vast majority of children who are not being reached by formal education are orphaned, working, affected by HIV/AIDS, street children or living in countries in conflict or transition.⁸⁴

As Farrell has explained, attaining universal access to primary education is not simply a matter of adequate financial resources but also entails political will and institutional capacity.⁸⁵ Public education bureaucracies have not been capable of allowing children in underserved populations to acquire literacy and numeracy skills and the chance to learn material relevant to their lives and communities. Most children who are out of school or not having access to primary education in most countries are drop outs and repeaters with no ability to go further. As systems evolve and Gross Intake Rates (GIR) to Grade 1 exceeds 80% then it is almost certain that more than half of all children enroll in school, albeit that many are overage.⁸⁶ It follows that it becomes increasingly likely that those out of school are drop outs or repeaters rather than those who never attend, and the latter’s in most countries are vulnerable and excluded children. The problem of universalizing access to primary education is then in substantial part one of minimizing drop out and repeaters.

⁸³ General Comment No. 11, Supra note 9, Para. 6 & 7.

⁸⁴ UNESCO, (2010) Education for All Global Monitoring Report, MDG background note, page 2.

⁸⁵ Farrell, Joseph. 2003. “Transforming the Forms of Primary Education in the Developing World.” Toronto: Ontario Institute for Studies in Education (OISE), University of Toronto.

⁸⁶ Ibid.

In an effort to expand access to primary education and increase the number of students, the Ethiopian government has given great emphasis in constructing schools particularly in rural areas by giving rural areas priority over urban area though the desired outcome has not yet reached the expected level. Children with stunted growth, for example, are more likely to enroll in school late, and so to be ‘over-age’ for their grade, and to progress more slowly through the basic education grades. Children from less advantaged backgrounds (vulnerable children) may also enroll late due to their involvement in domestic or agricultural work; or owing to the family’s inability to meet the direct or indirect costs of schooling early on in the child’s life.⁸⁷ Late and delayed enrolment is found to be associated with both poor progress through the grades and with poor achievement in school. ‘Over-age’ status is thus an important proxy of educational disadvantage, potentially being both a consequence of deprivation in early life and a proximate cause of later disadvantage.⁸⁸

Studies have also indicated that vulnerable children in Addis Ababa areas often have only two choices: they can drop out of school in order to work, or they can work and go to school if their work activities are flexible, but they cannot give up work.⁸⁹ Children who both worked and attended school reported that this adversely affected their school work and their likelihood of remaining in school and of progressing through the grades. The second most common reason for drop-out was child illness or disablement. Some children dropped out repeatedly, or experienced long periods of absence due to a variety of health problems.⁹⁰ Absenteeism is also considered as a precursor to drop-out, as well as a dimension of ‘silent exclusion’, linked to poor progress and performance, which are themselves linked in turn to the likelihood of a child dropping out.⁹¹

⁸⁷ Overseas Development Institute (2011) Ethiopia’s Progress in Education: A Rapid and Equitable Expansion of Access, London: ODI.

⁸⁸ Id

⁸⁹ World Bank (2012). “ School Enrollment: Primary; Private (of the total primary) in Ethiopia. Available at: <http://www.tradingeconomies.com,Ethiopia/school-enrollment-prime> [accessed on 26 December 2014]

⁹⁰ Adham, *supra* note 25, Pp. 24

⁹¹ Orkin, K. (2011) ‘If God Wills ... Next Year I Will Send Her Back to School’: The Effects of Child and Parental Illness on School Participation in Rural Ethiopia, CREATE Pathways to Access Monographs 60, Brighton: University of Sussex.

2.2.3 Making Education Acceptable

The substance and form of education have to be acceptable to both students and parents: relevant, culturally appropriate and of good quality.⁹² Building on efforts to achieve greater and more equitable access to education, ensuring the quality and relevance of children's learning experiences is vital. Acceptable standards of education are essential for achieving equality of access and elimination of discrimination in schools, as well as for establishing an environment within which every child can be offered the chance to develop to his or her own full potential.

In working for acceptability in education relates to a series of important areas of medium of instruction, which often involves striking a delicate balance between enabling a child to learn using his or her mother tongue language and upholding a state's right, affirmed by international law, to determine its own national language(s) and language(s) of instruction; educational contents; and school discipline.⁹³ Generally, making education acceptable is a right in the right to education that includes: enforcement of minimal standards (quality, safety, environmental health); language of instruction; freedom from censorship and recognition of children as subjects of rights.

2.2.4 Making education Adaptable

Education has to be flexible, adaptable to the contemporary needs of the changing societies and their children within their diverse social and cultural settings. The human rights perspective urges states to consider education as vital in the transmission of core values from one generation to the next, and to help in the elimination not only of poverty, but also of racism, religious intolerance and other reasons for social disharmony.⁹⁴ The affirmation of human rights treaties that primary education shall be compulsory and free for all children, regardless of race, religion, disability, language or any other possible ground for discrimination, requires the creation of institutional mechanisms, both of a legal and extra-legal nature, to ensure those rights are implemented and upheld.

⁹² ICESCR, *supra* note 7, article 13 (1, 3 & 4).

⁹³ Katarina Tomasevsk, *supra* note 73, Pp.6.

⁹⁴ *Ibid.*

Thus, making education adaptable the right holders with in the right to education includes minority children, indigenous children, working children, children with disabilities and child migrants.

2.4 Equity in Primary Schooling

2.4.1 Definition

As growth in economy can be accompanied by greater or lesser inequality the same can be said about education growth. The implication of the commitments made at Jomtien and Dakar by governments and development partners is clear to the fact that not only should all children participate in a full cycle of basic education, but their opportunities to learn and benefit should also be equitably distributed. Equity is fundamentally about fairness and means that ‘... personal and social circumstances... should not be an obstacle to achieving educational potential.’⁹⁵ Broadly speaking, equity in education is not only a question of opportunities provided in the educational system, but it is also concerning the actual results of the various educational choices and performances of different groups of pupils and students through the educational system.

Participation alone is not sufficient to realize the right to education if what is on offer is highly unequal in quality, effectiveness, and cost. Inequality can be justified if its purpose is to compensate for disadvantage. Where inequality reinforces privilege and results in regressive public subsidy, as is the case where those in the poorest households have the least chance of progressing through an education system, it is unfair, unjust and inequitable.⁹⁶

Inequities most commonly relate to gender, economic status, location, religious, linguistic, or ethnic identifications, and children with special needs. As World Bank depicts, “girls, the rural poor, children from linguistic and ethnic minorities, nomads, refugees, street and working children, and children with special needs, go to school less than others”.⁹⁷ With in this context, it

⁹⁵ Organization for Economic Co-operation and Development, 2008, report on equity and fairness, PP. 2.

⁹⁶ Oketch, M., Somerset, A. (2010) Free Primary Education and After in Kenya: Enrolment impact, quality effects, and the transition to secondary school CREAT Pathways to Access Monograph 37. Consortium for Research on Educational Access, Transitions and Equity. Available at: http://www.create-rpc.org/pdf_documents/PTA37.pdf. [accessed on December 22 2014].

⁹⁷ World Bank (1995). Priorities and Strategies for Education: Development in Practice. U.S.A: The International bank for Reconstruction and Development, Pp. 3; 45.

can be said that low fee schools or government schools as the case may be, are unlikely to be equity enhancing and often deepen inequality.⁹⁸ The World Conference on EFA has indicated that with the exception of Latin America, female rates of enrolment in primary schooling continue to lag behind those of males: the rates for 6-11 year-olds in Africa were 69 percent for males and 56.5 percent for females; in Asia the respective rates were 77.4 and 59.3 percent in the early 1990s.⁹⁹ The gap has actually widened since 1970 in Afghanistan, Nepal, and Pakistan, and in many other nations where female enrolments remain very sensitive to economic or social disturbance.

Poverty affects both the ability of the family to support schooling and its willingness to bear the costs which in effect contributes negatively for both the gender difference in enrollment and completion. Another disadvantage is that the language of instruction used in schools often differs from the children's home language. These disadvantages gradually have a transferable effect to their learning process.

2.4.2 Importance of Equity

When the issue of equity in education is raised, it is not just the average amount of education that is important but also its distribution across the population. Equity in education is important for several reasons. In the first place, having a reasonable opportunity to develop one's capacity and to participate fully in the society is not just the objective of the right to education but also imperative for the realization of other human rights. Thus, ensuring equitable education system is one vital means for the realization of human rights in addition to being human rights of its own.

Secondly, in the absence of fair distribution of opportunity, the talent of many will be underutilized with consequent loss not only to them but to the society at large. Practically, equity in meeting basic learning needs may come at a cost, but in the long run it will be a lower cost to society than the continuation of inequity. Closing the persistent historical gap requires concerted, compensatory efforts, not simply an expansion of access. Given the limited resources available

⁹⁸ Lewin, K.M., 2007b. The Limits to Growth of Non-Government Private Schooling in Sub Saharan Africa CREATE Pathways to Access Monograph 5. Consortium for Research on Educational Access, Transitions and Equity. Available at: http://www.create-rpc.org/pdf_documents/PTA5.pdf. [accessed on December 21 2014].

⁹⁹ UNESCO (1990) World Conference on Education for All, (1990). Meeting basic Learning Needs: A Vision for the 1990s. New York: Inter-agency Commission for, Pp. 54.

to education, an equity-based approach needs to be adopted to accelerate progress against the 2015 targets of UPE. Article 4 of the CRC requires governments to undertake measures aimed at meeting children's rights 'to the maximum extent of their available resources'.¹⁰⁰ The assumption that it is not cost effective to reach the millions of excluded children, for example in rural areas, or those living in nomadic populations, needs to be re-examined from both a rights-based approach and broader development perspective.

Thirdly, equal distribution of education, is associated with almost all positive life outcome- not only with improved earnings and personal development but also civic participation.¹⁰¹ On the other hand, the more the society contain significant number of people without adequate skills to fully participate in the socio-economic areas, there will be higher social cost.¹⁰² According to the latest research by UNICEF, UNESCO, and other organizations, in order to maximize impact within the current global economic climate, 'judicious use of available resources to spur progress towards the MDGs with equity is imperative. Approaches with a strong focus on the poorest and most deprived children, and on proven, cost-effective measures to reduce the barriers they face in accessing and using essential services, are appropriate for these times.'¹⁰³ Social consistency and trust, is by itself an important factor supporting the peace and stability of a country.¹⁰⁴ Thus, absence of equity in education can lead to greater mistrust among societies and can hamper peace and success of a country.

2.4.3 Dimensions of Equity

Equity in education can be understood from two broad dimensions. Though the exact nature of the concern varies with the level of education, the first dimension has to do with whether the overall level of education service provided is sufficient and of the right kind. For example, in primary education level, the dominant concerns relate to access to education and childcare which in itself is an equity issue for parents especially girls. Equity requires securing all children's rights to education, and their rights within and through education to realize their potential and

¹⁰⁰ CRC, Supra note 8, Article 4.

¹⁰¹ Dearden, L., Reed, H. & Van Reenen, J. (2000), Estimates of the impact of improvements in basic skills on aggregate wages, employment, taxes and benefits, Part 2 of DFEE Research Centre on the Wider Benefits of Learning, The social benefits of basic skills, edited by John Bynner. London.

¹⁰² Ibid.

¹⁰³ UNICEF "Narrowing the Gaps to Meet the Goals", page 7.

¹⁰⁴ Ibid.

aspirations.¹⁰⁵ It also requires implementing and institutionalizing arrangements that help ensure all children can achieve these aims.

The second dimension of equity in education relates to equal opportunity, participation and success of children from particular groups that have tended to experience lower level of participation in all areas of education. Some children are particularly at risk of not attending or completing school – those from poor families; those in remote rural communities; girls; children infected with or affected by HIV; working children or those with disabilities; children from ethnic or other minority groups and those in countries affected by conflict or natural disaster. Gender inequality is also a cross-cutting issue in every type of educational disadvantage. Inclusion requires responding to the diversity of needs among all learners, through increasing participation in learning, cultures, and communities, and reducing exclusion from and within education. It involves changes in content, approaches, structures, and strategies, driven by a common vision that covers all children and the conviction that it is the responsibility of the regular system to educate all of them.¹⁰⁶

¹⁰⁵ UNESCO, *supra* note 81.

¹⁰⁶ CRC, *supra* note 8, stipulates the right for all children to receive education without discrimination on any grounds. See also UNESCO. (2005). *Guidelines for Inclusion. Ensuring access to Education for All*. Paris.

CHAPTER THREE

NORMATIVE FRAMEWORK AND CONTEXT OF THE STUDY AREA

“The Philosophy of the school room in one generation will be the philosophy of government in the next.”

Abraham Lincoln¹⁰⁷

Introduction

The right to education is stated in numerous international treaties and texts of varying legal nature, and has been affirmed by legally binding and non-binding international and regional instruments. Reaffirmation is also given by the CESCR, as the right “epitomizes the indivisibility and interdependence of all human rights”.¹⁰⁸ Further, a number of minimum standard-setting instruments are more elaborated by the UNESCO¹⁰⁹ and those elaborated at the regional level have provided a normative framework for the right to primary education. Ethiopia is one of those a state parties¹¹⁰ that took the initiative to implement these international goals for primary education standards at the nation level. As the national standards are applicable in Addis Ababa, the city government is also setting strategies to ensure the implementation of the international human rights standards and national policy.

3.1 International legal framework

The right to primary education in particular are given due recognition in international human rights treaties and forums. The UDHR which lays the moral foundation for obligation to fulfill, promote and protect human rights proclaims that “everyone has right to education”.¹¹¹ The right to education is reaffirmed in several human rights conventions adopted by the United Nations (UN). It is comprehensively covered by provisions of the International Covenant on Economic, Social and Cultural Rights (ICESCR),¹¹² which later draws extensively upon the Convention against Discrimination in Education (CADE). CADE being the first legal framework laid down

¹⁰⁷ Abraham Lincoln, (1809-1865), 16th President of the United States of America.

¹⁰⁸ General Comment 11, supra note 9.

¹⁰⁹ UNESCO Constitution, supra note 36.

¹¹⁰ Ratification status of Ethiopia, supra note 19.

¹¹¹ UDHR, supra note 49, Article 26 (1).

¹¹² ICESCR, supra note 7.

by the UNESCO, establishes entitlements to the right to education for various beneficiaries at all levels of education, including the right to universal primary education as free and compulsory.¹¹³ Article 5(1) (a) of the CADE adds that education shall be directed to: the full development of the human personality; for strengthening of respect for human rights and fundamental freedoms; promote understanding, tolerance and friendship among all nations, racial or religious groups and promote the activities of the United Nations for the maintenance of peace.¹¹⁴

General Comment 13 on article 13 of the ICESCR, elaborated by the CESCR in collaboration with UNESCO, elucidates the nature and scope of the right to education.¹¹⁵ The committee clearly stressed that “education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds.”¹¹⁶

The International Covenant on Civil and Political Rights (ICCPR) evokes the right to education with in the broader context of freedom of thought, conscience and religion.¹¹⁷ Confirming the right to education as one of the essential human rights of children, Convention on the Right of the Child (CRC) refers to education as a right to children to education and State’s duty, notably, to ensure free and compulsory primary education.¹¹⁸ There are also other international human rights instruments that reaffirm the right to education requiring for the implementation of the right at the national level by state parties.¹¹⁹

¹¹³ United Nations Educational, Scientific and Cultural Organization, Convention against Discrimination in Education, (hereinafter CADE) 14 December 1960, article 4(1); General Comment 13, supra note 6; ICESCR, supra note 7, article 14.

¹¹⁴ Regarding the issue of human rights education, OHCHR and UNESCO developed a Self-assessment Guide for Governments. Available at: <http://www.ohchr.org/Documents/Publications/SelfAssessmentGuideforGovernments> [accessed on 4 December 2014].

¹¹⁵ General Comment 13, supra notes 6, (Para. 6(b)).

¹¹⁶ Ibid

¹¹⁷ International Covenant on Civil and Political Rights, [hereinafter ICCPR], adopted 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (entered into force 23 Mar. 1976)

¹¹⁸ CRC, supra note 8, articles 28, 29 and 30.

¹¹⁹ The International Convention on the Elimination of All Forms of Racial Discrimination (1965) in Articles 5(v) and 7; Convention on the Elimination of All Forms of Discrimination against Women, (1979), article 10 (a) (e) (g) (h); the International Labor Organization Convention (ILO) No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries (1989) in Articles 26 and 27; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) in Articles 30 and 45; the Convention on the Rights of Persons with Disabilities (2006) in Article 24; the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992), and the Declaration on the Rights

Articles 13 and 14 articulate the ICESCR's specific guarantees of the right to primary education.¹²⁰ Article 13 recognizes that "primary education shall be compulsory and available free to all."¹²¹ States parties that have not secured compulsory, free primary education at the time of treaty ratification must develop a plan within two years and must implement it within a reasonable number of years after ratification.¹²²

3.2 International Commitments on Primary Education

The recognition of the right to primary education under the international human rights instruments, further steps are being taken to ensure its realization.¹²³ Accordingly, the right to education has been further interpreted as part of the EFA process, recognizing the significance of primary education as a fundamental human right.

The major instruments include the 1990 World Declaration on Education for All (exclusively focusing on education), the Millennium Development Goals (MDG), which include an education-related goal (Achieve Universal Primary Education) and the Right to Education in the Post-2015 Agenda as a key development strategy for modern societies.

3.2.1 The World Declaration on Education for All (EFA) and the Dakar Framework

The EFA declaration marked the beginning of a new era of global agreements in the field of educational development, where the commitment to achieving a set of development goals came to be shared broadly by a multitude of organizations and countries.¹²⁴ In its preamble, the World Declaration on EFA stresses on the importance of meeting 'basic learning needs' which is the 'ultimate goal'. An 'expanded vision' of 'basic education' is proposed to enable everyone, children, youth, and adults, to meet these needs. When it comes to the education of children,

of Indigenous Peoples (2007).

¹²⁰ ICESCR, supra note 7, article 13 and 14.

¹²¹ Id, article 13 (2) (a).

¹²² ICESCR, supra note 7, article 14.

¹²³ The Hamburg Declaration on Adult Learning (1997) in its Agenda for the Future sets out commitment to develop adult learning, as well as a series of commitments on important themes such as "ensuring universal right to literacy and basic education."

¹²⁴ UNESCO, (1990). World Declaration on Education for All and Framework for Action to meet Basic Learning Needs, adopted by the World Conference on Education for All, (Jomtien, Thailand, 9 March 1990). New York, USA: Available at: www.unesco.org/education/efa/ed_for_all/background/jomtien_declaration.shtml , [accessed on 23 September 2014].

‘primary schooling’ is considered as ‘the main delivery system of basic education’. In the ‘Principles of Action’ it is stated that ‘addressing the basic learning needs of all means: early childhood care and development opportunities; relevant, quality primary schooling or equivalent out-of-school education for children; and literacy, basic knowledge and life skills training for youth and adults.’

The Framework of Action¹²⁵ draws attention to the national level and the importance of identifying local needs and suggests that national plans of action need to be developed to meet those learning needs ‘defined as “basic or primary education.”¹²⁶ Although the goal is supplemented with a descriptive text that children should have access to any level of education considered as ‘basic’, the concept ‘free’ and compulsory’ are only used in conjunction with ‘primary education’. Further, the declaration also gives emphasis on the duty of states to eliminate gender disparity and achieve gender equality in education by 2015.¹²⁷ Political commitments to primary education have been reiterated as part of EFA process, and high political significance has been attached to the right to basic education.¹²⁸

The World Education Forum in Dakar also extended the Jomtien commitment, bringing a welcome emphasis on schooling quality while acknowledging that universal primary completion had not yet been reached universal primary completion and gender equity in primary and secondary education were affirmed again in that same year as MDGs.

1. The development goals agreed upon at the Jomtien and Dakar conferences later referred to as EFA goals, consisted six key elements¹²⁹ that focus on
2. The expansion of early childhood care,
3. Universal free compulsory primary education by 2015,

¹²⁵ The Framework of Action of the World Conference on Education for All is a text rather general in nature in the sense that it identifies educational issues that need to be addressed but leaves it up to each country to decide the way to address these issues according to the national context.

¹²⁶ UNESCO (2000), World Education Report. Basic education in formal schooling is ‘primary education’. Paris,

¹²⁷ UNESCO, supra note 2, goal 5

¹²⁸ Governments’ responsibility for providing basic education for all in the pursuit of EFA goals has been underlined in the Joint Statement of 26 April 2002 made by UNDP and the World Bank UNFPA, UNICEF on the occasion of the second Dakar anniversary of the World Education Forum: “Governments have the responsibility of providing basic education for all. Access to education is a fundamental human right. Millions of people legitimately expect to have access to quality education (...).”

¹²⁹ UNESCO. (2000). The Dakar Framework for Action. Paris: EFA: Meeting our Collective Commitments, adopted by the World Education Forum. Dakar, Senegal, 26–28 April 2000. Paris, France. Pp. 15-17

4. Expanded access to adult education,
5. 50 percent increase in the adult literacy rate by 2015,
6. Eliminating gender disparities by 2005 and improvements in the quality of education.

3.2.2 The Millennium Development Goals (MDGs)

The prominence of education in the MDG framework can be traced back to global declarations from the mid-1970s that expanded upon visions laid out in the UDHR outlining education as a human right, essential to strengthening human development and fundamental freedoms. Recent decades have seen impressive strides in access in education and mitigating gender disparity.

MDG2, targets to:

- Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.
- Net enrolment ratio in primary education.
- Proportion of pupils starting grade 1 who reach last grade of primary.
- Literacy rate of 15-24 year-olds, women and men.

It is acknowledged that education is increasingly linked with other sectors, with the impact of primary education felt strongly across a number of sectors and goals. Similarly, progress in education depends on advances in achieving other public goals, including the MDGs not related to education. Thus, it is emphasized that policies recognize the inter-linkages between education and other areas, and that synergies are created in order to achieve the different internationally agreed upon goals.¹³⁰ In order to met the MDG objectives and ensure the realization of the right to primary education to all children all over the world, a few steps are indicated as essential. The core step relates to the political commitment supported by appropriate policies and coordinated provision of technical and financial resources. In addition, developing a holist approach for attaining primary education, one which incorporates stronger planning and implementation processes and linkages between education and broader policy and budgetary frameworks is also

¹³⁰ United Nations Development Group (UNDG), (2010), Thematic paper on Millennium Development Goal 2, Achieving Universal Primary Education, The UN's Gap Task Force issues reports and assessments on MDG8. Pp. 6

essential. Further, developing disaggregated initiatives, programs and interventions based on an inclusive education sector analysis and explicit commitments to equity are needed. On a more general level, wherever possible, there should be an increased focus on cross-sector influences and on contributions of primary education to other MDGs. To take further step, social protection and safety net programs can cushion the poor and marginalized and provide strong incentives for enrolling and remaining in school. While both domestic and external financial resources must be increased, there is a need to build robust education systems that are resilient to external pressures by focusing on capacity development and improving governance and efficiency.

3.2.3 Universal Primary Education (UPE)

The goal of UPE is both universal access and completion of quality primary education for all. The concept of UPE has no universally accepted norm for the number of years of schooling that shall constitute the requirement. As a result different years of primary education ranging from four to eight years are being considered by different countries, with the results that the attainment of UPE represents the provision of twice, as much schooling as in some countries than in others. This calls for not only efficient educational system but also undergoing through what lies beneath the challenges that prevent the fulfillment of UPE.

The second MDG is to achieve UPE, more specifically, to “ensure that by 2015, children everywhere, boys and girls alike will be able to complete a full course of primary schooling.” The number of children out of school is falling at too slow a pace. In 2010, 61 million children were out of school, more than half (33 million) in sub-Saharan Africa and a further one fifth in South Asia.¹³¹ Recent studies show that there are more than 100 million children around the world of primary school age who are not in school. Majority of these children are found from the regions of sub-Saharan Africa and South Asia out of which girls are at the greatest disadvantage in receiving access to education at the primary school age and having equity oriented education system.¹³²

¹³¹ United Nations, (2012) The Millennium Development Goals Report. New York: United Nations.

¹³² Ibid.

3.2.4 The Right to Primary Education in the Post-2015 Agenda

Education is at the basis of development and offers the possibility for people everywhere to acquire knowledge and skills that enables them to create new opportunities. MDG 2 commits to achieving UPE with the target: “Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.”¹³³

Education enables individuals and communities to take greater control of the circumstances of their lives and to shape, rather than merely endure. Given the fundamental role that primary education plays in achieving much broader development goals, there must be both an education-specific development agenda beyond 2015 and explicit primary education goals in all development agendas.¹³⁴ Further, Indicators should also be action oriented and universally applicable, but sensitive to inequalities, and should avoid setting up perverse incentives. Thus, five major areas of concern are identified that need to be considered in the development of appropriate indicators for education in a post-2015 agenda.¹³⁵

First indicator relates to the aggregate expansion of primary schooling, with decreases in the numbers of children out of school, or never having attended, masks a severe problem of distribution linked with the problem of quality.¹³⁶ Secondly, appropriate focus on achieving UPE in MDG 2, with the indicator on illiteracy only concerning the 15–24 age group, has side-lined the unfinished business of adult illiteracy and the multiple exclusions suffered by this group, again creating perverse incentives.¹³⁷ Thirdly, giving governments few incentives for expanding good quality secondary, technical, or higher education is also presented at an indicator followed by limiting gender concerns in education largely to improve gender parity in enrolment, as signaled by the indicators for MDG 3, has not sufficiently geared actions taken by governments and NGOs to address violence against women and girls or the harmful gender norms that perpetuate inequalities.¹³⁸ Finally, the Gender, Education and Global Poverty Reduction

¹³³ Id.

¹³⁴ UNESCO, (2012), *Beyond 2015 – Education for the Future Key Considerations for the Development of the Post 2015 Agenda*. UNESCO, Bangkok.

¹³⁵ Ibid.

¹³⁶ Lewin, K. M. 2009. “Access to Education in sub-Saharan Africa: Patterns, Problems and Possibilities.” *Comparative Education* 45 (2): 151–174.

¹³⁷ Ibid.

¹³⁸ Lewin, *supra* note 136, Pp.165.

Initiatives (GEGPRI) project found that teachers and education officials, given limited information and support, and tasked with implementing a results-based MDG approach, were often not able to appreciate the range of explanations for why children were not in school.

3.3 African Regional Frameworks on Primary Education

In line with the international framework, the right to primary education is also acknowledged in regional legal and human rights instruments.¹³⁹ The right to education is an integral part of the rights, duties and freedoms enshrined in the African Charter on Human and Peoples' Rights (ACHPR).¹⁴⁰ The Charter provides that "Every individual shall have the right to education".¹⁴¹

Similarly, the African Charter on the Rights and Welfare of the Child (ACRWC) recognizes that "Every child shall have the right to an education."¹⁴² The ACRWC obliges state parties to take all appropriate measures to ensure free and compulsory primary education and encourage regular attendance at school and reduction of dropout rate. In addition, emphasis is also made to ensure equal access to education for all sections of the community and the need to take special measures in respect of female, gifted children and children with disabilities.¹⁴³

In the effort to achieve full realization of the right to primary education, state parties are also required to minimize indirect costs of education; encourage regular school attendance and reduce drop-out rates by all means necessary.¹⁴⁴ Both the ACHPR and the ACRWC contain state obligations linking them to various international human rights instruments to ensure the accessibility of free and compulsory primary education.

¹³⁹ The Charter of the Organization of American States (Article 49), the American Declaration of the Rights and Duties of Man (article 12), the Arab Charter on Human Rights (Article 41), the African Charter on Human and Peoples' Rights (Article 17), the African Charter on the Rights and Welfare of the Child (Article 11), the Regional Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and other Academic Qualifications in Higher Education in the African States, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Article 12), the first Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 2) and the European Convention on the Legal Status of Migrant Workers (Article 14) all guarantee the right to education.

¹⁴⁰ African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986. Article 17.

¹⁴¹ Ibid.

¹⁴² ACRWC, *supra* note 7, Article 11(1&2).

¹⁴³ Id, article 11 (3) (e).

¹⁴⁴ Ibid.

African Youth Charter also recognizes the right to education of good quality and the value of multiple forms of education, including formal, non-formal, informal, distance learning and life-long learning, to meet the diverse needs of young people.¹⁴⁵ The charter also obliges state parties to take all appropriate measures with a view to achieving full realization of this right including¹⁴⁶: free and compulsory primary education; minimize the indirect costs of education; encourage regular school attendance and reduce drop-out rates; Avail multiple access points for education and skills development including opportunities outside of mainstream educational institutions. In addition, the charter also requires for the allocation of resources to upgrade the quality of education delivered and ensure that it is relevant to the needs of contemporary society and engenders critical thinking rather than rote learning. Being more sensitive to the needs of African female children, it necessitate for where applicable, that girls and young women who become pregnant or married before completing their education shall have the opportunity to continue their education.

In addition to the human rights instruments, the governments of African nations have also entered into several commitments and adopted plan of action to ensure the full realization of the right to education and the right to free and compulsory primary education. Some of these commitments include:

- Commitment to establish national plans for education, training and upgrading¹⁴⁷ focusing particularly on: compulsory and free schooling for all children.¹⁴⁸
- Commitment to expand access to primary education through diversified delivery system and removing economic and cultural barriers¹⁴⁹
- Commitment to provide primary education off no cost and the need to urgently address the challenge of providing relevant education tailored to national social and economic needs.¹⁵⁰

¹⁴⁵African Youth Charter (2006), adopted by the seventh ordinary session of the assembly, held in Banjul, the Gambia on 2nd July 2006, article 13(1) (2) (4).

¹⁴⁶ Id, article 13 (4) (a) (c) (g) (h) (i).

¹⁴⁷ Resolution on the 29th Conference, 2006, "The role of parliaments in the promotion of Education and Culture in Africa".

¹⁴⁸ Resolution on the 29th Conference, 2006, "The role of parliaments in the promotion of Education and Culture in Africa".

¹⁴⁹ Dar-Es-Salaam Statement of Commitment, MINEDAF VIII, 2002, commitment no. 7.

¹⁵⁰ Id, Plan of action no. IV.

- Commitment to provide Special attention shall be devoted to the rights of disadvantaged groups, including girls and women, ethnic minorities, the disabled, those affected by HIV/AIDS pandemic and those in especially difficult circumstances in other ways”.¹⁵¹
- Commitment for the development of technical and professional training to absorb those who are excluded from the general education system and give all the opportunity to be inserted in the economic fabric.¹⁵²
- Commitment for the expansion of formal, non-formal, distance delivery systems, tailoring and targeting programs specifically to reach them and meet their needs.¹⁵³

3.4 Primary Education in Ethiopia

3.4. 1 Evolution of Modern Education in Ethiopia

Observing the shortcomings of traditional schools to meet the demands of the international political atmosphere, and filling the need to advance the nation, Menelik II opened the first modern school at Addis Ababa in 1908.¹⁵⁴ The school was opened with the purpose of educating the young (primarily the sons of the nobilities) to ensure peace, modernize the country and enabling Ethiopia to exist as a great nation among the comity of nations.¹⁵⁵ Female education, however, was not accepted much as the prevailing assumption was that “an educated woman would not look after the house; and the husband of the educated woman cannot live long”.¹⁵⁶ As a result, women were disadvantaged as regards equal opportunity and equity in education.

Following the establishment of the first school in Addis Ababa, attempts were made by the government, foreign communities and missionaries to establish modern schools across the country.

¹⁵¹ Ibid.

¹⁵² Union of African Parliament, 1998, resolution on education and population in Africa, adopted in Nyamey, Republic of Niger.

¹⁵³ Durban Statement of Commitment, MINEDAF VII, 1998. Commitment NO. 5.

¹⁵⁴ Teshome, G. W. (1979). Education in Ethiopia: Prospects and retrospect. Ann Arbor: The University of Michigan Press. Pp. 28; see also Pankhurst, R. (1968). Economic history of Ethiopia, 1800-1935. Haile Sellassie I University Press. Pp.676.

¹⁵⁵ Pankhurst, R. (1976). “Historical background of education in Ethiopia.” In M.L Bender, J.D. Bowen, R. L. Cooper, and C. A Ferguson (eds.) Languages in Ethiopia, London: Oxford University Press, pp. 305-325.

¹⁵⁶ Teshome, G.W, supra note 152, Pp. 37.

Following the stand of the emperor on the values on education, Empress Zewditu Menelik (the daughter and immediate successor of Emperor Menelik II) is accredited for launching universal education to all school-age children (identified by the Empress as ages 7-21) in the Amharic language. Her education proclamation in 1929 stated:

*All those who do not send their sons and daughters to school so that they can learn writing and reading skills which are necessary to identify the good and evils and develop fear of God and the king, will be punished 50 Birr. The money solicited from punishment will be given to the church for the feeding and clothing of the poor. . . All God fathers should advice their religious followersto send their children to school and if they refuse to do so they have to report to local authorities as they have violated the proclamation. . .All church leaders in the rural areas apart from their religious preaching should teach reading and writing.*¹⁵⁷

Another important event in the expansion of modern education was made by Emperor Haile Selassie who opened a new school in his name and empowered the different land lords (the notable owners of lands) to do the same in various provinces of the country. The schools were named after those who established them to show their political influences. Teferi Mekonen School focused on teaching religion, mathematics, law and calligraphy as a continuation of Menelik II School.¹⁵⁸ It was also during this period that the first school for girls was established by Empress Menen in 1931. This seems to be the first attempt to practice gender equity in education by giving the girls educational opportunity.

The efforts of the two successive governments to expand modern education in Ethiopia were disrupted by the Italian occupation¹⁵⁹ schools were either closed or used for military camps and the educated few were either eliminated or joined the guerrilla fighters of the country. The only school that was opened in the country was that of the Catholic Mission, which emphasized on religion, the Italian language and subservience to the Mussolini regime.¹⁶⁰ After the 1941

¹⁵⁷ Ayalew, S. (2000). Education in Ethiopia: An overview of Ethiopia: An Introduction into Culture, Economics, Politics, and Cooperation. Frankfurt: Brandes and Apsel. Pp. 159.

¹⁵⁸ Teshome, G.W, supra note 152, Pp.39.

¹⁵⁹ Seyoum Tefera (1996). Attempts of educational reform in Ethiopia: A top-down or a bottom-up reform?, The Ethiopian Journal of Education, 16 (1), 3.

¹⁶⁰ Ibid.

liberation, the Ministry of Education and Fine Arts was established in 1942, and the effort to modernize education started all over the country again aiming at producing a workforce that could serve in government, eventually replacing expatriates with native personnel.¹⁶¹ In addition, a number of legal acts on education were passed to finance the education sector and enable each province promote self-sufficient educational development.¹⁶² However, the enrollment was very minimal since the purpose of modern education was to prepare enlightened servants of the royal family.

During the Derg regime, education was conceptualized as an important means to secure political power. One of the immediate measures taken by the Derg regime was to address the issue of primary education. Accordingly, in a policy directive issued on December 20th, 1974, it was proclaimed that "under the banner of education for all" citizens shall have the right to free fundamental education.¹⁶³ On the basis of this declaration, the Ministry of Education took a step to reconcile its educational priorities so as to advance universal primary education within the shortest period of time using the available resources. The National Democratic Revolutionary Program also declared for the expansion of free primary education at a broad mass.¹⁶⁴ One of the significant contributions of the Derg regime was its launching of a vigorous national campaign against illiteracy in 1979.

Tekeste Negash argues that though a quantifiable expansion of the educational system on face value appears to be quite impressive, significant problems lie behind the figures. The curriculum during this period was highly politicized that students were required to take courses in political education.¹⁶⁵ Making education equitably accessible to all regions, quality of education and gender disparities were the prominent challenges at the time.¹⁶⁶ In general, the Derg's education system was somewhat inhibited by problems such as budget shortfalls, which in turn affected the

¹⁶¹ Tekeste Negash (1990). *The crisis of Ethiopia Education: Some Implications for Nation Building*. Sweden: Uppsala University. Pp.20.

¹⁶² Proclamation No. 93/1947 on especial tax on agricultural land to help finance free primary education; Notice No. 103/1947 on import export tariff regulation stipulated raising adequate revenue for education; Proclamation No. 279/1970 on concerned education tax on urban and rural property owners.

¹⁶³ Seyoum Tefera, *supra* note 157, Pp.10.

¹⁶⁴ National Democratic Revolution of Ethiopia, 1976, *Program of National Democratic Revolution of Ethiopia*, Ethiopia. Pp. 14.

¹⁶⁵ Tekeste, Negash, *supra* note 159, Pp. 22.

¹⁶⁶ Seyoum Tefera, *supra* note 157, 23.

supply of basic educational materials including textbooks and a shortage of qualified teachers both at primary and secondary schools.

3.4.2 Education Development Since 1991

The political and economic transformation that took place in 1991 resulted in the establishment of nine regions¹⁶⁷ and two city administration.¹⁶⁸ Following the decentralized government arrangement, regions are divided to zones which are further, sub-divided to Woreda in rural areas and sub-cities and Kebele. Addis Ababa having the status of capital city and city administration became the political, administrative, and religious hub of the country.

At the federal level, the Ministry of Education (MOE) is the executing agency at that plays a prominent policy-oriented role and acts as a change agent in leading the education sector towards the realization of its objectives. The ministry is also mainly responsible for developing national educational policies and strategies;¹⁶⁹ developing the national curriculum framework and minimum learning competencies; conducts learning assessments, trains secondary school teachers and provides technical support for regional offices and collates national school census data.

Regional education bureau, on the other hand, is mainly accountable for preparing regional plans and programs in line with national policy, training primary school teachers, building the capacity of Woreda and school level staff, preparation of curriculum for primary and secondary education, and collecting regional data.¹⁷⁰

Woreda education offices are responsible preparing Woreda plans, establishing schools, supervision of schools and implementation of policies and standards. Zones play the role of co-ordination, supervision and professional assistance to Woreda while Woreda's are responsible for establishing, planning and administration of primary education.¹⁷¹

¹⁶⁷ FDRE Constitution, supra note 18, article 47 (1) “ The state of Afar, Amhara, Benshangul-Gumuz, Gambella, Harari, Oromia, Southern Nations, Nationalities and Peoples, Somalia and Tigray.

¹⁶⁸ Id, Addis Ababa and Dire Dawa.

¹⁶⁹ FDRE Constitution, supra note 18, article 51 (3).

¹⁷⁰ Ministry of education. 2002a, education Sector Development Program II, Addis Ababa United Press PLC
Ministry of education, 2002b, education management community participation and education finance, Addis Ababa.

¹⁷¹ Ibid.

3.4.3 Legal and Policy Context of the Right to Education

3.4.3.1 The FDRE Constitution

The FDRE Constitution recognizes the rights of all children to education and obliges the state to allocate ever-increasing resources, among other things, to education confirming the ‘maximum available resource’ standard of the CRC.¹⁷² In the same token, the constitution recognizes the right of the child not to be required to perform work, which may be harmful to his education and entitles children to freedom from corporal punishment or cruel and inhumane treatment in schools. Article 36 (5) of the FDRE Constitution also obliges the state to advance the welfare and education of the child consonant with the spirit of Article 28 of the CRC and Article 11 Of the ACRWC.¹⁷³

As the CRC and ACRWC are made to be part of the law the land they are binding in Addis Ababa,¹⁷⁴ the minimum standards of ‘equality of opportunity as regards to education’ as set under these instruments have direct application.¹⁷⁵ However, the FDRE Constitution does not exclusively devote any provision to the right to primary education.

3.4.3.2 The Education and Training Policy (ETP)

Building on sustained economic growth and a strong determination to reduce poverty, Ethiopia has invested heavily to improving the country’s education system. Starting with the ETP in 1994 and evolving into a series of five comprehensive ESDPs the government has paid particular attention to reducing inequalities in education. In order to ensure sustainable improvement of quality of education, the MOE has also launched the General Education Quality Improvement Program (GEQIP) applicable at the national level including Addis Ababa.

The 1994 ETP focuses on increasing access to educational opportunities based on enhanced equity, quality and relevance. In particular it promotes an education system that would remove the cultural and traditional misunderstandings attached to benefits of female education. The policy requires universalizing primary education, and expansion of secondary and higher

¹⁷² FDRE constitution, supra note 18, article 41 (4).

¹⁷³ ACRWC, supra note 7, article 11 (6).

¹⁷⁴ FDRE constitution, supra note 18, article 9 (4).

¹⁷⁵ Id, article 13 (2).

education. It also assures that disadvantaged groups will receive special support in education¹⁷⁶ and emphasis on the allocation of special financial assistance to those who have been deprived of educational opportunities.¹⁷⁷

To create the necessary condition to expand, enrich and improve the relevance, quality, accessibility and equity of education and training, ETP requires decentralization of education management system.¹⁷⁸ The policy also states the need to design and develop curriculum and teaching material that will give special attention to gender issues, as well as increasing the number of female teachers and providing them with increased opportunities for training.

In order to expand and strength the strategies, programs and services, the Ethiopian government has adopted the Social Welfare Policy in 1997.¹⁷⁹ To ensure the welfare of person with disabilities, the policy recommends for the increase in the appropriate legislative measures, sustainable educational programs and awareness raising campaign to be taken. In addition to the preparation of preventive strategies, the policy also calls for physical barriers to be removed and residential areas, work and other public places to be made accessible to persons with disabilities which also include accessibility of education.¹⁸⁰

3.4.3.3 Education Sector Development Programs (ESDP)

ESDP is a comprehensive intervention package initiated and owned by the government of Ethiopia and has mobilized national efforts and international support to boost performance in terms in education at all levels. The five-year ESDP is prepared in order to execute, in a coordinated manner, the policy recommendations and directions set out above as well as to mobilize the necessary financial and human (professional) resource. Being in line with the each regions have been given a free hand to design their implementation mechanism of the five years ESDPs based on the specific needs of their region, and the plans of the various departments of the federal ministry of education where included in the program.

¹⁷⁶ MOE, (2006) Special Needs Education Program Strategy, Emphasizing Inclusive Education to Meet the UPEC and EFA Goals, Addis Ababa, p.1.

¹⁷⁷ ETP, supra note 21.

¹⁷⁸ Id, Pp.29.

¹⁷⁹ International Labour Office, (2004), Ethiopia Country Profile, Employment of Persons with Disabilities: The Impact of Legislation (East Africa), International Labor Organization, Geneva, 2004, p. 7.

¹⁸⁰ Ibid.

Since the beginning of ESDP I, several important policies to increase access and improve quality have been developed and implemented at the national level. Involving both the federal and regional governments, policies focused initiatives were taken to reduce dropout rate, decentralization of the governance of the education system, community participation Promotion of Alternative Basic Education (ABE) program, a short-term strategy particularly designed to achieve UPE through reaching the hard-to-reach children has contributed to increasing access for primary education.¹⁸¹

ESDP III emphasized commitment to mainstream pastoralist education in all sub-sectors of education system.¹⁸² ABE is a central platform to provide educational access for the emerging regions, and a Task Force was established in the ministry of education to assume the responsibility of introducing the ABE package in the education system particularly in the pastoralist and semi-agriculturalist areas. In addition, The Government of Ethiopia, in its ESDP-III, has also given due consideration to the expansion of educational opportunities to children with special needs. It further, focus on the need for MOE to strengthen cooperation between education offices and development partners in order to address the increasing demand for the expansion of inclusive education in the country.¹⁸³

ESDP IV focuses on improving the teaching/learning process and on transforming schools into motivational, child-friendly environments, as well as on increasing the number of trained teachers from 37% to 60%. ESDP IV has adopted a two pronged strategy of further expansion of access to primary education, and an equity focused program to decrease enrolment gaps between various groups.¹⁸⁴ The first strategy, for further expansion of education services, emphasis is placed on reducing distance between schools and pupils' homes, particularly at second cycle primary, transforming the existing ABEs to regular schools, and establishing more ABE centers

¹⁸¹ The rapid implementation of the Alternative Basic Education (ABE) program, a short-term strategy particularly designed to achieve UPE through reaching the hard-to-reach remote rural and dispersed communities, pastoralists, and semi-agricultural communities, has contributed to increasing access for primary education. Addressing problems related to quality and of transition between ABE and the formal school system will enhance its contribution.

¹⁸² Ministry of Education (2005). Education Sector Development Program (ESDP-III) 2005/2006–2010/2011, Final Draft. Addis Ababa, Ethiopia. Pp.45: Available at: www.planipolis.iiep.unesco.org (accessed 11 December 2014).

¹⁸³ Id, page 31.

¹⁸⁴ Ministry of Education, (2010), The FDRE Education Sector Development Program IV (ESDP-IV), Program Action Plan, Addis Ababa.

as necessary. The second, the equity-focused strategy aims to promote multi-grade classes as a means of integrating and maintaining children of scarcely populated areas in school, provision of special support programs, scholarships and school feeding. Moreover, alternative education service delivery through mobile schools, para-boarding schools for second cycle primary will be continued.

3.4.3.4 Growth and Transformation Plan (GTP)

Using the already placed initiative to expand primary education to all and achieve the MDG, the Ethiopian GTP also gave recognition growth through education. To this effect the GTP places the government to serve as the back bone of the development through the facilitation of policy based service supervision of quality, support of materials and space within the formal primary schools for community driven programs.¹⁸⁵ Accordingly, Addis Ababa city government has also prepared an implementation mechanism to give effect to the national GTP through the improvement of access and quality of primary education as the first step.

In general the GTP gave priority to¹⁸⁶ strengthening and continues the existing endeavor to ensure equitable access and quality primary education. Further, it stands to set educational strategies in addressing the needs of children with special needs and eliminating gender parity at the end if GTP program in terms of improving access to education and unleashing the power of girls and women will have profound effect on the speed, equity and sustainability of Ethiopia growth and development.¹⁸⁷

Despite the positive progress on the educational growth there are still challenges associated with changes in attitudes and cultural values which take time to evolve. The government is committed to speed up the changes through education and by increasing the role of women in public life and also strengthens their membership based organization. The GTP also gives priority to improve and ensure the quality of education at all levels through the full implementation and enhancement of the General Education Quality Improvement Package (GEQIP) including addressing the shortcomings through increasing the number of teachers and schools.

¹⁸⁵ Id, page 49.

¹⁸⁶ Ministry of Education, *supra* note 22.

¹⁸⁷ Ibid.

3.4.3.5 The Nation Plan of Action (NPA)

Responding to the international call for states to have pledge to children of its country through preparing a contextualized National Plan of Action, the Ethiopian National Plan of Action for children replacing the previous Program of Action was approved to ensure action for survival, development, protection and participation of children by all concerned organs at different level of government. The main rationale for the preparation of the NPA was to fulfill the goals, targets and strategies of ‘World Fit for Children’¹⁸⁸ and policies and laws of Ethiopia.¹⁸⁹

In line with the objectives of ‘A World Fit for Children’ of the UN, the Ethiopian NPA carried the objective of ensuring that the rights and needs of children get priority. It stands to lay out the principles, objectives concerning strategies and actions related to children and to indicate and fill out the gaps in legislation and major activities regarding children including the right to education.¹⁹⁰

Moreover, NPA aims at increasing access to primary education by increasing awareness to the communities the benefit of education and improving the quality of primary education. In addition, children with intellectual disability will be provided a quality education that includes free primary education, having a trained teacher, the necessary teaching aids, relevant supportive materials, friendly school surrounding.¹⁹¹ The NPA also aims at integrated approach to accommodate students (children) with special needs and educational participation rate of children with special needs to be doubled.¹⁹²

3.4.4 Financing the Education Sector

The method of financing education in any given country is among the major elements that determine the extent of access to education, the type of education given, the pattern of student distribution, the level and quality of education, and the overall management and direction of

¹⁸⁸ United Nations (2002) “A World Fit for Children” The 27th General Assembly of the United Nations held a special Session.

¹⁸⁹ Ministry of Labor and Social Affairs, (MOLSA), (2004), Ethiopia's National Plan of Action for Children (2003-2010 and beyond), Addis Ababa, 2004. Pp.44.

¹⁹⁰ Id, page 80.

¹⁹¹ MOLSA, supra note 189, page 21.

¹⁹² Id, page 85.

education.¹⁹³ Increasing access, improving the quality as well as equity in education requires allocation of adequate budget from the government. The education sector is one of the pro-poor sectors which have given immense priority to allocate budget so as to attain education goals, objectives and targets. These budgetary priority areas focuses on achieving ETP and its implementation strategies like ESDP IV, GEQIP, and education sector MDGs areas like EFA and UPE goals and targets.

As it is the duty of a democratic country to devise an educational strategy that harmonizes the different dimensions of education, the Ethiopian financial policy has to take two basic (issues) matters into account.¹⁹⁴ These are:

- To make an efficient and quality education system that can serve as basis for growth with minimum possible expenditure available to the broad population.
- To ensure equity and fair distribution of educational opportunity (across regions, religion, gender, social class ... etc.)
- To remove obstacles

The government, as indicated in the policy directive, will increase the educational budget with time. Out of which its major portion is allocated to the expansion of primary education. In this regard, the expansion of primary education is mainly undertaken by promoting free primary education as payment was one obstacle for the exclusion of children from school.

The distribution of educational expenditure by level of education is presented in figure 3 below which shows that the highest share goes to primary education followed by secondary education.¹⁹⁵ However, since the growth in education expenditure has not kept pace with the rapid growth in enrolment, in absolute terms per pupil recurrent expenditure has declined.

¹⁹³ Ministry of education, supra note 184.

¹⁹⁴ Ibid.

¹⁹⁵ Ministry of education, supra note 184.

Public expenditure by school level

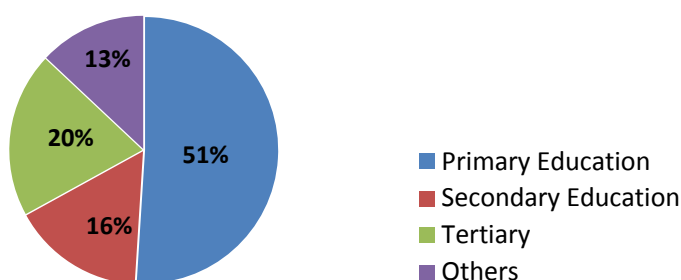


Figure 3: Public expenditure by school level in Ethiopia

Source: UNESCO Institute of Statistics (2008).

3.4.5 Access and Equity of Primary Education in Ethiopia

Ensuring access to elementary education for all citizens along with improving quality and relevance to socio-economic development was the objective of the ESDPII. In 2005/6 a third ESDP set targets and strategies for a 5-year period,¹⁹⁶ aiming to address the challenges of access, equity, quality and relevance in education, with an emphasis on primary education in rural and economically disadvantaged areas in both at rural and urban areas.¹⁹⁷ Specifically, the Ethiopian government has agreed, amongst other things, to commit itself to:

- Increase access to educational opportunities at primary level, to achieve universal primary education by 2015;
- Improve the quality of education;
- Address equity issues by narrowing the gap in several respects: between boys and girls, between regions, and between rural and urban areas.

Ethiopia's national budget in 1999-2000 has increased from 11.3 to over 25 percent showing high commitment to education as reflected on the ESDP.¹⁹⁸ Through the increased share of its own resource, the government supported to increase in the number of schools from nearly 11,000

¹⁹⁶ Ministry of Education, *supra* note 184.

¹⁹⁷ Lasonen, J., Kemppainen, R. and Raheem, K. (2005). Education and Training in Ethiopia: An Evaluation of Approaching EFA Goals. Working Paper 23. Jyväskylä, Finland: Institute for Educational Research, University of Jyväskylä.

¹⁹⁸ World Bank (2012c). World development indicators: Public spending on education, total (% of government expenditure). Available at: <http://data.worldbank.org/indicator/SE.XPD.TOTL.GB.ZS>. [accessed on January 2nd 2015].

to over 31,000; the number of classrooms from nearly 72,000 to 300,000 between 1999-2000 and 2011-12 respectively.¹⁹⁹

Further, Ethiopia is identified by the EFA Global Monitoring Report 2008 to be one of the fast growing countries that are making a rapid progress towards universal enrolment and gender parity at the primary level. For example, the net enrolment ratio in primary education increased from 33 to 68% between 1999 and 2005.²⁰⁰

The target set for ESDP I of raising enrollment from 3.7 to 7 million continued throughout the duration of ESDP II (2000/01–2004/05), ESDP III (2005/06–2010/11) and ESDP IV (2010/11–2014/15), with primary enrollment reaching about 16.99 million in 2011/12.²⁰¹ The NER for primary grades rose from 24.9 percent in 1996/97 to 85.9 percent in 2012/13. NER also increased at a slightly faster rate than the GER), indicating that the demand from overage children for primary education is declining. Further progress was also made in improving gender equity in education and Gender Parity Index (GPI) grown up significantly, from 0.67 to 0.95, between 1996/97 and 2011/12.²⁰²

¹⁹⁹ Ministry of Education, (2012), Education statistics annual abstract: Educational Management Information Systems, Education Management Information Systems, Addis Ababa

²⁰⁰ UNESCO (2007). EFA Global Monitoring Report 2008. Education for All by 2015: will we make it? Oxford, UK and Paris, France: Oxford University Press and United Nations Educational, Scientific and Cultural Organization (UNESCO).

²⁰¹ Ministry of Education, *supra* note 184.

²⁰² *Ibid.*

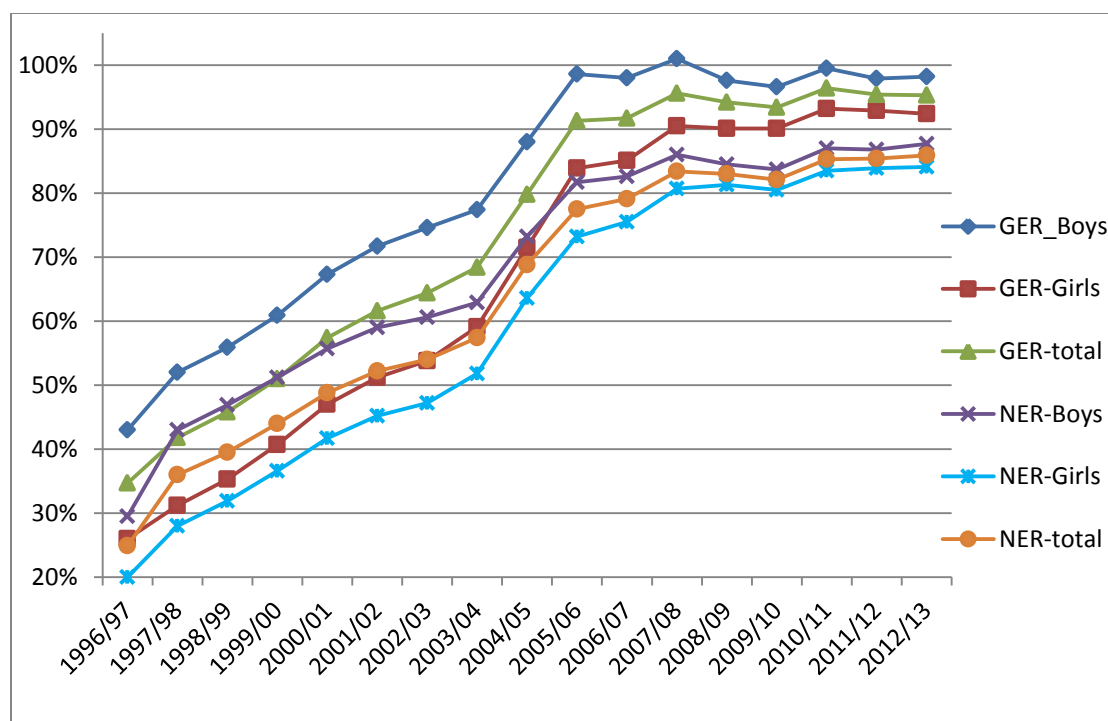


Figure 4: Gross and Net Enrollment of primary education (Grade 1-8) in Ethiopia (%) by Gender.

Source: Ministry of Education Annual Educational Statistical Abstract, different years.

Notwithstanding the significant progress in access and the improvements in some equity indicators (e.g. gender parity index in primary education), participation levels at primary education level remain much lower threatening the achievement of EFA and MGD. Indeed, as the education system in Ethiopia is expanding, geographic disparities seem to be increasing, a trend confirmed by EFA Global Monitoring Report 2008, despite the ESDP policy to reduce those disparities.

Despite impressive improvements in providing access to schooling, the Ethiopian education system has struggled with high dropout and repetition rates and, as a result, low completion rates. Drop out rate is particularly high in the early primary grades. As the recent studies show, about 3 million primary-age children remain out of school.²⁰³ If out of the encouraging NER rate of 83%, such a percentage of pupils repeat and drop out, in a way the objective towards achieving

²⁰³ UNICEF. (2012). Study on situation of out-of-school children (OOSC) in Ethiopia. Addis Ababa: ATEM Consultancy Service.

UPE is compromised. Both repetition and drop-out rates add up on average to about 23%, which is a major snag to the educational system of the country.²⁰⁴

The gender equity indicates that primary-school-age girls are more likely to be out of school than boys in Ethiopia. To attract out of school children it requires to tackle the challenging situations and often overlapping regional, income, and gender disparities. Indeed, access to education and its fair distribution to reach every disadvantaged group is only a necessary condition, to realize the ideals and goals of an education system. There are further concerns about school participation by girls in rural areas, children from poor households, children from pastoralist areas and other related vulnerable children.

3. 5 Primary Education in Addis Ababa

3.5.1 Background Information of Addis Ababa

3.5.1.1 Geographical Location

Addis Ababa, the capital city of Ethiopia, is unique for being one of the world's highland capital cities. It is located at the heart of Ethiopia at an altitude ranging from 2,100 meters at Akaki in the South to 3,000 (9,800 ft.) meters at Entoto Hill in the North occupying a total area of 540 Sq.Km².²⁰⁵ The city has got a subtropical highland climate with temperature varying by an average of 10oC according to the elevations differences though its different localities.²⁰⁶

In response to the rapid population growth and demand for urban space, the Addis Ababa city government is making an effort to incorporate the peripheral areas of the city.²⁰⁷ Accordingly, Addis Ababa has experienced rapid physical expansion as a result of the hastening growth of the built-up area of the city. During the most recent period of physical expansion, between 1996 and 2000, the physical built-up area of Addis Ababa increased by 909.4 hectares, reaching a cumulative total of 14,672.7 hectares. Expansion of the city was characterized by the development of scattered and fragmented settlements in the peripheral areas of the city, with

²⁰⁴ Id.

²⁰⁵ Addis Ababa city administration profile. Available at: <http://www.addisababacity.gov.et/index.php/en/city-hall/city-profile> [accessed on January 15, 2015].

²⁰⁶ Ibid.

²⁰⁷ ORAAMP, (2008/09), Land Use and City Structure Studies of Addis Ababa and the Metropolitan Areas. Addis Ababa. Pp.17-18

both legal residents and squatters. In 2000, Addis Ababa had an estimated total of 60,000 housing units with squatter settlements.²⁰⁸

3.5.1.3 Demography

The urban population of Ethiopia is concentrated in few urban centers, predominantly in Addis Ababa. According to the 2007 census, the city has a population of 2,739,551.²⁰⁹ Out of this, 1,305,387 are men and 1,434,164 are women. Being the capital city of a culturally diverse country, Addis Ababa is an abode to almost all ethnic groups from different parts of the country. The rapid population increase of the city has been mainly attributable to natural urban population increase and internal migration. According to the Ethiopian Central Statistics Authority (CSA) close to a half of Addis Ababa's residents were born outside the city, having resided in the capital for varying lengths of time.²¹⁰ Each year, the city receives an estimated population of 90, 000 to 120, 000 new residents (migrants).²¹¹

In general, it appears that much of this growth (probably up to 70 percent of the total), takes place in the slums and squatter settlements of the city. It is indicated in the 1995 CSA report that the number of women migrants is higher than that of male migrants regardless of their origin: rural or other urban areas.²¹²

3.5.1.4 Administrative Units of the City

Having the dual identity of being a capital and city administration, the Addis Ababa has received much autonomy with a duty to answer in front of its sole apex authority, the Federal Government.²¹³ Due to decentralization of power, the city has much self-reliance especially in

²⁰⁸ Id, Pp.6.

²⁰⁹ Addis Ababa city profile, supra note 205.

²¹⁰ Central Statistics Authority (CSA), 1995, 'The 1994 Population and Housing Census of Ethiopia Results for Addis Ababa'. Addis Ababa, Ethiopia. Pp.1.

²¹¹ UN-Habitat, (2007), Situation Analysis of Informal Settlements in Addis Ababa, Addis Ababa Slum Upgrading Program, United Nations Human Settlements Program, Nairobi, Kenya.

²¹² CSA, Supra note 210, Pp.148. An in-migrant is defined by CSA as "a person who has not been living continuously since birth in Addis Ababa. Return migrants are also considered to be migrants." From 405,165 people who have migrated from urban areas 206,467 (59.4%) represents female and 198,698 are male migrants (any relevance to your work to go into such details as gender composition of migration to the city?). Similarly, from 565,704 persons who have migrated from rural areas, 294,818 are female and 270,886 male, with the difference representing those who are not stated. In both cases women migrants are higher than that of male.

²¹³ FDRE constitution, supra note 18, article 49 (3).

service delivery, community participation, implementing national policy on its own context and local empowerment.

Addis Ababa is divided in to ten sub-cities which are the second administrative units next to city administration.²¹⁴ Each of the sub-cities are divided in to Woreda, which are the smallest administrative unit in the city and are the primary educational authorities responsible for the establishment and implementation of all educational activities spanning from pre-primary to secondary education. There are also Kebele's empowered to prepare plan for urban development and budget and submit to Woredas. There are also people's advisory councils at kebele level that debates and evolves consensus on policies, strategies and programs.

3.5.2 Education in Addis Ababa

3.5.2.1 Educational Administration

Having the status of city administration, Addis Ababa Educational Bureau is responsible for the formulation of regional implementation mechanisms of education policy and strategies in line with the national one. In addition, the education bureau is also in charge of administration and preparation of curriculum for primary and secondary education.²¹⁵ The sub-cities and Woreda education offices are responsible for providing and developing education in their communities. Sub-cities play the role of co-ordination, supervision and professional assistance to Woreda while Woredas are responsible for establishing, planning and administration of primary education.

3.5.2.2 Current Status of Primary Education in Addis Ababa

After the opening of the first modern school in 1908, a number of schools at different level had opened and become operational. Primary education offering basic and general education is of eight years duration 7 years of age being the starting age.²¹⁶

Stakeholders like the community, and the NGOs have given great attention in support and establishment of the new schools which highly exuberant in assuring education access to respond

²¹⁴ Addis Ababa city administration profile , supra note 209, Addis Ketema, AkakiKality, Arada, Bole, Gullele, Nefas Silk-Lafto, KolfeKeraniyo, Lideta, Yeka.

²¹⁵ Ministry of education, supra note 183.

²¹⁶ ETP, supra note 21, Pp. 14.

the expansion of demand in getting educational opportunities. However, there are still shortages of primary schools in different expansion of areas and periphery of the administrations of the city.

Table 2: Primary School Ownership 2008/09-2013/14.

Year	Govern -ment	Public	Private	Total
2008/09	113	117	463	693
2009/10	111	100	521	732
2010/11	117	105	508	730
2011/12	115	105	547	767
2012/13	213	2	553	768
2013/14	214	2	579	795

Source: Education Management Information System (EMIS) Addis Ababa Education Bureau, 2013/14, Education Statistics Annual Abstract

The highest number of primary schools recorded in Yeka 141 (16.6%) Nifas Silik Lafto 127 (14.97%), and Kolfe-Keranyo 123 (14.5%) sub-cities. On the other hand, Lideta 30 (3.53%), Addis Ketema 40 (4.7%) and Gulelie 53 (6.25%) were Sub-Cities where the minimum number of Primary Schools recorded in 2013/14.²¹⁷

²¹⁷ AAEB, supra note 25, Pp. 16.

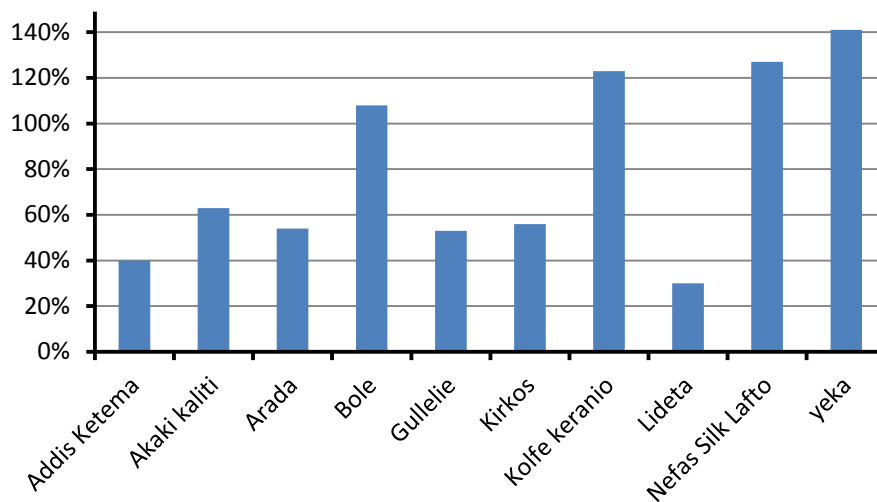


Figure 5: Number of Primary School by Sub-city in 2013/14.

Source: Education Management Information System (EMIS) Addis Ababa Education Bureau, 2013/14, Education Statistics Annual Abstract

From figure 5 above, we can analyze that the highest number of Primary Schools recorded in Yeka 141 (16.6%) Nifas Silik Lafto 127 (14.97%), and Kolfe-Keranyo 123 (14.5%) Sub-cities. On the other hand, Lideta 30 (3.53%), Addis Ketema 40 (4.7%) and Gulelie 53 (6.25%) were Sub-Cities where the minimum number of Primary Schools recorded in 2013/14.²¹⁸

3.5.3 Key Indicators for Access and Equity in Primary Education

Education indicators are measurements that show the performance in access and equity currents status and changes of the educational system. These indicators provide decision makers, other stakeholders, policy designers as well as the education sector development planners with the progress and challenges of education policy and strategies.

The level of literacy rate, serving as the key general indicator of education, is used as a measure of effectiveness of primary education system, which is often seen as a proxy measure of social progress and economic achievement. According to the 3rd population and housing census of

²¹⁸ Ibid.

Ethiopia, about 85.3 percent of the population of Addis Ababa was literate.²¹⁹ The literacy rate and numeracy rates by sex also reveals higher number for male (91.3%) while proportion of literate among female population were accounted for 79.9%.²²⁰

3.5.3. 1 Indicators of Access

3.5.3.1.1 Apparent Intake Rate (AIR)

AIR is the total number of new entrants in grade one of primary education, regardless of age, expressed as a percentage of the population at the official primary school-entrance age. It can be calculated by dividing the number of new entrants in grade 1, irrespective of age, by the population of official school-entrance age (7 years old in our case).

Facilitating the achievement of education sector i.e. UPE and EFA objective, Addis Ababa's AIR has increased 4.5% from 2008/09 showing increase in the high participation of new entrants in grade one.²²¹ In addition, the increase in AIR is also indicative of the fact that there are students above and below the school entrance age which showing the need to careful assessment of the current situation in terms of entry to school.

3.5.3.1.2 Net Intake Rate (NIR)

NIR is a key parameter used for projecting school enrolment as it measures the extent of access of the population of school admission age. NIR is calculated through the proportion of new entrants in grade 1 who are 7 years old and the total population of 7 year old.

Current the NIR of primary education in Addis Ababa did not show expressive improvement. It was reported that, one of the reason behind the low improvement is not as such the lack of improvement rather due to early starters before the age 7 in grade one.²²² Thus, the actual number of children who did not get to school is somehow over estimated due to those who start early with those who passed grade one.

²¹⁹ UN-Habitat, supra note 211.

²²⁰ Central Statistics Agency, 2007, Welfare Monitoring Survey, Pp. 24.

²²¹ AAEB, supra note 26, Pp. 17. See also Education Management Information System Addis Ababa Education Bureau, 2013/14, Education Statistics Annual Abstract.

²²² Id, Page 18.

3.5.3.1.3 Gross Enrolment Rate (GER)

GER being the crude measurement of school coverage, it is the percentage of total enrollment in primary school irrespective of the corresponding primary school age population which is the age group of 7-14. GER is obtained by dividing the number of pupils in a given educational cycle regardless of age expressed as a percentage of the school age population in the cycle.

In 2013/14 academic year, the GER at the 1st cycle of primary education in Addis Ababa, is reported to be 111.58%. The data shows that there are pupils who are above or below 7-10 years enrolled in schools. When it comes to the second cycle (Grade 5-8) in year 2013/14 is reported to be 95.98% showing a decrease from that of the 2008/09 report. The GER of both boys and girls at this level is 92.66% and 98.73% respectively.²²³

The total GER of Primary level Grade 1-8 including ABE enrollment has shown a decrease of 14.35% over the last five years in Addis Ababa (the GER for year 2013/14 was 103.05% which is a decline from 117.4% of 2008/09).²²⁴ It was indicated that the decrease in GER is due to the reasons of under-aged students, over-aged enrollment and mobility from other regions.²²⁵

3.5.3.1.4 Net Enrollment Rate

NER is a more refined indicator of access to primary education used to measure organized on-time school participation and the proportion of students enrolled in terms of official age group. It is calculated by dividing the number of pupils enrolled who are of the official age-group for a given level of education by the population for the same age-group. The decrease in the result of the NER from the academic year 2008/09 to 2013/14 is indicative of the existence of three major factors²²⁶;

- the presence high number of out of school children
- due to repetition and dropout and
- Occurrence of under aged and over aged students in the education system.

²²³ AAEB, supra note 26, Pp. 22.

²²⁴ Ibid.

²²⁵ AAEB, supra note 26, Pp.23.

²²⁶ AAEB, supra note 26, pp. 24. See also Education Management Information System (EMIS) Addis Ababa Education Bureau, 2008/09, Education Statistics Annual Abstract.

When it comes to the 2nd cycle of primary education, decrease is observed as the NER has decreased from 76.30% in 2008/09 to 63.21% in 2013/14. In general, total NER (from Grade 1-8) primary education in Addis Ababa is 75.32%; decreased by 4.68% in spite of the fact that continual increment of population projection & enrolment in every year, the NER has been getting lower the last six years.

Table 3: Indicators of access at the primary education level in Addis Ababa from the Year 2008/09- 2013/14.

Year	Apparent Rate (AIR)	Intake Net Rate (NIR)	Gross Enrolment Rate (GER)	Net Enrollment Rate (NER)
2008/09	128.20%	48.40%	117.40%	80.00%
2009/10	125.60%	37.50%	112.30%	76.30%
2010/11	128.40%	36.90%	107.60%	73.40%
2011/12	126.30%	48.95%	98.00%	74.20%
2012/13	134.90%	48.80%	105.00%	73.50%
2013/14	123.70%	62.04%	103.05%	75.32%

Source: Education Management Information System (EMIS) Addis Ababa Education Bureau, 2013/14, Education Statistics Annual Abstract

3.5.3.2 Indicators of Equity

The implication of the commitments made at Jomtien and Dakar by governments and development partners is clear to the fact that not only should all children participate in a full cycle of primary education, but their opportunities to learn and benefit should also be equitably distributed.²²⁷ Inequities most commonly relate to gender, economic status, location, religious, linguistic, or ethnic identifications, and special needs.²²⁸ In Ethiopia the key indicator to measure the level of equity is mainly the gender parity index which is also applicable for Addis Ababa. The trend in GPI in the primary grades indicates variations over the years and this is subject to further scrutiny.

3.5.3.2.1 Gender Parity Index (GPI)

²²⁷ UNESCO, supra note 81.

²²⁸ Oketch, M. supra note 91.

The GPI is a measure used to assess gender differences in education indicators determined by the value NER girls per NER boys'.²²⁹ In Addis Ababa, the 1st cycle (1-4th grade) primary grades GPI in 2013/14 is greater than 1 and in favor of girls, showing increased enrollment of girls to primary grades. When it comes to the 2nd cycle (5th-8th grade) primary grades GPI 2013/14 is greater than 1 (favoring more girls enrollment), it was consistently less than 1 implying more enrollment of boys. However, when seen on the whole for primary grades (1-8) higher GPI is observed for 2009/10, and 2010/11, while in 2008/09, 2011/12, 2012/13 and 2013/14 GPI is reported to be lower than 1 indicating in favor boys than girls.

Table 4: GPI of primary education in Addis Ababa from the year 2008/09-2013/14

Year	Grade 1-4	Grade 5-8	Grade 1-8
2008/09	0.98	0.81	0.93
2009/10	1.17	0.94	1.06
2010/11	1.14	0.94	1.04
2011/12	1.03	0.93	0.98

Source: Education Management Information System (EMIS) Addis Ababa Education Bureau, 2013/14, Education Statistics Annual Abstract

3.5.4 Educational Finance

3.5.4.1 Government Budget

Based on the national education priority agenda²³⁰, City Government of Addis Ababa has been allocating huge budget to promote education sector development program main areas such as ensuring education coverage, access, equity, quality, and internal efficiency. City Government of Addis Ababa budget allocation for education has shown dramatic increases, from the year 2008/09 standing at 0.67% from the total budget to 13.1% in 2013/14.²³¹

Specifically, at city level student teacher ratio has improved by hiring and upgrading. The class room student ratio has shown progress by expanding school building projects.²³² Besides, the

²²⁹ AAEB, supra note 25, A GIP value of 1 signifies that there is no difference between boys and girls but they are perfectly equal. A GIP value of less than 1 signifies enrollment is higher for boys than girls and opposite is true when the GIP is greater than 1.

²³⁰ The current national education priority agenda issues include achieving Education and Training Policy and its implementation strategies like Education Sector Development Program IV (ESDP IV), General Education Quality Improvement Program (GEQIP), education sector MDGs areas like EFA and UPE goals and targets.

²³¹ AAEB, supra note 26, Pp.46

²³² Ibid

textbook student ratio is increased by accessing enough books to both government and non-government schools. In addition to these, other educational equipment's and materials like plasma, radio, ICT, laboratory materials and soon have shown magnificent progress.²³³

To support teaching learning process and enhance students learning outcomes school grant budget is allocated under the School Improvement Program (SIP). In Addis Ababa, the amounts of school grant budget allocated to schools have been increasing magnificently. However, due to the transition year for the completion of the GEQIP I and the preparation for the GEQIP II at the national level, the release amount for the year 2013/14 have slightly decreased.²³⁴

3.5.4.2 External Donors Budget Support for Education

To support the education sector programs including the ESDP and to succeed in achieving the MDG, the federal government has mutual agreement with several international donors.²³⁵ Mainly targeted at improving the quality of education in the city, the donor's assistance has five components;

- Curriculum, textbooks, assessment, examinations (CTA) ;
- Teacher development program (TDP);
- School improvement program;
- Management and capacity building, including MAP/EMIS and
- Program coordination, monitoring and evaluation (PCME).

CHAPTER FOUR

ACCESS AND EQUITY IN PRIMARY EDUCATION IN ADDIS ABABA: FINDINGS AND ANALYSIS

²³³ AAEB, supra note 26.

²³⁴ AAEB, supra note 26, Pp.48.

²³⁵ Ministry of Education, 2006, Ethiopia: Strategy for Capacity Development in Education , Pp.6 The international donors have involved in sectarian development program such as UNICEF, USAID/IQPEP, JICA, and GEQIP (by integrated assistance of DFID, GPE, IDA/WB, Finland, USAID, Italy and others.

“The direction in which education starts a man will determine his future in life”

Plato²³⁶

4.1 Introduction

The degree of realization of the right to primary education is dependent up on the policy and legal measures taken by the government in on hand and the corporation of parents as well as the entire community on the other. In ensuring full implementation of the right to primary education, Addis Ababa has also taken part in implementing the national policies and setting its own mechanism to that effect.

Recognizing the vast nature of the right, the city has taken a lead role in making the right to primary education accessible and equity oriented.²³⁷ Accessibility of primary education, mainly through the construction and expansion of schools, has shown an increasing progress. However, recent statistics show that both GER and NER have decreased despite the increase in the number of schools.²³⁸ In addition, other aspects of education mainly quality have been declining despite the expansion of schools.²³⁹ Addressing the gender gaps, high drop-out rates, low competition rate and inclusion of vulnerable children are also major challenges to attainment of the MDG 2 i.e. right to universal primary education. This chapter will present analysis and finding on access and equity in primary education in Addis Ababa.

²³⁶ Plato, (427 BC-347BC), The Republic Greek author and Philosopher in Athens.

²³⁷ Ministry of Education, supra note 168.

²³⁸ AAEB, supra note 26, Pp. 16-19. Education statistics annual abstract of 2013/14 shows that the GER of Primary level Grade 1-8 including ABE enrollment has shown a decrease of 14.35% over the last five years. The NER at primary in 2001 E.C was 80 % and currently it is 75.32%; decreased by 4.68% in spite of the fact that continual increment of population projection & enrolment in every year, the NER has been getting lower the last six years.

²³⁹ MOE, supra note 23, indicators of quality of primary education in Addis Ababa shown a decline in the past five years. See also; United Nations, (2013), Accelerating Progress to 2015, A Report series to the UN special envoy for Global Education, UN Secretary General Global Initiative for Education, Pp. 3.

4.2 Compatibility to the International Human Rights Instruments

A human rights indicator is essentially a proxy for determining the level of fulfillment of human rights' obligations.²⁴⁰ To determine the implementation of the international and regional human rights instruments in Addis Ababa, the proposed indicators for this section follow the Office of High Commissioner for Human Rights (OHCHR) model for human rights-based indicators.²⁴¹

4.2.1 Structural Indicators

Structural indicators reflect the ratification of the international human rights standards and monitoring whether the state's laws reflect, incorporate, and implement its international treaty obligations.

The federal government with the power to enter and ratify international treaties²⁴² has ratified international human rights treaties that recognized the right to primary education.²⁴³ The FDRE constitution, the supreme law of the land,²⁴⁴ has further made international treaties ratified by Ethiopia to be integral part of the law of the land.²⁴⁵ The constitution also requires for the fundamental rights and freedoms stipulated under the FDRE constitution to be interpreted in a manner conforming to the principle of UDHR, International Covenants on Human Rights and international instruments adopted by Ethiopia. Thus, these ratified laws are also integral part of the laws applicable in Addis Ababa.

The language used in the FDRE constitution clearly shows that the obligation entered through the ratification of the international human rights instruments including the right to primary

²⁴⁰ The United Nations defines it as “specific information on the state of an event, activity or an outcome that can be related to human rights norms and standards; that address and reflect the human rights concerns and principles; and that are used to assess and monitor promotion and protection of human rights.”

²⁴¹ Regarding the issue of human rights education, OHCHR and UNESCO developed a Self-assessment Guide for Governments. Available at: <http://www.ohchr.org/Documents/Publications/SelfAssessmentGuideforGovernments> [accessed on January 26 2015].

²⁴² FDRE Constitution, supra note 17, article 51 (8)

²⁴³ Ratification status of Ethiopia, supra note 18. Ethiopia has ratified the ICESCR, ICCPR, UNCRC, UNCRC optional protocol involving children in armed conflict, CRC optional protocol on the sale of children, child prostitution and child pornography, CERD, CEDAW, CMW and CRPD. However, ILO's Minimum age Convention No. 138, ILO's Indigenous and Tribal Peoples Convention No. 169?, ILO's Worst Forms of Child Labor Convention No. 182

²⁴⁴ FDRE Constitution, supra note 18, article 9 (1).

²⁴⁵ Id, article 9 (4).

education,²⁴⁶ have direct application in Addis Ababa as well. In Addition, the FDRE Constitution also recognizes the right to education under the general provision of the rights of children.²⁴⁷ The FDRE Constitution does not exclusively devote any provision to the right to education or the right to universal primary education, rather makes indirect reference obliges the state to allocate ever-increasing resources, among other things, to education.²⁴⁸

From the interview conducted for this study, the lack of specific provision on the right to access to education without discrimination and the right to compulsory education limits the realization of the right to primary education in Addis Ababa.²⁴⁹

When it comes to the implementation of the recognized right to primary education in Addis Ababa, the FDRE Constitution which divide powers between federal and states²⁵⁰ do not make specific mention of the administration of the educational system as such. Article 52 which lists the powers conferred on states as well, does not mention the administration of the educational system. Yet, it may be said that the administration of the educational system falls within the competence of the states because powers that are not expressly given to the federal government are reserved to the states by virtue of Article 52(1). Ensuring this interpretation, subsequent legislation which defines the powers and duties of the central and regional executive organs of the transitional government, each region is virtually responsible for the provision of primary education (Grades 1 to 8).²⁵¹ Thus, Addis Ababa has the power to implement the accessibility of the right to primary education as per the principles of the international human rights standards ratified²⁵² and the general recognition of the right to education under the FDRE Constitution.

The participants of the study have indicated that Addis Ababa has also planned its own implementation mechanism of ESDPs using the series of five comprehensive ESDP which is part

²⁴⁶ ICESCR, supra note 7, article 13.

²⁴⁷ FDRE Constitution, supra note 18, article 36.

²⁴⁸ Id, article 41 (4).

²⁴⁹ Interview with Hailu Dinka, Researcher on primary education at the Addis Ababa city government Education Bureau, 24 February 2015; Interview With Ato Samuel, higher expert of the right to primary education, plan international , 2nd March, 2015.

²⁵⁰ FDRE Constitution, supra note 18, article 51 and 52. The former which enumerates the functions of the federal government provides under sub 2 and 3 the Federal Government formulates and implements basic policy criteria for education and other social development matters. It does not seem to make the administration of the educational system a federal matter as such.

²⁵¹ Proclamation 41/1993, issued before the FDRE Constitution on the powers and duties of the central and regional executive organs of the transitional government.

²⁵² FDRE Constitution, supra note 18, article 13.

of the government's broader Poverty Reduction Strategy framework²⁵³ and GTP.²⁵⁴ However, the content of the Addis Ababa ESDP implementation mechanism is not exactly particular to the exact educational situation of the city rather, similar to the national one. Using the national implementation strategy for ensuring access and equity in Addis Ababa not only limit from addressing the specific challenges faced by the children of the city but also affect the overall realization of the right.

The other issue raised in relation to the structural indicators is the existence of subsequent legislation to give effect to the human rights issues embodied within the right to primary education. According to the finding of the study, though international human rights ratified are made part of the law of the land, Addis Ababa still lack subsequent legislations that deal with specific challenges of the city. To address the challenges of equity, Addis Ababa Education Bureau (AAEB) has allocated a budget for ensuring equity in terms of gender equality, to increase the participation of girls and eliminating gender based violence at the primary education level. Accordingly, the participation of girls in grade one is 58.89% while the boys is 65.61%.²⁵⁵ However, the strategy set do not extend to the lowest level of education administration, school which hold the effort of the bureau not to achieve its full potential.²⁵⁶ In addition, the lack of legislation to ensure equity as well as obstacles to access is also presented as a major challenge.

From the case study conducted in Kirkos sub-city and Kolfe-Keranio sub-city, absence of subsequent legislation has not only made compulsory nature of the right to primary education invisible but also limited implementation international human rights standards in Addis Ababa.

4.2.2 Process Indicators

Process indicators measure the extent to which the laws and policies of the state are effectively designed to implement the realization of the right.²⁵⁷ More specifically, process indicators

²⁵³ Interview with Hailu Dinka, supra note 249.

²⁵⁴ Ibid.

²⁵⁵ AAEB, supra note 26, Report on ensuring gender equality and girls participation for the 2013/14 budget year. Unpublished, June 2014.

²⁵⁶ Interview with Hailu Dinka, supra note 249.

²⁵⁷ Report on Indicators, supra note 1, Para 18. Process indicators “measure the quality and extent of state efforts to implement rights by measuring the scope, coverage, and content of strategies, plans, programs, or policies, or other specific activities and interventions designed to accomplish the goals necessary for the realization of [the right].”

answer the question of what mechanisms the state has put in place to implement its existing laws toward the realization of the right.

4.2.2.1 Measures and Existing Gaps

To give effect to the recognition of the right to education under the international human rights instruments and national laws, AAEB has put in place a few specific mechanisms in addition to the nation ESDP and GTP.²⁵⁸ Some of the mechanisms include;

- Awareness creation programs and annual education week to address the challenges of equity.
- The rapid implementation of the ABE program to achieve UPE through reaching the hard-to-reach children.
- Convincing parents and communities about the right to children to have access to primary education in collaboration with traditional associations like Idir and religious institutions.
- Commencement of a new scheme of door to door counting of children that do not go to school, those children requiring special needs and street children as of 2013/14.
- Organization of a task force to ensure the enrollment of the children identified in the door to door counting to primary schools.
- School feeding program; though not implemented yet, the program is considered within the City budget. Further, teachers are also encouraged to identify children who drop out of school due to the shortage of food.

Despite the measures taken, there are also emerging challenges that are not yet addressed by the city administration. Among these challenges the accessibility of primary education to rural-urban migrating children with or without their families; children from poor households that lack access to education due to poverty; vulnerable children; orphans and street children are presented as the major ones.²⁵⁹ Thus, though the mechanisms set by the AABE are positive steps, it is not

²⁵⁸ Interview with Betiglu Gizaw, higher expert on primary education statics at Addis Ababa city government education bureau, 22 February 2015; Interview with Solomon Wondemu, higher expert on curriculum development implementation process department, Addis Ababa Education Bureau, 27th March 2015

²⁵⁹ Ibid, Interview with Hailu Dinka, supra note 249, Interview with W/ro Tewabech Wolde Kidane, researcher on the on issues affecting primary education and the implementation of national standards at Addis Ababa city government education bureau. 28 February 2015

sufficient to address the challenges faced by these children in terms of accessing primary education or equity.

In relation to the accessibility of primary education to children migrating to the city from rural areas with or without their families, there is lack of both adequate data on their whereabouts and the necessary strategy to address the needs of the children including access to primary education.²⁶⁰ The issue is even more concerning to those girls that migrate without their parents as they often are subject to child labor working as domestic servants and child prostitution with no means of accessing primary education.²⁶¹ One participant said that:

*I come from Wolaita to Addis Ababa to have a better education and work to support my family. Once I reached the city, the people that brought me did not allow me to go to school and when I insisted they fired me from the house. Now I am living on the streets and started school after 3 years when the school feeding program started.*²⁶²

Considering the situation the children are in, accessing primary education seems to be the last of their concern.²⁶³ Thus, unless the Addis Ababa city government set a mechanism by which these children's rights can be protected and get the necessary environment to learn, the mere construction and expansion of primary schools does not ensure access to primary education.

Addressing the obstacle that stand on the way of these children's right to access primary education is also a human rights obligation as the international human rights instruments are made to be integral part of the law of the land including Addis Ababa. According to the Limburg Principles, "A State party will be in violation of the ICESCR, inter alia, if it fails to implement without delay a right which it is required by the Covenant to provide immediately."²⁶⁴ Additionally, the Maastricht Guidelines also provides that state's failure to promptly remove obstacles in order to permit immediate fulfillment of a right violates the treaty

²⁶⁰ Id.

²⁶¹ Focus group discussion (FDG) one, with students at Finfine government primary school, Kirkos sub-city, Addis Ababa, 5th March 2015.

²⁶² Id.

²⁶³ Interview with Hadush Girum, Unit leader at finfine government primary school, 24 March 2015.

²⁶⁴ The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, [hereinafter Limburg Principles] adopted 8 Jan. 1987, U.N. ESCOR, Comm'n on Hum. Rts., 43d Sess. Available at: <http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/d2e008c61b70263ec125661e0036f36e> [accessed on 13 January 2015].

obligations under ICESCR.²⁶⁵ It is indicated that violations of the ICESCR occur when state fails to satisfy what the CESC has referred to as ‘a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights.’²⁶⁶ Such minimum core obligations apply irrespective of the availability of resources of the country concerned or any other factors and difficulties.²⁶⁷ Thus, though there are mechanisms like the 2013/2014 door to door counting of children lacking access to primary education, and awareness creation events to ensure equity, Addis Ababa still lack specific strategies and mechanisms to implement its existing laws toward the realization of the right to primary education in relation to the specific challenges of the city.

4.2.2.2 Justiciability

Enjoyment of the right to primary education mainly by children depends not only on the availability of policies, laws and strategies but also the parental and communal role. The AAEB has been working with sub-cities, Woredas and schools to create awareness on the right as well as the need to send children to school in equitable manner.²⁶⁸ However, children from poor household and vulnerable children in Addis Ababa still do not enjoy their right to access to primary education with its fullest sense. More specifically, many of these children are forced to dropout or repeat class due to different socio-economic challenges. From the total primary school-aged children, it was indicated that about 92,000 children do not have access to primary education²⁶⁹ mainly due to shortage of food, housing and lack of awareness of parents of children with special needs.

The enjoyment of the right to primary education in terms of access and equity also raises the question of direct or indirect application of the human rights norms in case of violation. As stipulated under the FDRE constitution, all organs of the state are expected to be mindful of

²⁶⁵ The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, [hereinafter Maastricht Guidelines] adopted 22-26 Jan. 1997, ¶ 5, reprinted in The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, 20 Hum. Rts. Q. 691 (1998). The Maastricht Guidelines suggest that limitation of available resources cannot be a justification for a state’s failure to satisfy minimum core obligations.

²⁶⁶ Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, *prima facie*, violating the ICESCR.”).

²⁶⁷ General Comment 3, *supra* note 8, Para 10.

²⁶⁸ Interview with Hailu Dinka, *supra* note 49, interview with Betiglu Gizaw, *supra* note 258

²⁶⁹ Interview with Betiglu Gizaw, *supra* note 258, unpublished result of the door to door counting of children that lack access to primary education.

human rights in all their decision and action.²⁷⁰ However, in times of violation of the right to accessing free and compulsory education, remedial seems missing as the duty bearer is not explicitly known. In addition, as the right holders are children below the age of 18, they lack capacity to claim the fulfillment of their rights and present their case before the court of law. On the other hand, the case study conducted in the two sub-cities also indicates that the violation of the right to access primary education usually happens by the parents or guardians.²⁷¹ Thus, claiming the right is even more difficult as the persons who can claim the fulfillment of the right on behalf of the children are also the violators.

In collaboration with the Child justice Project Office, Addis Ababa city government has special benches within the courts that deal with offences committed against children and women. So far, there are no witnessed complaints brought before the court of law in relation to the violation of the right to accessing primary education as the beneficiaries of the rights are mainly children. Follow up mechanisms are usually made at school by teachers or school administrators when a student is unable to follow his/her education with regular attendance or dropout.²⁷² These complaints have been collected and brought to the sub-city education bureau as part of the evaluation process, but so far visible solution has not been reached.²⁷³

4.2.2.3 Participation

In the past years, AAEB has disseminated information on its educational strategies including the report of the ESDP and has also made relevant educational data in the form of educational statistics annual abstract.²⁷⁴ The data is also made available at the bureau website. Supporting the Addis Ababa education system, external financing agencies (DFID, JICA, USAID, UNICEF, UNESCO, European commission and GIZ) participate through funding different projects including school construction and technical assistance. During the interview with Ato Esayas

²⁷⁰ FDRE Constitution, *supra* note 18, article 13 (2).

²⁷¹ Interview with w/ro Eyerusalem Takele, Higher expert on accessibility of primary education, Kirkos sub-city education bureau, 4th March 2015. Interview with Seide Ali, higher expert on primary education, Kolfe-Keranio sub-city educational bureau, 10 March 2015.

²⁷² Interview with Hadush Girum, *supra* note 263.

²⁷³ Id; Interview with Temesgen Sisay, director at FelegeYordanos government school, Kirkos sub-city, Addis Ababa, 26 March 2015; Interview with Yosef Derbe, unit leader at Selam Ber government school, Kolfe-keranio sub-city, 25 March 2015.

²⁷⁴ AAEB, *supra* note 26.

Hailu,²⁷⁵ it was indicated that the role of these agencies also extends to participating in joint review and other supervision through Education Technical Working Group (ETWG) co-chaired by the MOE and elected agency in which all external partners are members. ETWG enables the external partners to participate in monitoring progress, resolving implementation constraints and providing appropriate inputs in achieving MGD of reaching UPE.

When it comes to the participation of the community in relation to formulating, implementing or monitoring of the city education system, though efforts are being made its hard to say there is full participation as it is usually made after the draft is prepared.²⁷⁶ One participant indicated that even after the discussion of first draft, the willingness to change it based on the comments and discussion is minimal.²⁷⁷ Thus, as the level of participation of the community is not made clear, knowing the barriers of access and equity at the primary education level and the mechanism to address the barriers seem very far from the challenges.

4.2.3 Outcome Indicators

Outcome indicators measure to what extent laws are being effectively implemented.²⁷⁸ With the request for immediate realization of the right to primary education, the state should ensure that the reality on the ground reflects the realization of the right.

As to the statistical annual abstract document of Addis Ababa, access and equity at the primary education level have shown progress. However, access in terms of GER has declined from the previous years due to several reasons. In Kirkos sub-city, the GER is reported to be 79.39% making it the low scoring sub-city in the city.

Case study in Kirkos sub-city indicated that such decline is mainly attributed to the urban re-development programs (as many families changed their residence) and shortage of means of sending their children to school. Many of the families used to earn their daily income and be

²⁷⁵ Interview with Esayas Hailu, Education department coordinator at UNICEF, March 24 2015.

²⁷⁶ Interview with Hailu Denka, supra note 250; Interview with Demeke Fekadu, child care and education coordinator, Plan International Ethiopia Addis Ababa, 25 March 2015; Interview with Esayas Hailu, supra note 277.

²⁷⁷ Interview with Esayas Hailu, supra note 275; Interview with Demeke Fekadu, supra note 276.

²⁷⁸ Report on Indicators, supra note 240, Para 18.

able to send their children to school through petty trading. After the city re-development program has been implemented however, the families that already resettled could not get suitable environment to continue the petty trading. The other residents that stayed within the Kirkos sub-city lost the site they use to work at for new constructions that are being undertaken. Due to these reasons, some families require the help of their children to work in really far sites for the daily bread or even be forced to stop sending their children to school. One participant explained that:

*After the implementation of the urban re-development program many children drop out of school due to poverty mainly caused by the lack of income which was petty trading as it's no longer available.*²⁷⁹

On the other hand, the GER in Kolfe-Keranio has increased mainly due to the new resettled residents from different sub-cities.²⁸⁰ However, the percentage is more than 100% due to the existence of migrating children and repeaters. Thus, though the record of the sub-city shows high GER, the result is not as such due to the full realization of the right to accessing primary education but other external factors including migration.

Accordingly, based on the case study conducted in the two sub-cities, accessibility of primary education needs to be observed not only based on the enrollment as shown on the indicators, but who are enrolled and who's left out. Thus, the city's emerging changes that are taking places rapidly need to be in line with the children's right to accessing primary education as its not only a human rights on its own but also a door for realization of many rights and the pursuit for development.

4.3 Strategies and Programs to Ensure Access and Equity for Vulnerable Children

An important priority for AAEB is not only to increase the number of schools but also to ensure accessibility for all school-aged children and increase equity for children already enrolled and those staying at home. To ensure the fulfillment of these elements, addressing barriers that exclude some children from participating in primary education comes first. Consequently this

²⁷⁹ Interview with Eyerusalem Takele, supra note 271.

²⁸⁰ Interview with Seide Ali, supra note 271.

section examines the strategies set to ensure access and equity for vulnerable children and factors that make the children not to come to school, to dropout or repeat.

4.3.1 Accessibility

Primary education must be accessible to all, especially the most vulnerable groups, in law and in fact, without discrimination.²⁸¹ Ensuring accessibility includes addressing the three dimension; accessible to all without discrimination, physically accessible to all and economically accessible to all.²⁸² Guided by these dimensions, the strategies set to address accessibility at the primary education level by the AAEB and the challenges faced are examined by focusing on street children, migrant children and children with special needs.

4.3.1.1 Street children

The term “street children” refers to both children working on the streets to earn money for their families and children of the street. According to the case study conducted in the two sub-cities, street children are one of the most excluded groups in accessing primary education.²⁸³

A significant number of street children working to support their families are children who lost their parents as a result of which are living under child-headed households. The children face physical as well as emotional challenges, are sometimes victims of violence. The children are also more likely than other households to have limited access to primary education and other basic social services.²⁸⁴

For children who live on the streets, accessing primary education seems nearly impossible due to the challenges like food and shelter.²⁸⁵ On the focus group discussion with the children it was indicated that the children fight for their daily bread and a place to sleep in, which makes

²⁸¹ General Comment No. 13, supra note 6.

²⁸² Id, Para. 16 (b), Educational institutions and programs have to be accessible to everyone, without discrimination, within the jurisdiction of the State party.

²⁸³ Interview with Betiglu Gizaw, supra note 258; Interview with Seide Ali, supra note 271; Interview with Eyerusalem Takele, supra note 271.

²⁸⁴ Ibid; interview with Eyasu Hailu, supra note 275.

²⁸⁵ FGD two at Finfine government Primary school, Kirkos sub-city, 9th March 2015.

accessing primary education a luxury than a right that needs to be fulfilled.²⁸⁶ It was indicated that the drivers for children to live on the street include the following:

- Death of parents and lack of close relative to live with or abandonment by close relatives after the inheritance.
- Corporal punishment by step-parents.
- Early age migration of children to Addis Ababa without parents or guardian.
- Excessive exploitation of child labor.
- Abandonment of children due to poverty.

As gathered from the focus group discussion with the street children, many of them earn their own living by working in different petty trading and lack the time to go to school. Among these groups, children who are interested to pursue their education began attending school after the school feeding program started. One participant indicated that:

*In the beginning 80 street children began coming to school after the school feeding program including myself, but now only 15 of us are left as many of them drop out due to shortage of time to work. We need from 15-20 birr daily to pay for DC (a place they sleep with more than 50 children in one big room) so if we stay in school until 9:30 (local time) we won't be able to get money for dinner and DC.*²⁸⁷

The other aspect identified in the case study relates to the school environment waiting for these street children and how to coup up with the other students. It was indicated that, at the initiation of making primary education accessible to street children, parents of many children disagreed with the program fearing for the safety of their children and some even changed schools.²⁸⁸ On the other hand, the street children also struggle with many addictions separate themselves from other students fearing that they might smell and some of them even drop out due to this reason.²⁸⁹ Thus, accessibility to all without discrimination and equity in accessing primary education for street children is still a challenge despite the efforts being made to ensure accessibility through the school feeding program.

²⁸⁶ Ibid.

²⁸⁷ FGD two participant, supra note 287.

²⁸⁸ Interview with Hadush Girum, supra note 263.

²⁸⁹ FGD two, supra note 285.

From the interview with school administrators, it was gathered that the AAEB has been working on collection of data and budget allocation to ensure accessibility for these children. Recently, school feeding program is being used as one mechanism to ensure accessibility.²⁹⁰ The Ethiopian National Defense Foundation has sponsored 20 students from Felege Yordanos government primary school, to provide food, cloth and school material. Others are usually covered by volunteer donors like W/ro Elsa Mengistu and W/ro Hana Assefa who each feed around 20 street and orphan children at Finfine government primary school.

However, it was indicated that the volunteer's donation has the chance of interruption at any time and these children drop out of school as they cannot afford to continue mainly due to shortage of food. On the other hand, teachers are also taking the initiative to organize themselves in school feeding program to keep these children from dropping out of school as witnessed in Jemo and Selam Ber government primary schools. In addition to school feeding, teachers are also organizing a means for the children to earn their living through petty trade (sugar cane and lottery by boys – fruits, bread/Injera, and oil) and shoe shining. But these children are still unable to continue with their education as the money they earn is not enough to pay for dinner and a place to stay. Further, the children are also required to pay money for elders (Yegodana Abatoch) for the street and mostly left with nothing the next day. The children who manage to continue their education face the challenge of losing their exercise books and books as it's usually sold by the elders to earn money. Thus, for street children to access primary education, there are multi faced barriers that not only require the attention of AAEB but all the stakeholders.

In recent times, though AAEB is giving due attention to street children, until 2013/14 specific number of the street children was not known. In the areas the case study was undertaken, the school feeding program is mainly financed by NGOs and teachers which do not seem to be sustainable. While there is an important role for food for education programs to encourage street children to have access to education, it is not a program that is institutionalized within the education system of Addis Ababa and it is unlikely that it is feasible to have school feeding programs in all Woredas of the city.

²⁹⁰ Interview with Temesgen Sisay, supra note 273; Interview with Yosef Derbe, supra note 273.

According to the informants in the study the AAEB did not yet began school feeding program.²⁹¹ In addition, there are no specific guidelines or mechanism set to address needs of these street children. Though the expansion of schools is a positive step towards ensuring access to primary education this achievement is being undermined by challenges such as lack of the means to fulfill basic needs of these children resulting among other in huge school dropout.

4.3.1.2 Migrant Children

Rural-urban migration has become a pronounced problem in Addis Ababa especially in relation to providing social service mainly education for the children as their where about is not known.²⁹² The children that often migrate to the city are usually subjects of child trafficking for labor or come to city with distant relatives in the name of better education and end up being the help around the house.²⁹³ Of these youth, females comprise the majority and the preferred job is being a domestic servant.²⁹⁴ One participant said that:

*I come from the rural area (Mekena Tenta Woreda, Wello) to Addis Ababa to live with my aunt as my parents could not afford to let me stay with them due to poverty. My aunt told my parents that she will send me to school and will help her around the house at my spare time. But now I mainly work in the house as servant and come to school once in a while. I am sixteen years old and I have dropped out of 6th grade for two years.*²⁹⁵

Girls who drop out of school and migrate to towns in search of work are particularly vulnerable to exploitation and sexual abuse. Focus group discussions with children who previously drop out in Jemo government primary school²⁹⁶ revealed a number of causes for migration to the city mainly:

- orphaned children particularly those who lost their mothers
- children who run away from forced marriage and abduction

²⁹¹ Interview with Hadush Girum, supra note 273; Interview with Temesgen Sisay, supra note 273; Interview with Demeke Tefera Director of Jemo government primary School, Kolfe-Keranio Sub-city, 20 February 2015

²⁹² Interview with Hailu Dinka supra note 249; Interview with Esayas Hailu, supra note 275.

²⁹³ FGD one participant, supra note 261.

²⁹⁴ Interview with Seide Ali, supra note 271; Interview with Eyerusalem Takele, supra note 271.

²⁹⁵ FGD one participant, supra note 261.

²⁹⁶ FGD three with students at Jemo government primary school, kolfe-Keranio sub-city, Addis Ababa, 10th March 2015.

- children who experienced labor exploitation and hard child labor
- children from poor household with many children whose parents cannot afford to keep them

According to the Gender Office of Kolfe-Keranio sub-city, the girls who migrate are awaited by brokers who arrange accommodation until they get employment opportunities as domestic servants and this is when the children are most vulnerable for sexual abuse by the brokers themselves. Currently the education bureau of the Kolfe-Keranio sub-city is working with the gender office to ensure access and equity to these children. However, the chance of the children to drop-out from school is still high as they still work as domestic servants after school to earn their living and put a roof over their heads.

The obligation towards making education adaptable requires the AAEB to make primary educational system flexible to the needs of changing societies and responding to the needs of students within their diverse socio-economic and cultural settings which is this case is migration.²⁹⁷ ESDP IV focused on reaching the most vulnerable children who are still out of school and attain “education for all” through the continuation of affirmative action. However, many remain to be done as the particulars situation of the migrating children varies from one house to another. Based on the case study, the major obstacles in ensuring access to migrating children include:

- Lack of adequate data on where about of the children.
- Rapid expansion of the city and the resource constrains.
- Lack of capacity of AAEB to ensure accessibility for migrating children in terms of having reliable information of their where about and addressing their needs.

4.3.1.3 Children with Special Needs

The national policy framework of making education accessible to all includes children with special needs is taken as integral part of all level of education, mainly primary education. Following the national policy, AAEB is responsible to ensure that the special needs of the

²⁹⁷ Katarina Tomasevski, supra note 74, making education and its system adoptable to the needs of changing societies and responding to the needs of students within their diverse social and cultural settings.

children are included in all education program activities including ABE, formal and non-formal education.

However, in-depth interview with school administrations and the case study indicate that little consideration is given to education of children with special needs, starting from the way the school building is constructed to the availability of trained teachers to the particular needs of the children.²⁹⁸

Children with disabilities are usually excluded from the community and hidden at home as disability is considered as ‘misfortune’ or a curse to the family. Though one of the objectives of the ESDP IV was to improve educational service for children with special needs, exact approach in meeting needs of children is not available at the city administration level and is left for the discretion of school administrators and teachers.²⁹⁹

In terms of capacity, teachers have no experience in teaching children with special needs or addressing the particular need of each child.³⁰⁰ It was indicated that they need more guidance on ‘what to do’ when mainstreaming children into the class. Currently some schools adopting a common sense approach such as bringing children with visual impairment to sit in front rows, speaking slowly to help those with hearing difficulty, giving priority to children with physical difficulty to enter/leave the class room, and allocating a single class room for children with intellectual disabilities. The case study conducted in the schools indicates that the major challenge faced by these children and the overall inclusive education in Addis Ababa includes:

- Visually impaired children suffer from a lack of Braille materials and hence have to rely on memory; where Braille materials are available they tend to be provided by NGOs that may stop at any time..
- Get discriminated by other children to the extent that some even drop-out. In addition parents also advice their children not to associate with children with special needs due to lack of awareness.
- Lack of toilets built as per their needs.

²⁹⁸ Interview with Temesgen Sisay, supra note 273; interview with Demeke Tefera supra note 291.

²⁹⁹ Interview with Temesgen Sisay, supra note 275.

³⁰⁰ Interview with Hadush Girum, supra note 263; Interview with Temesgen Sisay, supra note 273; Interview with Demeke Tefera, supra note 291.

- Limited technical support from the Special Needs Units.
- No clear plan/policy on education approach of children with intellectual disabilities.
- School compounds and building that are not constructed in consideration of the special needs of the children.

From interviews with school administrators, schools are taking the initiative to make primary education accessible to the children with special needs through the dissemination of information about the right of persons with disability to access primary education, school feeding program for those from poor households, using the mini-media in the school compound to create awareness among the fellow students, and avoiding all the structural obstacles in the school compound.³⁰¹

4.3.2 Equity

Participation or access to primary education alone is not sufficient to realize the right if what is on offer is highly unequal in quality, effectiveness, and cost. In order to gain full picture of issues of equity at the primary education level in Addis Ababa, the study used the two dimensions: equal opportunity and participation for vulnerable children and the sufficient nature of the overall level of education service provided.

Confirming the finding of the literature review,³⁰² the case study in the two sub-cities and in-depth interview indicate that the main determinants of inequity and exclusion from primary education in Addis Ababa include:

- Gender disparity: often related with the cultural as well as economic factors.
- Lack of awareness on the right to primary education for vulnerable children and children with special needs.
- Poverty: parents being unable to provide food, clothing, shelter and school materials. In addition, children from poor households are required to help around the house and with their siblings.

³⁰¹ Interview with Temesgen Sisay, supra note 273; Interview with Yosef Derbe, supra note 273, Interview with Demeke Tefera, supra note 291.

³⁰² World Bank, supra note 93.

- Childs labor both at home and commercially.
- High opportunity cost of primary education: the need to work to meet their basic needs (shelter, food, and clothing) overrides any desire to send the children to school education.
- Variation in social acceptance of students with disability.

In providing primary education, the AAEB has adopted equity focused programs to decrease enrollment gaps between various groups including: promoting multi-grade classes as a means of integrating and maintaining children of scarcely populated areas in school; provision of special support programs, scholarships and school feeding; emphasizing on reducing the distance between school and children's home (geographic accessibility), AAEB is constructing primary schools in each Woreda of the city and expanding ABE for hard-to-reach groups of children.

To ensure equity in the primary education service, it requires securing all children's rights to primary education, and their rights within and through education to realize their potential and aspirations. It also requires implementing and institutionalizing arrangements that help ensure all children can achieve these aims.

As explained above, AAEB has laid down strategies and mechanism of ensuring equity. However, the case study in the two-sub-cities revealed that the major causes for the existence of inequity are far beyond the strategies set requiring the cooperation of the city government to the lowest of its administration, parents and the over community. The major challenges indicated in the primary education service in Addis Ababa in light of equity include:

- The ABE programs set to reduce inequity are not more tightly oriented to the needs of clearly defined target groups and does not play different role for different groups.
- Shortage of capacity as well as man power to address all the major causes of inequity as both cultural and socio-economic factors are the main constraints.
- Lack of legislation on the duty to educate children working as domestic workers and most are unwilling to give working children time off to attend school.
- Lack of consultation within the school compounds mainly for street children.
- Schools establishment mechanism and service delivery system lack the capacity to understand, analyze and respond to the needs of vulnerable children in terms of: being

sensitive to non-educational needs that impact schooling; skills to talk to troubled or marginalized children and investing in infrastructure, facilities, teachers and supplies.

4.4 Challenges

4.4.1 Impediments to enforce “compulsory” Primary Education

To achieve the full realization of the right to primary education and implement the international human rights standards, the compulsory nature of primary education has to be assured at the nation level as a duty of the state and in this case Addis Ababa city government.

Currently, the AAEB in collaboration with sub-cities, Woreda and Kebele; door to door counting of children lacking access to education and awareness creation programs including annual education week to resolve issues of equity at the primary education level. However, in the due course of the study, it was understood that the lack of education law at the national level has stand on the way of effort made by the city educational bureau to achieve the intended goal of universal access to primary education.³⁰³ Addis Ababa as being the capital city of a multi-ethnic developing country has its own socio-economic and cultural challenges that not only undermine children but also unaware of the existence of their right to education and other human rights of primary education.³⁰⁴ The absence of education law has not only handicapped the city educational bureau in its effort to ensure access and equity in primary education but has also stand on the realization of the right as the principle of accountability at times of non-fulfillment is missing.

The concept of “compulsory” within the right to primary education is the core standard whereby the principle of compulsory serves to highlight the fact that neither parents, nor guardians, nor the state are entitled to treat as optional the decision as to whether the child should have access to primary education. For the term “compulsory” to be effective at the primary education level in Addis Ababa, state parties needs adopt further enactment at the national level.

³⁰³ Ibid.

³⁰⁴ Interview with W/ro Tewabech Wolde Kidane, researcher on the on issues affecting primary education and the implementation of national standards at Addis Ababa city government education bureau. 28 February 2015.

In addition to the lack of legislation on the right to education, Addis Ababa through its implementation power also lacks a legally binding instrument to ensure free and compulsory primary education. Due to the existing legislative gap, the sub-cities and school administrations face the challenge of making parents/guardians duty bound to send their children to school.

Based on the case study conducted in the two sub-cities, the major gaps that stand on the way of making primary accessible and equitable in Addis Ababa include the lack of:

- Compulsory beginning age of primary education.
- Compulsory nature of sending children on regular basis.
- Compulsory nature of the right to access to primary education for children with special needs, orphans, children with disabilities and street children.
- Compulsory nature of the right of all girls to access primary education.
- Compulsory nature of migrant children and domestic servants to have access to primary education.
- Compulsory ending at age of primary education.

Compulsory education is meant to protect the best interest of the child, one of which is access to primary education.³⁰⁵ Thus, absence of legislation that protect the best interest of the child in ensuring accessing primary education is standing on the way of achieving the MDG of UPE for Addis Ababa.

The issues are even more pertinent in relation to equity as there is still difference in accessibility of primary education for boys and girls in Addis Ababa. Currently, the GER and NER of girls have increased even better than the boys. However, considering the total population of the school-aged girls in Addis Ababa, many of them do not have access to primary education.³⁰⁶ In addition, vulnerable children and children with special needs also have challenges in accessing primary education mainly due to the lack of awareness and recognition of their right to education.³⁰⁷ Thus, despite the recognition of the international and regional human rights standards as the laws of the land, the lack of national education law and legislation addressing

³⁰⁵ CRC, supra note 8, article 3 (1) and (2); ACRWC, supra note 7, article 4 (1); General Comment No, 11, Supra note 9.

³⁰⁶ Interview with Betiglu Gizaw, supra note 260.

³⁰⁷ Interview with Hadush Girum, Supra note 265; Interview with Temesgen Sisay, supra note 275.

the gap in relation to access and equity is presented as a challenge for the full implementation of compulsory primary education in Addis Ababa.

4.4.2 Policy Gap

The driving reason behind adoption of ETP in 1994 was mainly the need to address the demand for educational opportunities; ensure equitable access, equality and relevant education and to produce citizens that can compete worldwide.³⁰⁸ Since adoption of the ETP, Addis Ababa has undergone through several changes including the increase in population, economy and re-construction of the city. However, since the ETP has not been revised yet, the standards set can no longer address the current challenges faced by the city. More specifically, the policy gaps are observed in light to the reliable data without which one could not use important indicators of access and equity at the primary education level in Addis Ababa. Furthermore, rural-urban migration and urban re-development programs are also other issues that have a negative effect in ensuring access to primary education but are not addressed by the policy nor did it leave room for emerging challenges. These are problem caused by lack of an educational policy that address emerging challenges of ensuring challenges.

4.4.2.1 Absence of Reliable Data

In the implementation of the international and regional frameworks on primary education, having adequate data on the current situation and challenges comes at the forefront. The major problem raising policy concerns in Addis Ababa related to the availability of accurate data on the accessibility of primary education to all.³⁰⁹ During the in-depth interview it was indicated that though the enrollment increase, there is constant variation witnessed on the statistics report caused by the difference between school entry age provided under the policy and actual age children start primary education in Addis Ababa which eventually leads to the miss guided information, which is the result of the inadequate policies.³¹⁰

The other issue in relation to reliable data is the population projection used in determining access to primary education. As indicated in the in-depth interview and also observed from the data,

³⁰⁸ ETP, supra note 21, preface.

³⁰⁹ Interview with Betiglu Gizaw, supra note 258, Interview with W/ro Tewabech Wolde Kidane, supra note 259, interview with Eyerusalem Takele, supra note 271

³¹⁰ Ibid.

there is a significant difference between the national educational statistics annual abstract and city government of Addis Ababa education bureau educational statistics annual abstract creating a miss understanding in relation to the exact status of accessibility of primary education in Addis Ababa.

On the other hand, the annual statistics report of AAEB the GER is more than 100% in some sub-cities³¹¹ caused by the rural-urban migrating children that are not within the population count of the city. Further, minimal data on birth registration of all children in the city is also presented as a challenge in ensuring how many children are entering primary schools as the right school age.

Thus, access to primary education for migrating children is not only inadequate but also lacks the necessary information to get remedied. The lack of well disaggregated data on several issues faced by children and their current conditions makes it difficult to identify problems, disparities and design appropriate policy for the implementation of international human rights instruments as well as national policies and laws.

4.4.2.2 Implication of City Re-development Program

The rapid expansion of the city is also raised as a major area of policy concern. The case study in the two sub-cities³¹² indicate that the implementation of the policy has negative effect on accessibility of primary education in many terms.

Most of the resettled residents means of income was petty trading which is no longer is convenient to continue in the new location. The situation not only made life difficult for these residents but also made them unable to send their children to school. Due to this reason, many of the children are being forced to assist their families by working in different places and lack the time to come to school.

³¹¹ Kolfe-Keranio (119.81%), Akaki-Kaliti (116.30%), Addis Ketema (114.81%), Nifas Silk lafto (109.89%) and Yeka (103.82%).

³¹² kirkos sub-city one of the major area where by land has been acquainted and Kolfe-keranio sub-city is one of the sub-cities receiving new residents.

The absent of support strategies like school feeding program in the new location, children travel long distance to continue their education at their previous school. However, it was indicated that many of them are now dropping school due to the shortage of means of transport showing the absence of geographical accessibility. The issue is even more serious for children with special needs as they cannot travel long distance to come to school.

Furthermore, the reduction of number of students primary government schools like Finfine in Kirkos sub-city are at the risk of being closed which ultimately affect the children who still come to the school. In general the best interest of the children does not seem to be one of the guiding principles behind the resettlement policy framework nor did the education policy gave room to these emerging challenges of ensuring the realization of the right to primary education.

4.4.3 Financial Challenges

Increasing access as well as equity in primary education in Addis Ababa requires sustained increase in budgetary resources at all grade levels. The Budget priority areas of AAEB focuses on achieving ETP and its implementation strategies like ESDP IV, GEQIP, and education sector MDGs areas like EFA and UPE goals and targets. The educational statistics annual abstract shows that Addis Ababa's student teacher ratio and class room student ratio has improved by hiring and upgrading.

In the case study conducted it was indicated that, in the effort to increase access, currently the budgetary resources of AAEB are mainly focused on the supply of schools and school construction. However, challenges like low teachers salary, creating safe environment for children with special needs and infrastructural challenges are still presented as impediments for achieving the educational goals.³¹³ In addition, the rapid expansion of the city and high rural-urban migration has also limited the effectiveness of the financial resources in making primary education accessible to all.³¹⁴ Thus, budget allocation in line with the current challenges and issues faced by the children and the families that send their children to school is very essential.

³¹³ Interview with Temesgen sisay, supra note 273; interview with Yosef Debre, supra note 273; interview with

³¹⁴ Interview with Betiglu Gizaw, supra note 260.

4.4.4 Socio-economic Challenges

The recent access and equity indicators of primary education in Addis Ababa show that despite the increase in the number of primary schools,³¹⁵ access has declined. Confirming the literature review,³¹⁶ the study has identified that the major social factors affecting access and equity at the primary education level includes: poverty and financial barriers; child labor and trafficking and parental attitude towards the right of vulnerable children and children with special needs to access primary education.

4.4.4.1 Poverty and Financial Barriers

The case study and focus group discussion with the children indicate the strong relationship between household economic status and accessibility of primary education.³¹⁷ As gathered from the case study, household poverty is a major factor affecting the enrolment of children in schools in Addis Ababa.³¹⁸ In addition, the indirect opportunity costs of schooling including working petty trading to support the family and house chores are also another indicator of the link between economic status and access to primary education.

This is manifested through the inability of the households and families to provide children with clothing, educational materials, food and other needs of children. To overcome the challenges of poverty, the families demand for their children labor to contribute to household works and earn income causing the children to be absent, repeat and drop-out as they lack sufficient time to study. One participant said that:

*My father transferred me from regular class to night class to help him sell charcoal and with the house chores but now I am back to regular class after my teachers talked to my father.*³¹⁹

³¹⁵ AAEB, supra note 26, Pp. 14. Since 2008/09, the number of primary schools have increased from 693 (2008/09) to 795 (2013/14) which counts to 12% increment.

³¹⁶ Adham Duri Abdella, supra note 25.

³¹⁷ FGD Four with students at Selam Ber government primary school, Kolfe-Keranio sub-city, Addis Ababa, 26th March 2015.

³¹⁸ Interview with W/roTewabeche, supra note 259; Interview with Temesgen sisay, supra note 273; interview with Yosef Debre, supra note 273;

³¹⁹ Interview with Lenchisa Duga, 4th grade student at Felege Yordanos government primary school, Kirkos sub-city Addis Ababa, 20 March 2015.

As indicated on the focus group discussion with the children, many parents prefer to send their children to a more productive place like petty trading to earn more money and overcome the challenges of food insecurity or help with the house chores and siblings that send the children to school. Thus, education is considered as not immediate solution to the challenges of poverty rather additional cost. As a result, AAEB needs to give profound attention to the social as well as economic barriers³²⁰ and minimize the indirect cost of education³²¹ as the lack of it is causing not only challenge in accessing primary education but to the overall development of the city.

4.4.4.2 Child Labor and Trafficking

During the interview with teachers and school administrators, it was indicated that households' need for child labor is a major driver of late arrival at school, absenteeism and dropout from school at all levels, and drop out amongst girls is highest.

On the other hand, rural-urban migration is also other factor as the victims of child trafficking are usually subjected to child labor with no way of access to primary education. As the children are trafficked illegally to the city to work in households, house, keeping, café and hotels,³²² the children are forced to work long hours making access to primary education unavailable. Though the labor law does not allow employment under the age of 14, there is no obligation on the employers to send the working children to school or give time off to attend school. MOLSA has been formulating a National Plan of Action on the Elimination of Worst Form Child Labor (2010-2014).³²³ However, the lack of reliable data on the where about of the children is a major challenge of the initiatives being taken.

4.4.4.3 Parental Attitude

There are numerous factors which exclude, or undermine children with disabilities and children with special needs from access to, and performance at school. Scared of being badmouthed by the community, most part of the communities does not want to acknowledge the fact that they have a child that requires special care or a child with disability. In particular, most of the parents

³²⁰ Dar Es-Salaam statement of commitment MINEDAF VIII, supra note 149, commitment no. 7 (b).

³²¹ African Youth Charter, supra note 145, article 13(1) (2) (4).

³²² Much of the data on trafficking has been obtained from the Bureaus of Labor and Social Affairs.

³²³ Ministry of Labor and Social Affairs. (2004). Ethiopian National Plan of Action for Children (2003-2010) and beyond. Addis Ababa.

of children with special needs do not believe in the ability or right of the children to access primary education due to their condition. Such parental attitude is observed in the door to door counting conducted by AAEB as many parents denied of having a child with special needs.³²⁴

Moreover, as their level of participation in the joint discussion of teachers and parent as well as their willingness to provide education materials indicates low parent attitude towards the right to primary education.³²⁵ From the focus group discussion, it was gathered that some parents are not willing to buy school materials specially books as it's considered to be a waste of money nor do they follow up on the learning teaching environment their children spend time at.³²⁶ In addition, it was also indicated that teachers and school administrators are not welcomed by parents or guardians when they try to follow up students who are frequently absent from school.

On the other hand, the interviews with school administrations indicate that, other parents also advice their children not to associate with children with special needs believing that the children condition will be transferred.³²⁷ Thus, evidence based advocacy and communication for social change by expanding support to those parts of the city accountable for explaining the rights of children and the accountabilities of duty bearers suing all communication tools including religious leaders and traditional associations is very essential. In addition expanding research initiatives to deepen knowledge and understanding of the factors that affect parental altitude towards children right to primary education can also serve as a another tool to bring the desired change.

4.4.5 Institutional Barriers

The availability of educational institutions and facilities in sufficient number is an obligation of the city government of Addis Ababa. From the case study and in-depth interview, the institutional barriers identified include: capacity gaps, inadequate guidance and counseling support; child unfriendly school facilities and language barriers.

³²⁴ Interview with Eyerusalem Takele, supra note 289.

³²⁵ Interview with Ephrem Wolde Amanuel, Unit leader Jemo government primary school, Kolfe-Keranio sub-city, Addis Ababa, 24th March 2015; Interview with Hadush Grima supra note 265; interview with Temesgen Sisay, supra note 275; . Interview with Teshome Merde, Unit Leader at Selam Ber government primary school, Kolfe-keranio sub-city, Addis Ababa, 25th March 2015.

³²⁶ FGD four, supra note 320.

³²⁷ Interview with Hadush Grima supra note 265; interview with Temesgen Sisay supra note 273

4.4.5.1 Capacity gaps

Though the responsibility of each level of the educational system of Addis Ababa is delineated, the system still face institutional limitations and capacity gaps mainly in terms of high turnover of qualified and experienced staff.³²⁸ In addition, the case study indicates that sub-cities and Woreda governments have weak capacity to gather and report on the performance of access and equity on time.³²⁹ Accordingly, they have difficulty in managing and reporting the implementation of the international human rights instruments and national policies and laws. Setting strategic plans, monitoring and evaluation in relation to ensuring access and equity of primary education for vulnerable children is also indicated as a challenge.

4.4.5.2 Inadequate Guidance and Counseling Support

Minimal awareness about children protection strategies is presented as a challenge that has negative effect on the accessibility of primary education for these children.³³⁰ Recently, the school feeding program in different government primary schools in Addis Ababa has made education accessible to many street children. However, due to the living conditions of the street life the children led, they are exposed to different drugs and other behaviors that ultimately affect their education. During the focus group discussion with the children, it was indicated that after they began attending school, they straggle with the addition of cigarettes and other drugs forcing them to be absence from class and even drop out of school.³³¹

On the other hand, despite the school feeding program, since the children are still living on the street, they have low self-esteem and do not want to play or associate with other children.³³² Thus, unless there is permanent counseling and rehabilitation program to help the children overcome the addictions and build their self-esteem, the school feeding program alone will not be able to help the children continue with their education.

³²⁸ Interview with Solomon Wondemu, supra note 258.

³²⁹ Interview with Eyeruslame Takele, supra note 271; interview with Seide Ali, supra note, supra note 271.

³³⁰ Interview with Fikrte Assefa, facilitator of the school feeding program and teacher at Finifine government primary school, kirkos sub-city, Addis Ababa, 24th March 2015. Interview with Teshome Merde, supra note 325.

³³¹ FGD two participants, supra note 285.

³³² Interview with Fikrte Assefa, supra note 330.

4.4.5.3 Child Unfriendly School Facilities

From the case study undertaken in the two sub-cities one of the challenges faced by children with special needs within the school compound includes: the school building constructed without consideration of the needs of the children; shortage of school equipment in line with their needs and shortage of teachers trained in the area of giving due care for children with special needs.³³³

It was indicated that children with disability face more challenges accessing the school building, toilets and school compounds as the constructions are not exactly in line with the conditions of these children. One participant indicated that:

*A disabled student has dropped out of school due to health issues as she caught a disease while using the toilet. The toilet in our school is really dirty and since she cannot walk, she sits on it and that's when she got really sick.*³³⁴

The current challenges observed shows the existence of a gap in the implementation of the commitment entered under the CRC, for mentally and physically disabled children to fully enjoyment of decent life through ensuring dignity, promoting self-reliance and facilitating the children's active participation in the community. Thus, in order to ensure the implementation of the international instrument and ensure the sustainability of the post 2015 agenda of being sensitive to inequality by making access to primary education, the AAEB needs to address the obstacles that stand discourages the children from fully participating in school.

4.4.5.4 Language Barriers

Language barrier is usually observed for children coming from different regions and who use to attain primary education by their mother tongue language. Since the medium of instruction in Addis Ababa is Amharic the children often face the challenge of not understanding the language in terms of their education and their relationship with other students.³³⁵

Teachers and school administrators point out that, in general, the language barrier is more visible in the 2nd cycle of primary education as the children have more difficulty and often frustrate

³³³ Interview with Solomon Wondemu, supra note 258; interview with Tewabech wolde Kidan, supra note 259.

³³⁴ FGD four participant, supra note 317.

³³⁵ Interview with Temesgen Sisay, supra note 273; Interview with Yosef Derbe, supra note 275; Interview with Demeke Tefera, supra note 291; FDG four, supra note 317.

and dropout fearing that they will repeat class or out of filling lonely as they will not be able to communicate or play with other children. In addition to the learning-teaching process, the language barrier is even more pertinent in relation to children with special needs as the language difference stand on the way the teachers and the school understanding the needs of the children. During the in-depth interview, it was indicated that the issue of language barrier at the primary education level is left for the discretion of the school and its administrators.³³⁶ However, since language is an essential tool to ensuring access and equity at the primary education level, it requires a city level framework under which a guideline can be set to ensure the children from different region enjoy their right to accessing primary education equally with other children.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATION

The study was set out to explore policy, legal and practical aspects of the right to primary education and its influence on accessibility and equity in primary education in Addis Ababa. The study has also sought out to examine strategies and programs for meeting the educational needs of vulnerable children and to identify practical matters that may affect implementation of international standards as well as national policies and laws on access to primary education and identify the future steps ought to be taken. In the pursuit for the realization of right to education in Addis Ababa has been showing noteworthy changes in terms of achieving accessibility and equity. Despite the progress and achievements however, evidences show that the general literacy

³³⁶ Interview with Teshome Merde, supra note 325; interview with Temesgem Sisiay, supra note 273,

rate remains very low as it did not reach the target set by the MDG to achieve UPE by 2015. The general theoretical literature on this subject and specifically in the context of Addis Ababa is inconclusive as there are emerging challenges that are not exactly addressed which manifested in the decrease in both GER and NER, high drop-out rates, low completion and high repetition rate at the primary education in Addis Ababa. The study mainly sought to answer the extent of the implementation of the international human rights standards, national policies and laws on the right to primary education in Addis Ababa and the challenges encountered in the implementation of the programs and strategies.

Concerning equity issues in access to primary education, the case study and in-depth interview shows that, the main determinants of exclusion from school are poverty and financial barriers, child labor and trafficking and parental attitude. The direct link between the socio-economic barriers and accessibility of primary education in Addis Ababa points to the need for economic incentive to keep the children in school. The findings also indicate the need for the AAEB to have reliable data on the emerging challenges faced by the children and greater need for engagement of parents on the value of primary education supported by the involvement of the wider community in awareness raising on child labor. In ensuring access and equity for street children, findings of the study indicate that the challenges faced by children go beyond access requiring both economic as well as psychological support. In the short term, the children need food, clothing and shelter while the education response is one that equips them for the life ahead of them. The ability to care for themselves, overcome the traumas that have caused their vulnerabilities, and earn an income, are essential. Some may require short-term interventions that would enable them to catch up and resume education while others will need an alternative type of education that could be provided by schools or ABECs that specifically offer integrated approaches. To give effect to having inclusive primary education for children with disabilities in Addis Ababa, initiatives are also required at both sub-city and Woreda level that have overall responsibility, at school level to make arrangements and prepare the school, teachers and students, and at community and household level in terms of awareness of children with disability right to an education.

The analysis reveals the need for primary education programs and policies in Addis Ababa to better respond to the needs of children, particularly vulnerable children and children with special

needs. Absence of legislation to ensure enforcement of free and compulsory primary education has affected large portion of children in the areas explored by the study. The educational and social needs of vulnerable children, especially street children and migrant children, in Addis Ababa are not being met by the policies and programs in place which also show inconsistency between with the city government's plan on education for all, as well as its international commitments on children rights, beyond the scope of the study nevertheless require the undivided attention of the city government. In addition, based on the findings of the study, there is also the need to adopt a mechanism to address the emerging challenges mainly the impact of the re-development of the city and rural-urban migration are not taken in to consideration nevertheless affecting the access to primary education of many children in Addis Ababa. Free primary schooling, school feeding programs, ABE and special needs programs has allowed children from poor households to get access to equitable primary education. However, budget of the sector is far behind the existing challenges demonstrating that financing the educational sector is a major challenge. The rapid influx pupils with special circumstances and the general increase in the population has also created constraints leading to the deterioration of the quality and efficiency of primary education. Thus, the findings of the study indicate that if full access and equity are to achieved, reaching hard-to-reach groups and addressing the socio-economic challenges, AAEB need to adopt both policy and legislative frameworks in line with challenges presented.

Recommendations

The development of the recommendations presented below have been guided by the spirit of the international and regional human rights instruments recognizing the right to primary education and ensure its accessibility. The recommendations seek to add value in terms of delivering tangible benefit and addressing the bottlenecks.

The need to adopt educational law

Due to the absence of education law, Addis Ababa lacks a legally binding force to ensure the implementation 'compulsory' primary education nature of primary education. Due to the existing legislative gap, the sub-cities and school administrations face the challenge of making

parents/guardians duty bound to send their children to school. Thus, to ensure compatibility with the international and regional human rights instruments recognizing the right to primary education, there is a need for the adoption of educational law. Some of the specific areas in which educational is required in Addis Ababa includes compulsory beginning age of primary education; compulsory nature of sending children on regular basis; compulsory nature of migrant children and domestic servants to have access to primary education and compulsory ending at age of primary education.

The need for subsequent legislations to give effect to the international and region human rights instruments recognizing the right to primary education

Though international human rights instruments ratified by Ethiopia are made part of the law of the land, there is a need to adopt specific legislations that deal with the specific challenges faced by the children living in Addis Ababa. While principles of non-discrimination and equality are central principles of the FDRE constitution and other national laws of Ethiopia, some of the specific legislations required to full realizing the right to access and equity to primary education in Addis Ababa are still missing. Some of these legislations identified in the case study include:

- Specific legislation providing for the right of access to public educational institutions and programs on a non-discrimination basis for students.
- Legislation that makes provision for the necessary equipment and support to enable students with disabilities to attend school.
- Legislation mandating respect in the educational system for the culture and religious practices of various groups and communities in the society.
- Legislation prohibiting the practice of different cultures that would interfere with school attendance.
- In addition to the national regulation and current strategies set by AAEB, specific legislation prohibiting school-related gender-based violence is also required.
- Legislation restricting child labor to encourage children to attend school with special focus on the particular challenges of the city.
- In addition to the provision under the article 36 of FDRE Constitution, legislation prohibiting corporal punishment is also required.

- The need for education policy dealing emerging impediment to primary education
- As the findings of the study shows, emerging challenges to accessibility of primary education in the Addis Ababa include urban re-development, rural-urban migration and child trafficking. Thus, since these issues are not well addressed under the existing education policy nor did there exist a room to address them there is a need for education policy dealing with these challenges.

Adopting specific guidelines to address the needs of vulnerable children

For vulnerable children, accessing primary education seems nearly impossible due to the challenges like food and shelter. In addition, those who join school also struggle with multi faced challenges including the school environment waiting for them. Thus, to address the challenges and ensure the enjoyment of accessing primary school for vulnerable children, there is a need to adopt clear guidelines on education approach of the children specific to the challenges each face.

Addressing cause of inequality

To ensure equity in the primary education service, it requires securing all children's rights within and through education to realize their potential and aspirations. As indicated on the finding of the study schools establishment mechanism and service delivery system lack the capacity to understand, analyze and respond to the needs of vulnerable children. Thus, there is a need to being sensitive to non-educational needs that impact schooling, skills to talk to troubled or marginalized children and investing in infrastructure, facilities, teachers and supplies.

Community participation

Community participation would build on the existing initiatives and establish alliance of community leaders, teachers, school management and representatives of civil society organizations. The alliance would help identify children belonging to different groups of out-of-school children; create community awareness about the need to reach these children through provision of appropriate education tailored to their circumstances; and work to persuade parents to enroll their children in the nearest schools. The coalition would work with school management and teachers to develop a positive school environment through the provision of special support to these children and to allocate available resources to meet the needs of these children. The

coalition would also work with school management to identify students who exhibit tendencies associated with drop out and to take preventive measures with the support of parents, teachers and school management to keep them in school.

Increasing the number of well trained teachers to reach children with special needs

Given the already high teacher/student ratio, more teachers will be needed to cover the special attention required for children with special needs. In the effort to increase accessibility of primary education, Addis Ababa is upgrading the minimum qualifications required to teach at the primary education level from a one-year certificate level to three-year diploma level. In addition to this effort, having well trained teachers specifically for children with special needs will also increase the children's access to education and risk of dropping out or repetition.

Raising Awareness and Capacity at the lowest level possible to Address Drop-outs rates and out-of-school Issues

As noted in the finding of the study, there is a need to equip Sub-City and Woreda-level staff with skills to identify and deliver services to all children with special attention to vulnerable children. Though a capacity-building training program developed for Woreda's exist, it is not specific to the challenges faced by vulnerable children. In order to tackle the challenges of drop-outs, repetition and low completion rate, there is also a need to strength the capacity of Sub-Cities and Woreda's in having reliable and up to date in all the issues of access and equity at the primary education level. Thus, there is a need for the further refinement or expansion of the capacity and awareness with special attention to vulnerable children.

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Annex I: List of Respondents

1. Participants of focus group discussion

Name	Age	Sex	Grade	Address (sub-city)	Place of interview (government primary school)	Living condition
Abel Daniel	16	Male	7 th	Kirkos	Finfine	Living on the street alone
Almaze Amare	16	Female	5 th	Kolfe-Keranio	Jemo	Living with guardians after
Amira Ali	15	Female	6 th	Kolfe-Keranio	Selam Ber	Living with her Aunt
Andualem Balcha	15	Male	5 th	Kirkos	Finfine	Living on the street alone
Aselef Abate	14	Female	5 th	Kolfe-Keranio	Selam Ber	Living with Distant relatives
Emebet Woldemedhen	15	Female	5 th	Kolfe-Keranio	Jemo	Living with strangers as domestic servants
Ermias Elias	17	Male	6 th	Kirkos	Finfine	Living on the street
Eyerusalem Hailu	16	Female	5 th	Kolfe-Keranio	Selam Ber	Living with distant relatives
Lemlem Tsegaye	17	Female	6 th	Kolfe-Keranio	Jemo	Living with distant relatives
Lenchisa Duga	15	Female	4 th	Kirkos	Felege Yordanos	Living with her father
Sara Belachew	14	Female	6 th	Kirkos	Finfine	Living on the street alone
Selamawit Taye	17	Female	7 th	Kolfe-Keranio	Jemo	Living with guardians
Taitu Bufe	15	Female	5 th	Kirkos	Finfine	Living with parents
Tigist Desalegn	14	Female	4 th	Kirkos	Finfine	Living with aunt

Zelalem Bogale	16	Male	5 th	Kolfe-Keranio	Selam Ber	Living with uncle
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2. Participants in the interview

Name	Occupation	Place of Interview
Ato Betiglu Gizaw	higher expert on primary education statistics at Addis Ababa city government education bureau	Addis Ababa city government education bureau
Ato Demeke Fekadu	Child care and education coordinator at Plan International Ethiopia	Plan International Ethiopia Addis Ababa program Area Compound
Ato Demeke Tefera	Director at Jemo government primary school	Jemo government primary school
Ato Ephrem Wolde Amanuel	Unit leader Jemo government primary school	Jemo government primary school
Ato Esayas Hailu	Education department coordinator at UNICEF	UNICEF country compound
W/ro Eyerusalem Takele	Higher expert on accessibility of primary education, Kirkos sub-city education bureau	Kirkos sub-city education bureau
W/ro Fikrte Assefa	School feeding program facilitator and teacher at Finfine government primary school	Finfine government primary school
Ato Hadush Girum	Unit leader at Finfine government primary school	Finfine government primary school
Ato Hailu Denka	Researcher on primary education at the Addis Ababa city government Education Bureau	Addis Ababa city government education bureau
Ato Haile Gebrial Belay	data analyst on primary education	Kolfe-Keranio sub-city educational bureau
Ato Mengistu Zewde	Director of the education follow up department	Felege Yordanos government primary school
Ato Seide Ali	Higher expert on primary education, Kolfe-Keranio sub-city educational bureau	Kolfe-Keranio Education Bureau
Ato Solomon Wondemu	Higher expert Development and Implementation process	Addis Ababa city government education

	department	bureau
Ato Temesgen Sisay	Director of Felege Yordanos government primary school	Felege Yordanos government primary school
Ato Teshome Merde	Unit Leader at Selam Ber government primary school	Selam Ber government primary school
W/ro Tewabech Wolde Kidane	Researcher on issues affecting primary education and the implementation of national standards in Addis Ababa	Addis Ababa city government education bureau
Ato Yosef Derbe	Director at Selam Ber government primary school	Selam Ber government primary school

Annex II: Key treaty provisions on free and compulsory primary Education

Universal Declaration of Human Rights (1948): Education shall be free, at least in the elementary and fundamental stages.

Elementary education shall be compulsory.

European Convention on Human Rights, Protocol 1 (1952): No person shall be denied the right to education.

UNESCO Convention against Discrimination in Education (1960): The States Parties to this Convention undertake to formulate, develop and apply a national policy which ... will tend to promote equality of opportunity and of treatment ...and in particular: a) to make primary education free and compulsory.

International Covenant on Economic, Social and Cultural Rights (1966): Primary education shall be compulsory and available free for all.

Protocol of San Salvador to the American Convention on Human Rights (1988): The States Parties to this Protocol recognize that in order to achieve the full exercise of the right to education: a. Primary education should be compulsory and accessible to all without cost.

Convention on the Rights of the Child: (1989): States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: a) make primary education compulsory and available free for all.

Charter on the Rights and Welfare of the African Child (1990): States Parties to the present Charter shall take all appropriate measures with a view to achieving the full realization of [the right to education] and shall in particular: a) provide free and compulsory basic education.

(Revised) European Social Charter (1996): With a view to ensuring the effective exercise of the right of children and young person to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organizations, to take all appropriate and necessary measures designed: ... 2. to provide to children and young person a free primary and secondary education as well as to encourage regular attendance at schools.

Annex III: Interview Guide

A. Guiding questions for government officials and experts on the policy, legal and practical matters in relation to access and equity of primary education in Addis Ababa

1. What was the driving force behind the adoption of the Ethiopian Education and Training Policy?
2. What is the role of the policy in ensuring access and equity at the primary education level?
3. What is the implementation mechanism set by Addis Ababa city government to give effect to the education policy?
 - a. What are the key features of the implementation mechanism?
 - b. What is the role of the implementation mechanism in ensuring access and equity at the primary education level?
4. What is the current status of access and equity at the primary education level in Addis Ababa?
5. Are there clear guidance or approach intended to ensure access and equity at the primary education level in Addis Ababa?
6. To what extent are the laws on education practical in Addis Ababa in light of Access and equity?
7. What are the current issues in the implementation of the education policy in Addis Ababa in terms of access and equity?
 - a. Are there any challenges?
 - b. Are there any measures taken to tackle these challenges?
8. How is the education policy implemented on vulnerable children in terms of access and equity at the primary education level in Addis Ababa?
9. How do you assess the implementation of the education policy in relation to primary education in Addis Ababa?

B. Guiding questions for Inter-governmental agencies and civil societies on policy, legal and practical matters of access and equity in Addis Ababa

1. What is the mandate of your organization on primary education in Addis Ababa?
2. How do you assess the level of access and equity in primary education in areas of your intervention?
3. What is the role of your organization in the implementation of the education policy in relation to primary education in Addis Ababa?
4. To what extent are the laws on education practical in Addis Ababa in light of access and equity?
5. What are the current issues in the implementation of the education policy in Addis Ababa in light of access and equity?
6. What is the role of the implementation program for vulnerable children in terms of access and equity at the primary education level in Addis Ababa?
 - a. What is the role of your organization in addressing the needs vulnerable children in terms of access and equity at the primary education level?
7. How do you assess the current level of access and equity of primary education in Addis Ababa?
8. What do you think is the way forward to achieve access and equity in primary education in Addis Ababa?

C. Guiding questions for sub-city administrations and school administration on the policy, legal and practical matters of access and equity in Addis Ababa

1. How is the education policy implemented at the sub-city level?
2. What is the role of the implementation mechanism in relation to access and equity in primary education level?
 - a. What are the key features?
3. To what extent are the laws on education practical in light of access and equity in the primary education level?
4. What is the current status of access and equity at the primary education level?

5. Are there any clear guidelines intended to ensure access and equity at the primary education level?
6. How is the education policy implemented on vulnerable children in terms of access and equity at the primary education level?
7. Are there any challenges observed in the implementation of the education policy in light of access and equity?
8. How do you assess the level of access and equity at the primary education level?
9. What do you think is the way forward in achieving access and equity full at the primary education level?

Annex IV: Issues to cover for focus Group Discussion

1. What is access and equity to you at the primary education level?
2. What is important when you think of fully achieving access and equity in your area?
3. Is there clear guidance or approach intended to ensure access and equity at the primary education level in your area?
4. What challenges do you encounter that have the potential of Affecting access and equity at the primary education level?
5. What should be done by the concerned government bodies to fully achieve access and equity at the primary education level in your area?

Annex V. Photo Gallery



በወ/ሮ አልጎ በንግሰ-ቱ እና በወ/ሮ ገና አሰሩ በሰላም የሚመጡ ተማሪዎች ስም

የተመገቡበት እለት	ቁርስ የተመገቡ ተማሪዎች ብዛት	የአቅራቢ ፊርማ	የተረጎሙ ተቆጣባሪ ፊርማ	ፊርማ የተመገቡ ተማሪዎች ብዛት	የአቅራቢ ፊርማ
18/06/07	33	<i>[Signature]</i>	<i>[Signature]</i>	27	<i>[Signature]</i>
19/06/07	40	<i>[Signature]</i>	<i>[Signature]</i>	24+2	<i>[Signature]</i>
20/06/07	30	<i>[Signature]</i>	<i>[Signature]</i>	40	<i>[Signature]</i>
24/06/07	29	<i>[Signature]</i>	<i>[Signature]</i>	37	<i>[Signature]</i>
25/06/07	33	<i>[Signature]</i>	<i>[Signature]</i>	46	<i>[Signature]</i>
26/06/07	40	<i>[Signature]</i>	<i>[Signature]</i>	37	<i>[Signature]</i>
27/06/07	35	<i>[Signature]</i>	<i>[Signature]</i>		
03-07-07	39	<i>[Signature]</i>	<i>[Signature]</i>	47+1	<i>[Signature]</i>
04-07-07	35	<i>[Signature]</i>	<i>[Signature]</i>	43	<i>[Signature]</i>
07-07-07	36	<i>[Signature]</i>	<i>[Signature]</i>	41	<i>[Signature]</i>
08/07/07	41	<i>[Signature]</i>	<i>[Signature]</i>	44	<i>[Signature]</i>
09/07/07	38	<i>[Signature]</i>	<i>[Signature]</i>		



