

**Challenges to the Fulfillment of the Right of the Child to be
Free from Corporal Punishment in School Setting: The Case
of Selected Primary Schools in Kirkos Sub-City**

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Challenges to the Fulfillment of the Right of the Child to be Free
from Corporal Punishment in School Setting: The Case of
Selected Primary Schools in Kirkos Sub-City

A Thesis Submitted in Partial Fulfillment of the Requirements

for the Degree of Master of Arts in Human Rights

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2019

I. Declaration

I, Dawit Teka, hereby, declare that this research paper is original and result of my personal effort and has never been presented in any other institution. Where any sources primary or secondary have been consulted or used has been duly acknowledged.

Signature_____

II. Center for Human Rights, Addis Ababa University

This is to certify that this thesis presented by Dawit Teka entitled: “*Challenges to the Fulfillment of the Right of the Child to be Free from Corporal Punishment in School Setting: The Case of Selected Primary Schools in Kirkos Sub-City*” and submitted in partial fulfillment of the requirement of Master of Arts (in Human Rights) Degree, complies with the regulations of the University and meets the accepted standards with respect to originality and quality.

Signed by the examining committee

Examiner_____ Signature_____ Date_____

Examiner_____ Signature_____ Date_____

Advisor _____ Signature_____ Date_____

Chair of department of Graduate Program Coordinator _____

III. Abstract

The 2015 concluding remark of the United Nations Committee for the Convention on the Rights of the Child asserts that corporal punishment prevails in Ethiopian school system. The lack of awareness about both the rights of the child and alternate disciplining technique is the major reason why children were said to be corporally punished according to Ethiopia's report to the committee. Therefore, this study intends to explore other factors that challenge the fulfillment of the right of children to be free from corporal punishment in Ethiopian school setting, with particular emphasis to selected primary schools in Kirkos subcity: Felege-Yordanos, Walia, Agazian and Werha Yekatit. In-depth interview, key informant interview and observation are used to collect information in line with the qualitative methodology the study employs. Desk reviews of relevant documents are also used as secondary sources of information. The misconception and attitudes of teachers about corporal punishments in particular and the rights of the child in general, the legal regime that is not explicitly prohibiting family corporal punishment in the family setting, state's lack of attention and commitment by its executive bodies, the lack of monitoring mechanism of the human rights commission and the lack of knowledge of children about their rights and other major factors are the results of the study. Finally, conclusion and appropriate recommendations are forwarded. Among them is that the right holders, i.e., children should be enlightened of their rights stipulated in the provisions of the convention and the constitution. The issue of the freedom of children from school corporal punishment should be given serious policy and constitutional attention and subsequently this freedom should be reintroduced to mainly the children and other primary stakeholders who engage with them very often and the community at large.

Key Words, Children, Corporal Punishment, Schools, teachers,

IV. Acknowledgment*

I am confident to say God did this. He's here! He facilitated everything for me. He won people, changed times, even places, set and reset conditions, just for my cause. He knows I love Him!

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V. Dedication*

This research paper is mainly dedicated to my father who taught us (all of us - his children) to live a life of choice and independent decision making.

VI. Acronyms

AA	Addis Ababa
ACRWC	African Charter on the Rights and Welfare of the Child
BoE	Addis Ababa Bureau of Education
BoWCA	Addis Ababa Bureau of Women and Children Affairs
ANPPCAN	African Network for the Prevention and Protection against Child Abuse and Neglect
AU	African Union
CJPO	Child Justice Project Office
CP	Corporal Punishment
CSA	Central Statistics Authority
DHS	Demographic Health Survey
EHRC	Ethiopian Human Rights Commission
EIO	Ethiopian Institution of the Ombudsman
ESSA	Educational statistics Annual Abstract
ESDP	Education Sector Development Program
FDRE	Federal Democratic Republic of Ethiopia
FSC	Federal Supreme Court
IDI	In-depth Interview
KII	Key Informant Interview
MoE	Ministry of Education
MoLSA	Ministry of Labor and Social Affairs
MoWCA	Ministry of Women and Children Affairs
MP	Member of Parliament
NGO	Non-Governmental Organization
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UDHR	Universal Declaration of Human Rights
UPR	Universal Periodic Review

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Chapter 1: Background of the Study

The physical punishment of children is an age-long phenomenon that transcended kingdoms and eras. Babylonians, Hebrews, Greeks, Romans acknowledged fathers as persons who have the right to sell or exchange children. As legal owners of their children, this right extends to the extent of even killing them.¹

There were times when even prominent individuals who claimed to stand for children's protection from abuse contrarily promoted the continuation of the status quo as Freeman puts it,

*... cruelty remained a social construct, and founders of societies to protect children from abuse still vigorously defended corporal chastisement. Thus, one of the founders of the New York Society for the Prevention of Cruelty to Children (SPCC), Henry Bergh, was prepared to uphold "a good wholesome flogging" as appropriate for "disobedient children."*²

During the latter years of the 19th century, when parents withdraw from their commitments to physically discipline children for a variety of reasons, possibly due to understanding their significant economic role to the family, or some other reasons, the turn was for the school staffs to handle the situation.³

On the other hand though, author Kate Douglas Wiggin and her likes of people began resisting this notion and advocated for the replacement of "*the rod of birch*" by "*the rod of reason*".⁴

And, another author in the name of Ellen Key in "*The Century of the Child*" wrote that corporal punishments are humiliating for both parties involved; children and the punisher. Her advanced

¹ Leonard P. Edwards, 'Corporal Punishment and The Legal System', 36 Santa Clara L. Rev. 983 (1996)

² Michael D.A. Freeman, "Upholding The Dignity and Best Interests of Children, Law and Contemporary Problems", Spring 2010 [Vol. 73:211 This article is also available at <http://www.law.duke.edu/journals/lcp>

³ Ibid

⁴ Ibid

outlook was expressed in her hope to see a time when children on the basis of being humans will be treated on a par with adults.⁵

Of all the thinkers that brought the issue of Children to the limelight, no one was more influential than Janusz Korczak whose 1910's writing entitled "*How to Love a Child*" and "*The Right of the Child to Respect*" were documents well ahead of their time that attempted to propose and deal with the rights of children.⁶

Korczak went farther and underlined that children have "the right to a government that protects them from neglect, cruelty, and any exploitation of any kind," and his genuine commitment was witnessed when he stated that the worst terrible thing in this problem-abundant world "is he who is afraid of his father, mother or teacher. He fears them instead of loving and trusting them."⁷

Once, he had lectured on a child psychology entitled "*The Heart of the Child*". And, to the amazement of everyone, "it was given in the X-ray room of the children's hospital."

*Korczak entered with a small boy clutching his hand. Without a word he took the boy's shirt off, placed him behind a fluoroscope and turned off the overhead light. Everyone could now see the boy's heart beating rapidly on the screen. "Don't ever forget this sight," Korczak told his audience. "Before you raise a hand to a child, before you administer any kind of punishment, remember what his frightened heart looks like." That was the sum total of the lecture.*⁸

⁵ Ibid

⁶ Ibid

⁷ Ibid

⁸ Ibid

Sweden, however, was in a very contrary status to what Korczak was promoting - legislating, in 1920, a law that parents can physically punish their children using force.⁹ Yet, it was Sweden again, which first banned corporal punishment later on, in 1979.¹⁰

Even if “[i]t is extraordinary that children, whose developmental state and small size is acknowledged to make them particularly vulnerable to physical and psychological injury, should be singled out for less protection from assaults on their fragile bodies, minds and dignity”¹¹ for so long, the United Nations Convention on the Rights of the Child (UNCRC) have come to assert that the child as an individual human being is worthy of the right to be respected for his/or her human dignity.¹²

The irony concerning UNCRC is that while it is the most ratified convention in history, there still are issues with regard to the lag in the fulfillment of the rights stipulated in it. Many nations, in ratifying the binding convention, recognized corporal punishment as a violation of the rights of the child, but it is still believed that actions to implement them are at their infancy.¹³ And now only a few years behind the first quarter of the 21st century, the children rights to which Janusz Korczak was acclaimed to be the father are still short of their absolute fulfillment.¹⁴

This study will see the challenges that the respect of human rights of a group of people who hold lower social status - children to be free from corporal punishment at schools, where they spend a large amount of their day time, in a sub city of Addis Ababa, Ethiopia, one of the developing

⁹Leonard P. Edwards, Corporal Punishment and The Legal System, 36 Santa Clara L. Rev. 983 (1996)

¹⁰ Ibid

¹¹Gershoff and Bitensky, ‘The Case Against Corporal Punishment of Children, Psychology, Public Policy, and Law’ Copyright 2008 by the American Psychological Association 2007, Vol. 13, No. 4, 231–272

¹²Spare the Rod, Spoil the Child Ind. International L & Comprehensive Legal Review. [Vol. 13:1 2002

¹³ Ibid

¹⁴History of the Rights of the Child which can be found At <https://Bice.Org/En/History-Rights-Child/>

countries which is a state party to both the UNCRC and ACRWC (African Charter on the Rights and Welfare of the Child).

First though, as the proposal of the study, the following section will state the problem, set the objectives and research questions of the study. It also specifies its rationale, scope and significance of the study. Finally, before outlining the other parts of the research paper in the organization sub section, it will mention the limitation of the study.

1.1 Statement of the Problem

A modern article in the Federal Democratic Republic of Ethiopia's constitution stipulates the freedom of children from school corporal punishment. Article 36 (1)e explicitly put that children have the right "[t]o be free of corporal punishment or cruel and inhumane treatment in schools and other institutions responsible for the care of children."¹⁵

The country has also ratified the convention for the rights of the child in which article 19 (1) requires that state parties to take all measures that protect "the child from all forms of ... violence, injury or abuse, neglect or negligent treatment, maltreatment ... while in the care of parent(s), ... or any other person who has the care of the child."¹⁶

Despite the overarching article in the constitution and the article in the convention, "corporal punishment is still widely practiced and accepted in schools, the home and other settings."¹⁷

¹⁵Article 36 (1)e: FDRE Constitution, 1995

¹⁶Article 19: The UNCRC, 1990

¹⁷UNCRC/C/ETH/CO/4-5, 2015:8

According to a study by African Child Policy Forum, 30 percent of children aged 11-17 have experienced corporal punishment indicating the wide prevalence of the problem in Ethiopian schools.¹⁸

Ethiopia, as a state party though, had admitted in its report that one cause of the prevalence of corporal punishment was the “lack of awareness about violations of the rights and integrities of children”¹⁹ and the other factor why people often practice corporal punishment on children was again the lack of awareness of “alternative child disciplining mechanisms”²⁰

Nevertheless, having understood the very fact of improving such states of mind too is a burden and responsibility of the duty bearer rather than an excuse as per article 42 of the UNCRC, some few efforts (small number of publications and trainings to very limited target audiences) have been done that promote *Positive Child Disciplining* and the rights of children to relevant stakeholders that would ultimately reach the general public.²¹

One possible indicator which shows the graveness of corporal punishments as a violation of the rights of the child is that the database of Universal Periodic Review put “Corporal punishment of children at home/in school” with in the category of “Torture”²² And, Ethiopia is a very populous nation where “children make up 52 percent of the total population in Ethiopia”²³ and the above strategy appeared to be too small to benefit all of them.

¹⁸ Pankhurst, A. N. Negussie and E. Mulugeta ‘Understanding Children’s Experiences of Violence in Ethiopia: Evidence from Young Lives, *Innocenti Working Paper*’ 2016-25, UNICEF Office of Research, Florence. (2016).

¹⁹ UNCRC/C/ETH/4-5, 2013, 21

²⁰ Ibid

²¹ Ibid

²² UPR Info, March 2016

²³ Federal Democratic Republic of Ethiopia, National Children’s Policy, April 2017 Addis Ababa

Another dimension of the problem is the passivity of the children either due to the supposed utility that corporal punishment will contribute to their socialization and then make them responsible citizens as they were told by adults or for fear of some kind of revenge from their teachers.²⁴

In the case of the former, “Children held mixed views about whether physical punishments by teachers were justified. Several children, especially boys, expressed the view that beating was for their own good and improvement – reflecting the cultural norm.”²⁵ While in the case of the latter, despite the fact that children knew they had the liberty to report the case, the teacher grips the ultimate authority and could take advantage of that for revenge in some other way. Being in the receiving end of the abuse and the powerlessness to defend oneself is known to be common to children in Africa as explained as follows.

*Children in Africa are double disadvantaged; first due to their status as children, they are not in a position to defend themselves in cases of violations, and second they are living in a place where children are more likely to be suffering from human rights violations than adults, Africa.*²⁶

Education, as is put in the UDHR’s article 26, is directed “to strengthening of respect for human rights and fundamental freedoms”,²⁷ the school setting in Ethiopia should rather have been mentioned for a completely better reputation like its success in promoting this objective than as a setting where the application of corporal punishment is still a concern.

²⁴ Pankhurst, A. N. Negussie and E. Mulugeta ‘Understanding Children’s Experiences of Violence in Ethiopia: Evidence from Young Lives, *Innocenti Working Paper*’ 2016-25, UNICEF Office of Research, Florence. (2016).

²⁵ Ibid

²⁶ Ayalew Getachew Assefa, *Advancing Children’s Rights in Africa: The Role of the African Children’s Charter and its Monitoring Bod*, Mekelle University Law Journal, 2013

²⁷ Article 26: Universal Declaration of Human Rights, 1948

The irony of anticipating to nurture “citizens who respect human rights’ which is stated as the primary objective of the Education and Training Policy of Ethiopia and the prevalence of school corporal punishment in the state party to the UNCRC indicates that Ethiopia is struggling with serious challenges that hampered the fulfillment of this right in particular.²⁸

Even worse is the fact that the existence of many children who has not benefited from the illegality of corporal punishment in Ethiopia. There still are children who would love to attend to school yet refrained from to doing so because of the situation of corporal punishment in school setting.²⁹

So, corporal punishment is not just one violation of the rights of the child-student in Ethiopia but it is also hampering another right of the child, namely, the right to education.

Therefore, amid the knowledge and the fact that corporal punishment does exist in a variety of settings across the country; and amid the nation’s commitment that it should be abolished once and for all; and amid the existence of an institution in the form of Children’s Parliament which was set up “to enable children to have their voices heard so that they can safeguard themselves and other children from environmental and family oppression, to enable them to raise petitions in an organized way on matters concerning them, to have discussions and advance their joint positions, to get their voices heard and their rights respected among their families, in society and at the various levels of government and in judicial bodies”³⁰ why is this problem still lingering

²⁸ Girmachew Alemu, & Yonas Birmeta, ‘Handbook on the Rights of the Child in Ethiopia’, Center for Human Rights, 2013

²⁹ Pankhurst, A. N. Negussie and E. Mulugeta ‘Understanding Children’s Experiences of Violence in Ethiopia: Evidence from Young Lives, *Imocenti Working Paper*’ 2016-25, UNICEF Office of Research, Florence. (2016).

³⁰ National Planning Commission, Ethiopia, ‘Voluntary National Review on SDGs Government Commitments, National Ownership and Performance Trends’, 2017

around the school setting in Ethiopia in particular? What challenges are deterring the abolishment of corporal punishment in the school setting?

1.2 Objectives of the Study

1.2.1 General Objective

The general objective of this research is to investigate the challenges that the freedom of children to be free from school corporal punishment is facing.

1.2.2 Specific Objectives

This study has three specific objectives. These are

1. To explain the major challenge(s) that stood against the fulfillment of the freedom of the child to be free from corporal punishment.
2. To determine factor(s) that influence teachers to use corporal punishment amid its illegality.
3. To help come up with better implementable strategy that addresses the gaps and then facilitates the freedom of children from school corporal punishment.

1.3 Research Questions

1. Why does school corporal punishment remain to be a problem in the realm of the protection of the rights of the child?
2. Why does the administration of corporal punishment stay as the commonly used mechanism to discipline children by teachers despite the existing laws?

3. How could Ethiopia address the identified gaps and facilitate the freedom of children from school corporal punishment?

1.4 Justification of the study

Ethiopia as a state party to the UNCRC has claimed in its 2013 report that the main reasons for prevalence of corporal punishment in the country are lack of awareness about alternative child disciplining methods and the rights of the child by their violators³¹.

Curiously, the report did not mention the level of the knowledge of the right holders, i.e., the children, as a possible factor. The notion that the level of protection and respect of human rights is in a linear line relationship with the level of knowledge of the duty bearer should not disregard the role of the level of knowledge of the right holders about their rights. Therefore, the report sounds like it was only speaking from the duty bearers' angle only.

So, this study wanted to identify more challenges that are obstructing the fulfillment of the freedom of children from corporal punishment in school setting than the two factors specified by the state party.

1.5 Scope and Delimitation of the Study

Primary schools in Kirkos Sub City, Addis Ababa are the area of the study. Issue wise, this study tries to address the above mentioned research questions by understanding the facts in the literature, the experiences and view of personnel from the major implementing stakeholders in Ethiopia whose main task is the elimination of violence against children and the fulfillment of the rights of the child as per provided in the constitution and the UNCRC.

³¹ UNCRC/C/ETH/4-5, 2013, 21

This study will not be covering all forms of violence against children. This study entertains only the issues of corporal punishment in the school setting; whereas, the practice of corporal punishment in Ethiopia in the other settings (i.e., family, community and institutional settings) are not the interests of this research.

This is not a quantitative study and therefore, it also bounded itself away from focusing on the extent, magnitude and prevalence of corporal punishment in the school setting.

1.6 Significance of the Study

This is a thesis research which will be conducted as a partial fulfillment for the Master of Arts Degree in Human Rights.

In the hope of achieving its general objective though, this study also intends to contribute to the barely existing literature on the better and genuine strategies that surpass the challenges towards the fulfillment of the rights of children to be free from corporal punishment in Ethiopia.

1.7 Limitation of the Study

Access to more respondents from the children MPs was impeded by the fact that it was the dusk of the academic year for the students when exams of both kinds (national and model) required the closure of classes. This has forced the cancellation of the anticipated FGDs with them.

The other difficulty was some of the authority figures needed prior appointment to conduct interview and provide additional documents which was very difficult to handle with-in the tight schedule this research demanded. Hence, time was a major constraint in both cases.

1.8 Organization of the Study

This research paper is organized into five chapters attaching a bibliography and appendixes parts.

In the introductory section of the research paper, it has already presented the historical background of the right to children, statement of the problem, the research questions, scope, significance, and limitation of the study.

In the second section, Chapter Two will discuss the literature surveyed on the theories of childhood and the legal framework of the rights of children in addition to the empirical works done previously on corporal punishment and display the conceptual framework of the study.

Chapter three discusses the methodology of the study, the rationales for employing the selected methodology and tools.

Chapter Four is for the findings and discussion part. And, Chapter Five will conclude and suggest the possible best recommendations that every entity that has a stake in the fulfillment of the rights of the child should take into account.

Chapter 2: Theoretical and Normative Frameworks of Corporal Punishment

This chapter will begin by presenting definitional differences between the UNCRC and ACWRC and their implication and proceed to discuss pertinent theories of child rights and corporal punishment before presenting the empirical literature surveyed and closes with the contemporary legal frameworks relevant to school corporal punishment in Ethiopia.

2.1 Defining the Child

The United Convention on the Rights of Children defines a child as a human being under the age of eighteen years.³² However, the UNCRC leaves an exception to countries to set the age of the child at an earlier age depending up on their contexts.

This incapability of the UNCRC to assertively and unconditionally define what/who a child is has its own implications on the varied concept as to what a child to different contexts and cultures, and, amid the existence of different kinds of rites of passage in spite of its restrictions of state parties from setting unreasonably lower age limit as protective age.

The responsibilities and obligations attached under the treaty, however, stay the same based on the basis of the definition of the child even if the attainment of the age of majority in the local law differs - implying the word 'child' can interchangeably be used with the word 'minor'.³³

The African charter, on the other hand, defines a child as a human being under the age of 18 without any further qualification. While Africa is notably a continent where a number of social

³² Article 2: United Conventions on the Rights of the Child, 1990

³³ Girmachew Alemu & Yonas Birmeta, 'Handbook on the Rights of the Child in Ethiopia', Center for Human Rights, 2013

duties and expectations comes earlier than the age 18 to be an adult sooner than expected the African children charter did not bow to such relative consideration making it the stricter instrument than the UNCRC in defining the child.³⁴

In this regard, the African Charter on the Rights and Welfare of the Child (the African Children's Charter) seems to provide a better protection to children as it defines the child 'anyone under the age of 18 with no exception.

Therefore, the conception of ACWRC of defining a child using the age parameter is very imperative for the child - as many children who are denied of their childhood through social values can still benefit the protection of the law well after the society considered them as adults.

The Ethiopian constitution does not say anything about the age boundaries of a child. But the Revised Family Code proclamation 213/ 2000 defines a "minor" as "a person of either sex who has not attained the full age of eighteen years old."³⁵ The word minor is used as an equivalent to a 'child'.³⁶

The understanding of who a child in Ethiopia is not affected by the relativeness of the definition of the UNCRC. One indicator is the change of a marriageable age of a girl from 15 to 18 in the Revised Family Code of Proclamation 213/2000. This implies the general age of the majority in Ethiopia is 18 and it is also compatible to the age limit set by the ACRWC.

³⁴ Ayalew Getachew Assefa 'Advancing Children's Rights in Africa: The Role of the African Children's Charter and its Monitoring Body' Mekelle University Law Journal Vol.2 No. 1 (2013)

³⁵ Girmachew Alemu &, Yonas Birmeta: Handbook on the Rights of the Child in Ethiopia: Center for Human Rights, College of Law and Governance Studies, Addis Ababa University, 2013

³⁶ Ibid

2.2 Children as Right Holders

The question of the rights of the child is a never-ending concern not just about the administration of corporal punishment but on the broader understanding of childhood and what it entails.³⁷ One criticism towards the existing child rights theories is that they do not thoroughly deal with the interplay of holding or lacking power vis-a-vis becoming holder of rights.³⁸

*Just like human rights more generally, children's rights originate from the quest for human dignity and social justice. However, the concrete meaning of these notions will be different for different people. For some, human dignity is about maximum agency and self-determination. For others, it is about protection of core values, in particular of vulnerable groups, and if necessary even against their own will.*³⁹

Some sociologists understand the rights of the child from one, protecting their welfare while the other is from the perspective of their autonomy.⁴⁰ Here are two major category of theories that pertain to the children's rights and the discussion of corporal punishment based on the broad category of welfare and autonomy of the child respectively.

2.2.1 Child Protectionists

Classical Theories pertaining to child rights making their arguments on the basis of the immaturity (dependence) of the child has been forwarded. Among the first protectionists are the Social Contractarians. The Social Contract theorists like Hobbes and Locke, using the child-parent relationship as one that exemplifies the relationship between citizens and states, ignored

³⁷ Lippincott Williams & Wilkins, 'Physical Punishment, Culture, and Rights', Journal of Developmental & Behavioral Pediatrics Vol. 29, No. 1, February 2008

³⁸ Katherine H. Federle, 'On the Road to Reconceiving Rights for Children: A Postfeminist Analysis of the Capacity Principle', 42 DePaul L. Rev. 983 (1993) Available at: <https://via.library.depaul.edu/law-review/vol42/iss3/3>

³⁹ Didier Renaert & et al: 'A Critical Approach to Children's Rights: Interuiversity Attraction Poles Program' (IAP): 2015, p.5

⁴⁰ Jeremy Roche, 'Children, Citizenship and Human Rights', Journal of Social Sciences Special Issue No. 9: 43-55 (2005)

the child from the realms of freedom. But then, their comprehension about citizens versus government was a kind of a ruled and a ruler.⁴¹

Rawls believes a moral personality needs a capacity and that capacity is the minimum standard to deserve a right to equal justice.⁴² Both Kantians and Rawlsians expressly reject the notion of being a mere human will entitle equal liberty. According to Rawls, both the reasoning and decision of children are lame and if let go, will harm the children themselves. And, therefore, protection to children should be extended.⁴³ Generally speaking the Rawlsians' attempt to re-examine the classical view of the Social Contractarians of children has not moved away from the capacity-dependence conception of liberty.⁴⁴

Utilitarian thinkers on the other hand do not believe in consent and capacity to consent as indispensable determinants to exploit happiness. But the ability to know how to achieve happiness does matter. And, if children are not able to do so, they are among group of people whose liberty will be under the will of others.⁴⁵

Unlike John Locke, Hegel thinks that what children lack is not rationality. According to Hegel, the parents' right over their children should be concerned only, one, to bring about self-sufficiency, and two, to produce good citizens. As children have only the potential to rationality, yet lack the capacity to realize their liberty, all the right to educate, command obedience and

⁴¹ Katherine H. Federle, 'On the Road to Reconceiving Rights for Children: A Postfeminist Analysis of the Capacity Principle', 42 DePaul L. Rev. 983 (1993) Available at: <https://via.library.depaul.edu/law-review/vol42/iss3/3>

⁴² Ibid

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ Ibid

even punish children when necessary, are bestowed upon parents.⁴⁶ Therefore, according to Hegel subordination and punishment of children are useful.⁴⁷

2.2.2 Child Liberationists

On the one hand, some child liberationist scholars held a firm stance that the right language that emphasized the welfare of the children claw back the benefits and rights of the children by “the idea that the adult–child distinction had been over drawn by traditionalists” arguing that “children were more sophisticated and competent than many commentators were prepared to allow.”⁴⁸

Yet on the other hand, preaching and emphasizing the language of the autonomy rights of children which presupposes children as human beings with no lesser efficacy to that of the adults with regard to their decision making, is endangering their very welfare as it perceives no clear boundary as to what childhood means and who would enjoy the benefits associated with becoming one. The critiques say this blurred understanding of what a child refers to would destine the child to a more vulnerable situation rather.⁴⁹

This contradiction between the language of autonomy and the language of welfare of the rights of children was best depicted in the case of the consensual sex between children below the age of 16.⁵⁰

⁴⁶Ibid

⁴⁷Ibid

⁴⁸Jeremy Roche, ‘Children, Citizenship and Human Rights’, Journal of Social Sciences Special Issue No. 9: 43-55 (2005)

⁴⁹Ibid

⁵⁰Ibid

There are also opposing arguments which count children as dependent on the adults; and thereby on society. And, despite the recognition that they are dependent on the society, they do rather need empowerment than protection. Roche even criticize the existing right norms saying, “[t]he language of civil and political rights however does not so easily embrace the fact of our inter-dependency.”⁵¹

In summary, the conception of granting rights based on the level and/ or type of capacity of the group will deem one to concur with the phrase “might is right”⁵² whose definition, according to a dictionary, is “those who are powerful can do what they wish unchallenged, even if their action is in fact unjustified.”⁵³

The contradiction we observe in the belief of animal rights activists and other advocates for mentally handicapped (who do not perceive competency as one foundation for one to be a claimant of rights for their causes) is that when the issue of the rights of children comes up they resort to requiring capacity as must.⁵⁴

2.2.3 Welfare and Autonomy Together

The distinct treatment of welfare and autonomy is becoming a matter of debate for the academic discourse. A non-partial, all-encompassing trend, which deals with both extremes, took over in the form the UNCRC.

⁵¹ Ibid

⁵² Katherine H. Federle, On the Road to Reconceiving Rights for Children: A Postfeminist Analysis of the Capacity Principle , 42 DePaul L. Rev. 983 (1993) Available at: <https://via.library.depaul.edu/law-review/vol42/iss3/3>

⁵³ Dictionary, Version 2.2.1 (156) 2005-2011 Apple Inc.

⁵⁴ Katherine H. Federle, On the Road to Reconceiving Rights for Children: A Postfeminist Analysis of the Capacity Principle , 42 DePaul L. Rev. 983 (1993) Available at: <https://via.library.depaul.edu/law-review/vol42/iss3/3>

*One of the main catalysts for this change is the UNCRC, which is the most comprehensive international document ever written on children's rights. ... The Convention was the first international agreement to acknowledge the autonomy of children,...*⁵⁵

The four principles that the UNCRC is organized on, viz., the right to non-discrimination, the best interests of the child, the right to life, survival and development and the right of the child to be heard clearly indicate that this instrument addresses what both the protectionists and the liberationists are concerned about.⁵⁶

The African Charter for the Rights and Welfare of the Child also, as its very name implies, deals with the welfare and rights of the child by reconciling and bringing the two schools of thoughts together into one legally binding instrument.

2.3 Defining Corporal Punishment

Violence against children has various settings; schools, homes, work places and the likes. And, Corporal punishment is only one of the four-forms of violence along with disabilities, bullying and harmful practices that happen in these settings⁵⁷. But what is corporal punishment in the first place?

According to the American Academy of Pediatrics, corporal punishment is "the application of some form of physical pain in response to undesirable behavior."⁵⁸ Whereas, behavioral

⁵⁵ Benjamin Shmueli, 'The Influence of the United Nations Convention on the Rights of the Child on Corporal Punishment – A Comparative Study' Oregon Review of Int'l Law [Vol. 10, 2008] Pa. 194 Electronic Copy Available at: [Http://Ssrn.Com/Abstract=1514367](http://Ssrn.Com/Abstract=1514367)

⁵⁶ CRC/C/GC/15 General Comment 15: 2013

⁵⁷ World Report On Violence Against Children Available At ([Http://Www.Unviolencestudy.Org/](http://Www.Unviolencestudy.Org/))

⁵⁸ Benjamin Shmueli, The Influence of the United Nations Convention On The Rights of the Child on Corporal Punishment – A Comparative Study Oregon Review Of Int'l Law [Vol. 10, 2008] Pa. 194 Electronic Copy Available At: [Http://Ssrn.Com/Abstract=1514367](http://Ssrn.Com/Abstract=1514367)

scientists define it as "the administrating of one or two mild to moderate "smacks" with an open hand, on the buttocks or extremities which does not cause physical harm."⁵⁹

The most common definition of corporal punishment is said to be "the use of physical force with the intention of causing a child to experience pain, but not injury, for the purpose of correction or control of the child's behavior."⁶⁰

The National Association of School Psychologists narrowly defined it based on practices in the schools in the United States; there, "the most typical form of school corporal punishment is the striking of a student's buttocks with a wooden paddle by a school authority because the authority believes the student has disobeyed a rule" But psychologists like Straus defined corporal punishment as "the use of physical force with the intention of causing a child to experience pain, but not injury, for the purpose of correction or control of the child's behavior"⁶¹

The United Nations Committee on the Rights of the Child defined corporal punishment in its General Comment 8, in 2006 as the following.

"... any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting ('smacking', 'slapping', 'spanking') children, with the hand or with an implement – a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices). ... corporal punishment is invariably degrading."⁶²

⁵⁹ Ibid

⁶⁰ Ibid

⁶¹ Owen / 'Social Capital & Corporal Punishment', Youth & Society / September 2005: P86

⁶² General Comment No. 8, 2006, on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)", para. 11, www2.ohchr.org/english/bodies/crc/comments.htm

The UNCRC is established not merely to reach out a group of human beings who are not covered by international human rights instrument prior to it. But as one of the statements in the preamble indicates, it is to safeguard the overall wellbeing of children and rescue them from the negative impacts of violent action in the likes of corporal punishment. Therefore, the definition of CP by the UNCRC is the yardstick which this research also uses as its operational definition.

2.3.1 Theories on Corporal Punishment

Yet more specific schools of thought on corporal punishment than those which focus on the broader rights of children do exist. Among them are the Rights Perspective and the Research Perspective on Corporal Punishment.

2.3.1.1 The Research Perspective on Corporal Punishment

The advocates of Research Perspective lay their argument on the strength of their respective research findings.

1. *Anti - Corporal punishment position*: CP stirs and exacerbate violence and aggressiveness and it even teaches children that if adults do that, so will do the children in the future taking it positively. Then other rationale is the immorality of causing pain on human beings.⁶³
2. *Conditional Corporal Punishment position*: Not all studies show Corporal punishment is bad; nor do they unanimously speak of its benefit. So, it recommends taking other conditions into consideration.⁶⁴

⁶³Lisa Bunting - Mary Anne Webb - Julie Healy: "The 'Smacking Debate' In Northern Ireland – Messages From Research, Full Report"; June 2008

⁶⁴Ibid

3. *Pro-Corporal Discipline position*: radically perceives that physical punishment “has contributed to societal discord and violence.” Corporal punishment, if employed, should bring rather effective outcome.⁶⁵

The foundation of the argument of the pro-corporal punishment is loosely knitted with scientific researches. It rather appears to be based on moral and theological ground that it presents its argument and promote its stance.⁶⁶

2.3.1.2 The Rights Perspective on Corporal Punishment

The Rights Perspective bases its foundation on the spirit, meaning, provisions of the widely ratified convention, the UNCRC.⁶⁷

The difference between the Rights perspective and the Anti Corporal Punishment position within the Research Perspective is in their varied reasoning. Unlike the case with the proponents of Anti Corporal Punishment position, the supporters of the Rights Perspective do not necessarily cite researches to defend their argument. It is out of the belief that it was wrong regardless.⁶⁸

The other difference is in the broadness and narrowness of definition of corporal punishment where researchers use types, extent and severity of the disciplining measure whereas the proponents of the Rights Perspective overlook all of these parameters for they “would deny the reality of other forms of physical discipline and their potential impact on children.”⁶⁹

⁶⁵ Ibid

⁶⁶ Ibid

⁶⁷ Ibid

⁶⁸ Ibid

⁶⁹ Ibid

2.3.1.3 Cultural Relativism versus Universalism: a Debate on Corporal Punishment

Some scholars suggest a missing link to the effort of elimination of corporal punishment - culture. They call for every attention to be given to parents and teachers as much it has been given to children and they must be listened to.⁷⁰

However, the belief that the rights of the child are culturally relative is fast diminishing. It is in the context of right that the anthropological concept of cultural relativism of violence against women began to lose its ground. Likewise, violence against children is on a similar path.⁷¹

“There is no more telling symbol of [children’s] down- grading than adults’ assumption that they have a right, even a duty, to hit children” “How can we expect children to take human rights seriously and to help build a culture of human rights, while we adults not only persist in slapping, spanking, smacking and beating them, but actually defend doing so as being ‘for their own good?’”⁷²

Even when scientific studies show otherwise, even if people are a member of a particular group with trend, they, as the African Americans case on school corporal punishment for example, prefer equal treatment more than anything that puts them in lesser position than their compatriots just because of culture.⁷³

There, black children are corporally punished disproportionately to white children. For ...the African American community, this situation cannot be justified on the basis that corporal punishment is more culturally appropriate for black children than for white children. ..., a proclamation was issued by African American leaders calling for a nationwide ban on corporal punishment of all schoolchildren. These individuals view the disproportionate amount of corporal punishment meted out to African American children to be an injustice.⁷⁴

⁷⁰ Proceedings of the IIC 2008, Ghent-Antwerp, 2009

⁷¹ Lippincott Williams & Wilkins, Physical Punishment, Culture, and Rights, Journal of Developmental & Behavioral Pediatrics Vol. 29, No. 1, February 2008 P. 56

⁷² Ibid

⁷³ Ibid

⁷⁴ Ibid

Therefore, the Right Perspective disregards any difference in social identity. “The fact that there is some debate about whether physical punishment of African American children should be considered differently than that of white children could lead to a conclusion that the former should receive less protection than the latter. From a rights-based perspective, such a conclusion would be unacceptable.”⁷⁵

*... the issue is not whether a particular culture equates physical punishment with discipline or whether statistical analyses produce different values for different groups of children. The issue is one of equality, respect, and dignity for all children.*⁷⁶

The benefit that corporal punishment brings to the children or the harm it incurs on them has become a less interesting issue as there rarely is one who argues for the use and benefit of corporal punishment on other groups of people. There could not be double standard in rationalizing the benefit/harm of corporal punishment of children versus other group of the human society. This makes it more of a moral and human rights issue than a mere domain of psychology or health. That is also why talking about the question of the extent/severity of corporal punishment becomes of little value. That is also why cultural relativism becomes irrelevant.⁷⁷

So, it is not the benefit, harm, the disciplining, the age that involves in the practice of corporal punishment that mattered eventually. It is the human rights perspective that reiterated freedom from physical violence that superseded all other variables which matter more for other academic disciplines.⁷⁸

⁷⁵ Ibid

⁷⁶ Ibid

⁷⁷ Ibid

⁷⁸ Ibid

2.4 Effects of Corporal Punishment

The effects of corporal punishment are of broad spectrum. They affect from the individual child to the larger society; and, that may extend into the next generation as well. Firstly, corporal punishment is of no value except the repeatedly said immediate compliance. Even that utility does erode though time as children accustomed to it and then their behavior never improves⁷⁹.

Secondly, corporal punishments cause pains and physical injuries that may or may not need medication. Thirdly, the problem of corporal punishment has both long term and short term features. It increases the risk of children developing major social and psychological problems such as physical violence and depression.”⁸⁰

Fourth, ironically, children learn that violent actions are acceptable and corrective methods. They will become violent. Fifth, school dropping out is also a function of corporal punishment at school affecting the right to education. Sixth, corporal punishment perpetuates violence to the next generation as well. Studies show large majority of people who were punished in their childhood turn out to be the ones who uses it on the next generation⁸¹. Consolidating this,

... the committee on the rights of the child amplified what it means to be the benefit of eliminating corporal punishment. ... ‘Addressing the widespread acceptance or tolerance of corporal punishment of children and eliminating it, in the family and in the schools and other settings, is not only an obligation of States parties under the Convention. It is also a key strategy for reducing and preventing all forms of violence in societies’⁸²

⁷⁹ Corporal Punishment of Children: Save the Children, September 2001

⁸⁰ Ibid

⁸¹ Ibid

⁸² Child Abuse Review Vol. 20: 57–66 (2011) Published online 18 June 2010 in Wiley Online (wileyonlinelibrary.com) DOI: 10.1002/car.1128

2.5 Settings of Corporal Punishment

The four notable settings of corporal punishment are *Home and Family, Schools, Care and Justice systems, Work and Community*.⁸³ As is the main interest and scope of this study, however, the focus in the following sections will be on corporal punishment that is taking place in the school setting.

2.5.1 Corporal Punishments at School

One serious problem both developing and developed nations share is the issue of corporal punishment in school. Positive cultural attitude towards corporal punishment is said to be a critical reason to the continuance of the mainly illegal practice in schools; be it parents or teachers or children, they do perceive corporal punishment as an important tool that not only improves manners and behaviors but educational performance also.⁸⁴

The practice of school corporal punishment is very common in developing countries.

Unfortunately, even those countries who have outlawed corporal punishment are not exempt from this fact.⁸⁵ Disrupting the class, failing to satisfy the teachers, violence between children, and discriminations are amongst the reasons children in school receive corporal punishment from their teachers for, as a means of discipline.⁸⁶

⁸³ World Report on Violence against Children(<http://www.unviolencestudy.org/>)

⁸⁴ Rachel Marcus, 'Poverty and violations of children's right to protection in low and middle-income countries, An ODI.org Report, A review of the evidence', December 2014

⁸⁵ Ibid

⁸⁶ Pankhurst, A. N. Negussie and E. Mulugeta 'Understanding Children's Experiences of Violence in Ethiopia: Evidence from Young Lives, *Innocenti Working Paper*' 2016-25, UNICEF Office of Research, Florence. (2016).

Other studies correlate the prevalence of corporal punishment with the low salary and uninviting duty stations for teachers. The larger the number of students in a class room, then, higher violence will be considered as a viable strategy to earn respect, handle the students properly.⁸⁷

The link between corporal punishment at school and the standard of living at home are almost directly related. As though it was not enough, students with bulk of activities at home will be punished as they tend to arrive late, or fail to deliver their assignments.⁸⁸ The likelihood of risk for children from poor economic background to experience corporal punishment is greater indicating that teachers are consciously or subconsciously prejudiced against them.⁸⁹

Lack of training on pedagogy or behavior management is also cited as one factor for the rise of corporal punishments in schools in Togo, for example.⁹⁰ There are even instances where school corporal punishment will not be bounded within the school yards. Teachers with low pay “make their students work in their fields (to augment teachers’ low salaries) or do house chores for them as punishments”⁹¹

A 2005 study by save the children indicated that 50.6% of teachers in the study decline the idea of stopping using corporal punishment citing its importance to shape behavior of students hinting there is barely an understanding of the rights children are privileged to enjoy.⁹²

⁸⁷ Rachel Marcus, ‘Poverty and violations of children’s right to protection in low and middle-income countries, An ODI.org Report, A review of the evidence’, December 2014

⁸⁸ Ibid

⁸⁹ Ibid

⁹⁰ Ibid

⁹¹ Ibid

⁹² Gebru Gebrehiwot Gebrezgabiher & Gebreslassie Kiros Hailu, ‘Corporal Punishment of Children’s in School: A Critical Literature Review’, International Journal of Advancements in Research & Technology, Volume 6, Issue 5, May-2017

*The teachers also mentioned that parents contributed to the application of corporal punishment by teachers. That is, parents ... persuaded teachers to use corporal punishment on students for they thought that the measure could mold the children's behavior and help them develop into "gentle" citizens.*⁹³

The students' acceptance of corporal punishment because of its high prevalence as normal practice within school yards is worsened by the lack of knowledge of their human rights.⁹⁴ The institutionalization and the arbitrariness of the practice in schools around the world is seen in situations, times and cases when children do not even know why they are being punished.⁹⁵

There is study which showed up to 74% of children confess that they "did not get anything important but terror, humiliation and fear because of the punishment" in schools.⁹⁶

Unless corporal punishment is abolished, there still seem to be reasons that can allow teachers to punish children even when the child is not at fault at all. Children receive the physical punishment for the failure of parents to pay school fees. Other gap in the school's dressing code, or shortage in stationeries which are both tied to poverty; these too again will bring physical punishment.⁹⁷ An instance is when students were punished for weak academic result; around 94-98 percent of teacher used corporal punishment against underperforming students.⁹⁸

Unfortunately, many of the violence happening to children would have been regarded as torture if it was applied on adults.⁹⁹

⁹³ Ibid

⁹⁴ Ibid

⁹⁵ Rachel Marcus, 'Poverty and violations of children's right to protection in low and middle-income countries, An ODI.org Report, A review of the evidence', December 2014

⁹⁶ Ibid

⁹⁷ Ibid

⁹⁸ Gebru Gebrehiwot Gebrezgabiher & Gebreslassie Kiros Hailu, 'Corporal Punishment of Children's in School: A Critical Literature Review', International Journal of Advancements in Research & Technology, Volume 6, Issue 5, May-2017

⁹⁹ Rachel Marcus, 'Poverty and violations of children's right to protection in low and middle-income countries, An ODI.org Report, A review of the evidence', December 2014

2.6 A Brief Overview of Corporal Punishment in Ethiopia

A cross sectional study aimed at quantifying the incidence of corporal punishment in schools both from rural and urban vicinities interviewed 649 students, the research found out that “[e]ighty percent and 76% of the urban and rural children, respectively, admitted being subjected to physical punishment. Almost 21% of the urban and 64% of the rural children had skin bruises or body swelling as a result of the punishment;”¹⁰⁰ and concluded on addressing the problem through bringing public awareness.

A comparative study entitled “Public Schools and Private Schools in Ethiopia: Partners in National Development?” authored by Teshome Nekatibeb Begna, showed the environment is worse for the use corporal punishment in private schools than in public schools. They were so recommended accordingly to stop the practice.¹⁰¹

“The Dilemma of Corporal Punishment of Children from Parents” by Dereje Wonde, Nega Jibat & Amenti Baru was trying to understand whether parental punishment was used as part of disciplinary measures or it is the side effect of the inherent abusive behavior of parents.¹⁰²

One interesting finding of a study entitled “Teachers’ Attitude towards Corporal Punishment: Elementary Schools of the Central Zone of Tigray Region in Ethiopia in Focus” is that teachers working for urban schools were reported to show more inclination to using corporal punishment than their counterparts from semi urban schools. But concludes that “[t]he knowledge we have about the cause, course and consequences of corporal punishment in the schools of Ethiopia is

¹⁰⁰ Ketsela T, Kebede D “Physical punishment of elementary school children in Urban and Rural communities in Ethiopia’ Ethiopian Medical Journal [01 Jan 1997, 35(01):23-33

¹⁰¹ Teshome Nekatibeb Begna, ‘Public Schools and Private Schools in Ethiopia: Partners in National Development?’ International Journal of Humanities Social Sciences and Education (IJHSSE), Volume 4, Issue 2, February 2017, PP 100-111, ISSN 2349-0381 (Online) <http://dx.doi.org/10.20431/2349-0381.0402010> www.arcjournals.org

¹⁰² Global Journal of Human-Social Science: C Sociology & Culture, Volume 14 Issue 4 Version 1.0 Year 2014

too minimal. While considering teachers' attitudes as a strong determinant of the use of corporal punishment, nothing is known about it in the Ethiopian context.”¹⁰³

Citing the lack of affirmative data if corporal punishment indeed is having a long term effect on children's development and well-being, United Nations' Children Fund (UNICEF) conducted a study. This recent research produced an undesirable result of three quarters of children at school aged 8 to have witnessed the use of corporal punishment by a teacher in the previous week in the country that has legally prohibited corporal punishment - Ethiopia.¹⁰⁴

Again, coherent with the papers mentioned above, corporal punishment has turned out to be slightly more of an urban phenomenon in this longitudinal study as well. Those children from low income families are more prone to experience corporal punishment. The math grade was found to be affected in the negative due to the application of corporal punishment on children aged 8; Hence, it concludes with a definite tone. “Corporal punishment thus not only violates fundamental rights to dignity and bodily integrity, but also by impacting upon children's engagement with schooling and capacity to learn, can have long lasting implications for their life chances.”¹⁰⁵

A very recent Young Lives study shows that 38 per cent of children aged 8 in Ethiopia have reported to have experienced the administration of physical punishment by teachers in the

¹⁰³ Fiseha Teklu and R. Sreevalsa Kumar, 'Teachers' Attitude towards Corporal Punishment: Elementary Schools of the Central Zone of Tigray Region in Ethiopia in Focus' EJOSSAH Vol. X, No.2 December 2014

¹⁰⁴ Pells, K., Morrow, G. 'Children's experiences of violence: Evidence from the Young Lives study in Ethiopia, India, Peru and Vietnam Summative Report'. Oxford: Young Lives. (2018)

¹⁰⁵ Oganda Portela, M.J. and K. Pells 'Corporal Punishment in Schools: Longitudinal Evidence from Ethiopia, India, Peru and Viet Nam, Innocenti Discussion Paper No. 2015-02', UNICEF Office of Research, Florence. (2015).

previous week at least once. This percentage gets even higher if the numerator of the proportion is just witnessing the administration of physical punishment on other students.¹⁰⁶

In short, "... in Ethiopia ... the major tool for disciplining a child is physical punishment. Parents and teachers perceive that they "shape" the behavior of their children through corporal punishment. When a child misbehaves there is a local insult saying that: "the child has never been punished and as a result has become spoiled."¹⁰⁷

Another UNICEF data show that even though corporal punishment is outlawed, there still exists the practice. That requires discerning the barriers, the challenges that hampered the enforcement of the ban, the execution of the duty, the fulfillment of the rights in Ethiopia.¹⁰⁸

These researches above tried to state the magnitude of the problem, the characteristics of the actors and the rationales forwarded to the use of corporal punishment and present the comparison along demographic background.

This research, on the other hand, focuses on exploring and explaining the hurdles that the government of Ethiopia as a state party to the UNCRC is finding it difficult to fulfill the rights of the child to be free from school corporal punishment as stipulated by the international laws and the constitution.

¹⁰⁶ Pells, K., Morrow, G. 'Children's experiences of violence: Evidence from the Young Lives study in Ethiopia, India, Peru and Vietnam Summative Report'. Oxford: Young Lives. (2018)

¹⁰⁷ Henrik Haggstrom 'Children's Rights in Ethiopia, A Situation Analysis' Save the Children, March 2003

¹⁰⁸ United Nations Children's Fund, 'A Familiar Face: Violence in the lives of children and adolescents, UNICEF', New York, 2017.

2.7 Legal Frameworks of Corporal Punishment

The discussion below focuses on the two major child rights instruments - the UNCRC at the international level and the African Children's Charter at regional level. Finally, it will also discuss the FDRE constitution and various legal codes at domestic level.

2.7.1 United Nations Convention on the Rights of the Child (UNCRC)

The United Nations Convention on the Rights of the Child was adopted by the UN General Assembly on Nov 20, 1989 and came into force the following year. It is the most widely accepted treaty¹⁰⁹. And it is defined by the four principles. These are Non Discrimination, Best Interest of the Child, Right to life, survival and development, and the fourth, The Views of the Child¹¹⁰.

The UNCRC prohibits the administration of all forms of punishment on a child in its article 2 (2). But the spirit of the article was more of in the intention of rescuing the child from becoming a scapegoat; or, to detach the child from taking any blame and responsibility to the deeds or stances or any other factor that his/her parent's (guardians) may have or take or do. So, essentially, it was not ordained to discuss types of punishment prohibited against the child at all.

In fact, the term 'corporal punishment' is not versed in the whole of the UNCRC at all. But, Article 19 (1) provides that States Parties to "take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including

¹⁰⁹ Girmachew Alemu & Yonas Birmeta, 'Handbook on the Rights of the Child in Ethiopia', Center for Human Rights, 2013

¹¹⁰ CRC/C/GC/15: General Comment 15: 2013

sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”¹¹¹

Physical violence is a broader concept and on top of that corporal punishment may not be perceived as violence, hence, the requirement of clarification and assertion. The general guideline for state parties’ reporting explained what their reports should include with regard to their effort to tackle violence that included corporal punishment, however.¹¹²

Bolder clarification of the physical violence was well articulated in General comment 13 of 2011. In the General Comment 13, physical violence of Article 19 of the UNCRC is defined to mean all fatal and non-fatal; violence which includes “(a) All corporal punishment and all other forms of torture, cruel, inhuman or degrading treatment or punishment; ...”¹¹³

Still though, General Comment No. 8 was the starkest statement of the committee concerning the prohibition of corporal punishment. It defined what the term ‘corporal punishment’ entails and brought all vagueness in relation to Article 19 to an end. It even underlined that the abolishment of corporal punishment is a strategic remedy for the reduction of all kind of violence in a society.¹¹⁴

“The Committee defines ‘corporal’ or ‘physical’ punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (‘smacking’, ‘slapping’, ‘spanking’) children, with the hand or with an implement – a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children,

¹¹¹ Article 19 (1) of the UNCRC, 1990

¹¹² Osifunke Ekundayo ‘Does the African Charter on the Rights and Welfare of the Child (ACRWC) only Underlines and Repeats the Convention on the Rights of the Child (CRC)’s Provisions? Examining the Similarities and the Differences between the ACRWC and the CRC’: International Journal of Humanities and Social Science Vol. 5, No. 7(1); July 2015 [ISSN 2220-8488] (Print), 2221-0989 (Online) ©Center for Promoting Ideas, USA www.ijhssnet.com

¹¹³ CRC/C/GC/13 ‘Convention on the Rights of the Child’ 2011

¹¹⁴ Ibid

scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading."¹¹⁵

Prior to that, the issuance of General Comment 1 five years earlier had a special focus on school setting violence. That General Comment, in explaining the aims of education, underlined that children "do not lose their human rights by passing through the school gates."¹¹⁶

Apparently though, Article 28 of the UNCRC already requires state to make schools and their environments attractive. It is clear from the spirit of the convention that the word environment entails the overall situation in and around schools that satisfy/affect the student. So, even if the explicit ban of corporal punishment is not stated in the convention, schools must be understood as places where violence against child cannot take place out-rightly.¹¹⁷

Furthermore, Article 29 of the UNCRC requires "1. States Parties agree that the education of the child shall be directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;"¹¹⁸ The aim of education was included to emphasize to stakeholders in the school environment that they can only facilitate towards the child's comprehensive development but not make moves against the growth of his personality, physical ability and talent and the like. Implicitly corporal punishment at school is against the very aim of education.

¹¹⁵ General Comment No. 8, 2006, on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)", para. 11, www2.ohchr.org/english/bodies/crc/comments.htm

¹¹⁶ Ibid

¹¹⁷ Article 28: The UNCRC, 1990

¹¹⁸ Article 29: The UNCRC, 1990

An additional feature of the UNCRC is that it even gave due attention to the after-effects of physical violence on its Article 39. It reads, “States Parties shall take all appropriate measures to promote physical and psychological recovery ... of a child victim of: any form of neglect, ... abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; ... Such recovery ... shall take place in an environment which fosters the health, self-respect and dignity of the child.”¹¹⁹

2.7.2 African Charter on the Rights and Welfare of the Child (ACRWC)

A year after the emergence of the UNCRC into the international human rights law fora, the most relevant instrument on the rights of the child in Africa came into existence - the African Charter on the Rights and Welfare of the Child. It was adopted in 1990 and came into force in 1999.

As the only regional child rights instrument, the African Children’s Charter has its own unique rationale and features that benefits the children in the continent.¹²⁰

The African Children’s Charter, on the preamble, has recognized “... the child should grow up ... in an atmosphere of happiness, love and understanding”¹²¹ rather than abuse and violence.

This intention is bolstered by multiple of articles and principles of the charter that imply corporal punishment to children in Africa is a violation of their rights.

¹¹⁹ Article 39: The UNCRC, 1990

¹²⁰ Ayalew Getachew Assefa, Advancing Children’s Rights in Africa: The Role of the African Children’s Charter and its Monitoring Bod, Mekelle University Law Journal, 2013

¹²¹ Preamble of the African Charter on Rights and Welfare of the Child

For instance, article 14 (1) of The African Children’s charter states that “[e]very child shall have the right to enjoy the best attainable state of physical, mental and spiritual health.”¹²² The best attainable health can’t be attained while suffering from beatings, floggings and pinching.

Again Article 16(1) requires States Parties “to ... take specific legislative, administrative, social and educational measures to protect the child from... especially physical or mental injury or abuse, neglect or maltreatment ... while in the care of the child.”¹²³ If a human right instrument that explicitly provides responsibilities to the right holder (i.e. children) and takes the cultures of the people of the continent into account still urged its member states to take such varied measures, as the UNCRC did, then the protection of the child from any abuse and maltreatment is beyond question.

Yet, as a statement signed by Mrs Agnès Kabore, the President of the Committee of Experts on the Rights and Welfare of the Child, recognized the challenges that the socio-cultural values in Africa pose on the efforts and campaigns that target violence against children,¹²⁴ there are provisions that stand on behalf of the child to be free from corporal punishment, yet may cause discomfort to some extent because of their soft and social nature.

Article 11(5): “a child who is subjected to school or parental discipline shall be treated with humanity and with respect for the inherent dignity of the child and in conformity with the present Charter.”¹²⁵ Again, under its parental responsibilities, Article 20 (1)c of the same charter requires parents “to ensure that domestic discipline is administered with humanity and in a manner

¹²² Article 14 (1) of The African Charter on Rights and Welfare of the Child

¹²³ Article 16 (1) of The African Charter on Rights and Welfare of the Child

¹²⁴ African Committee of Experts on the Rights and Welfare of the Child-statement-on-Violence against Children-2011-EN

¹²⁵ Article 11(5) of The African Charter on Rights and Welfare of the Child

consistent with the inherent dignity of the child”¹²⁶ Yes, article 11(5) of the ACRWC stipulates a provision that has quite a similar tone with that of Article 28 (2) of the UNCRC. But the level of understanding of the adult about the types and appropriateness of domestic discipline and the concept of inherent dignity plus the subjectivity of the word ‘manner’ still put children in Africa and the fulfillment of their rights to be free from all forms maltreatment provided under article 16 of the same charter at risk.

Nevertheless, there is still a strong argument that Article 11(5) is rather meant to be a prevention of administration of corporal punishment on a child.

*This can be inferred to mean the prohibition of corporal punishment in schools, which might be controversial in the African traditional setting. Corporal punishment is a child rights violation. The ACRWC inserts this provision because in African traditional setting, use of corporal punishment at school is usually deemed acceptable.*¹²⁷

Generally, even though there is no explicit statement of prohibition of corporal punishment in the African Child Charter as well, as the spirits in the articles above also indicate, teachers are not let loose to punish children physically either. A recommendation that Ethiopia has received in 2014 implies that ACWRC is rather requiring states to respect and protect the rights of the child in all settings.

"The Committee is concerned that there are some forms of corporal punishment not prohibited by the law... the Committee encourages the State Party to prohibit corporal punishment within the family, school

¹²⁶ Article 20 (1)c of The African Charter on Rights and Welfare of the Child

¹²⁷ Osifunke Ekundayo 'Does the African Charter on the Rights and Welfare of the Child (ACRWC) only Underlines and Repeats the Convention on the Rights of the Child (CRC)'s Provisions? Examining the Similarities and the Differences between the ACRWC and the CRC': International Journal of Humanities and Social Science Vol. 5, No. 7(1); July 2015 [ISSN 2220-8488] (Print), 2221-0989 (Online) ©Center for Promoting Ideas, USA www.ijhssnet.com

and other alternative care institutions. The Committee encourages the Government to explicitly outlaw corporal punishment in the Criminal Code... ”¹²⁸

There are still other challenges, however.

... ACRWC is not yet very well known within the continent amongst children, civil society, the media or governments. ... whereas, CRC has been ratified by all African States except the newly created state of South Sudan. ... ”¹²⁹

2.7.3 National Legal Framework on Corporal Punishment

Ethiopia has no legislation that exclusively addresses the rights, welfare and other issues of children. And, furthermore, the laws that deal with the child are scattered. The articles attached with benefits, rights and other issues of the child are legislated under the auspices and contexts of different themes. This section will have a look on few of them that are directly or indirectly related to the issue of school corporal punishment.

2.7.3.1 The Constitution of the Federal Democratic Republic of Ethiopia

In the history of the constitutional system of Ethiopia, children had not been acknowledged as right holders to the level that has amounted to the provisions in the FDRE constitution which was ratified in 1995.

The current constitution has a very modern article that has tried to address not just physical violence in general but corporal punishment in particular. Article 36 (1)e of the constitution stipulates that “1. [e]very child has the right to be free from corporal punishment or cruel or inhuman treatment in schools and other institutions responsible for the care of children.”¹³⁰

¹²⁸ Progress towards prohibiting all corporal punishment of children in East and Southern Africa found at www.endcorporalpunishment.org.

¹²⁹ African Committee of Experts on the Rights and Welfare of the Child-statement-on-Violence against Children-2011-EN

¹³⁰ Article 36 1(e): The constitution of the Federal Democratic Republic of Ethiopia;1995

Ethiopia has also ratified the UNCRC and ACRWC through proclamations number 10/1991 and Proclamation number 283/2002 respectively.

There is no clear contravening aspect between the UNCRC and the FDRE's constitution with regard to the child's right to be free from corporal punishment. Nevertheless, the Ethiopian constitution does not address the issue of corporal punishment in one of the settings where children are known to be vulnerable to physical violence, viz., the home setting. The silence of the constitution to the practice of corporal punishment in home (family) setting deems it narrower. This context-specific protection of children in the principal law of the country is far specific than the provisions of the UNCRC and the General Comments like wise.

Secondly, when the committee for the UNCRC, in its concluding remarks, observed and recommended about the extension of this right to other settings as well, the state party responded in affirmative stating that it is doing everything in its power to the realization of the right in other settings as well, including at family setting.¹³¹ Hence, we can conclude that Ethiopia's shortcomings with respect to the application of Article 19 and the General Comment number 8 in family settings is a matter of other challenges and factors than a disagreement or a reservation in principle of applying it.

¹³¹ Global Initiative to End All Corporal Punishment, "Corporal punishment of children in Ethiopia: Summary of necessary legal reform to achieve full prohibition", July 2017 Also available online at www.endcorporalpunishment.org

2.7.3.2 The Revised Family Code of Proclamation 213/2000

The preamble of the Revised Family Code of Proclamation of 2000 states what necessitated the amendment of the then existing law, which includes among other factors, to make it compatible to the latest legal instruments to the list which the UNCRC is one.¹³²

*“WHEREAS, it has become necessary to amend the existing law in such a way that it gives priority to the well-being, upbringing and protection of children in accordance with the Constitution and International Instruments which Ethiopia has ratified; ...”*¹³³

This emphasis to the well-being, upbringing and protection of children in the preamble of the Revised Family Code can be implicitly understood from some of the articles of the family code¹³⁴.

It is a readily evident fact that teachers do shape students to become responsible citizens indeed. But Article 245 sub article 1c of the family code stipulates that either the lack of education or even bad education may result in misbehavior of students. There is no detail what bad education entails on the article of the family code.¹³⁵ This could be a predisposing and also an eluding factor for some guardians to be stricter on children and administer physical punishment and let others (like teachers) do the same.

2.7.3.3 The Criminal Code of Proclamation 414/2005

Ethiopia has adopted its Criminal Code in the year 2005. The Criminal Code has provisions relevant to prohibition of corporal punishment. Article 576 of the Criminal Code prohibits various types of deeds that are understood to be the maltreatment of children. It is put “whose-

¹³² Preamble of proclamation 213/2000: The Revised Family Code of 2000

¹³³ Ibid

¹³⁴ Girmachew Alemu & Yonas Birmeta, Handbook on the Rights of the Child in Ethiopia, Center for Human Rights, (2013)

¹³⁵ Article 245 of proclamation 213/2000: The Revised Family Code of 2000

so-ever, having the custody or charge of a minor, ill-treats, neglects, over tasks or beats him for any reason or in any manner is punishable with simple imprisonment not exceeding three months.”¹³⁶

While the word “whosoever” in Article 576(1) of the criminal code is very broad to include anyone having the custody or charge of a child under their protection, it also deems any kind of rationale to beat a child as unacceptable. Sub article 3, though, spare parents and people with similar responsibility who punish children for disciplinary purpose and to proper upbringing. There is a loophole here. Article 3 qualifies the persons and the conditions and the persons that are not liable under article 1, though not exhaustively and clearly.

The identity of the one who is using corporal punishment and the rationale he/she has to employ corporal punishment are two factors for a consideration as to whether one would be responsible to actions stated in sub article 1. Whether or not the two factors are treated in cumulative or are sufficient by their own singularly to exempt a parent or someone with a similar responsibility is not so clear. It seems Article 576 (1) is stipulated in the spirit of belief that parents can seldom maltreat and be unreasonable when and if they beat their own child.

The people (parents and people with similar responsibility) in article 576 (3) are stated with the conjunction ‘and’ in between. The latter ones are subject to definition. These people could be either people who hold the same status over children as parents do or those people who are descriptively mentioned in the sub article 1 (people who watch over the child) or other people who are responsible to the upbringing of children.

¹³⁶ Article 576(1) of the Proclamation 414/2005 criminal code: 2005

These group of people may not include teachers as the supreme law of the land does prohibit corporal punishment in schools and alternate care institutions. Hence, there arises the necessity of sub article 3 and the qualifications there-in.

2.7.3.4 Civil Code of Proclamation 165/1960

The Civil Code in Ethiopia is proclaimed in 1960. Similar to the criminal code, the civil code also should catch up with the progressiveness of the constitution which has delegitimized the use of corporal punishment in school setting. Article 2039 (2)c of the Civil Code “provides that no offence shall be deemed to have been committed where the act consists in reasonable corporal punishment inflicted by the defendant on his child, ward, pupil, or servant.”¹³⁷

When an extent of wrong-doing is put as a bench mark to consider an act as an offense or not is not only very subjective but inappropriate, when the need arises later, to deal with such cases. It seems the civil code attribution of legitimacy to the subjectivity of an act is as good as allowing the conduct of the act with no limit.

The attribute or purpose of the punishment, the intent of the punisher, the extent of the punishment are not there in either of the more binding legal documents; i.e., the constitution and the UNCRC. But these are two major attributes that the criminal code and/or the civil code forwarded as parameters to define an act as a crime and/or an offense.

The reading of these provisions in the Criminal and Civil Code indicates that corporal punishment is not entirely prohibited under Ethiopian laws. Consequently, the Committee on the Rights of the Child has called upon Ethiopia to revise its legislation on this point. The permission of “reasonable chastisement” by the Criminal and Civil Codes is contrary to the FDRE Constitution. These provisions are also contrary

¹³⁷ Girmachew Alemu & Yonas Birmeta, Handbook on the Rights of the Child in Ethiopia, Center for Human Rights, (2013)

*to the Convention on the Rights of the Child and African Charter on the Rights and Welfare of the Child which do not allow any degree of corporal punishment, no matter light.*¹³⁸

¹³⁸ Ibid

Chapter 3: Design and Methodology of the Study

The purpose of this section is to present how the research has been conducted in a detailed manner.

3.1 Methodology of the Study

This research aims to attain its general objective which can be answered by the question why. Therefore, qualitative method will be applied.

In light of the necessity of studying broader challenges and aspects of the problem of school corporal punishment, so has become the suitability of interpretive approach, with-in the bigger framework of qualitative methodology.¹³⁹

3.2 Sources of Data

The findings of this study have relied up on data from both secondary and primary sources of information.

3.2.1 Primary Data

Qualitative interview guides are developed to the respective respondents of the study. The guide constitutes questions that can answer the research questions of this study.

Therefore, In-depth Interviews and Key Informant Interviews were conducted. Accordingly, unstructured interview guides were used to solicit answers that have personal and sensitive details in order to satisfy the research questions of this research.

¹³⁹Bhattacharjee, Anol, "Social Science Research: Principles, Methods, and Practices" (2012). Textbooks Collection. Book 3. http://scholarcommons.usf.edu/oa_textbooks/3

3.2.1.1 In-depth Interview

Purposively selected children, (members of children parliament) who are supposed to have direct roles in the promotions of the rights of the child were interviewed. Selected individuals i.e. teachers and staffs of the selected primary schools (FelegeYordanos, Walia, Agazian and Werha Yekatit) who are responsible for the well-being of the children were also interviewed.

3.2.1.2 Key Informant Interview

Individuals working in governmental bodies which hold the capacity to directly affect the respect of the rights of the child yet who are not directly engaged in the day to day situations of the children in school were interviewed

Personnel from Ethiopian Human Rights Commission (EHRC) and the FDRE Institution of the Ombudsman (EIO), and Federal Supreme Court's Child Justice Project Office were interviewed. The same holds true to individuals working for Addis Ababa Bureau of Women and Children's Affairs (BoWCA) and Addis Ababa Bureau of Education (BoE) with official capacity of dealing with the rights of the child in school setting.

3.2.1.3 Observation

Observation was employed as one method of the data collection. And, appropriate notes were jotted down as per the checklist prepared for the method. Photographs and videos were taken when it is assumed they could help answer the research questions and attain the objectives of the study.

3.2.2 Secondary Data

Interpretive Research can grasp knowledge from documents. "where external and internal documents, such as ... annual reports, ... newspaper articles, websites, may be used to cast

further insight into the phenomenon of interest or to corroborate other forms of evidence.”¹⁴⁰

Therefore, intensive looks into the documents of such nature has been done.

3.3 Sampling Design

Interpretive research applies a theoretical sampling strategy. This strategy presupposes that the study area and the schools (the low socio-economic status as one factor for prevalence of corporal punishment), and the selected governmental institutions, the identity of the respondents all are fitting to the issues of the problem that the research is investigating. Hence, a non-probability sampling technique otherwise known as purposive sampling technique was employed to determine the area of the study (the sub-city and the four schools), the number of interviews both from the schools and other personnel from the relevant organizations.¹⁴¹

Accordingly, 3 Children MPs, 3 School Directors, 12 Teachers were interviewed from the school setting. One personnel each from BoWCA, EHRC, EIO, and CJPO was interviewed as a key informant. As the demand for more data required for more inquiry, 3 different personnel were interviewed at BoE including the Deputy Head of the Bureau.

3.4 Data Analysis

The data analysis has begun while the data was being collected in the field. Accordingly, the compilation of the responses in their thematic categories was done. This has helped the modification of points in the interview guide; determine the saturation of information on a particular issue, to include issues that needed further exploration.¹⁴²

¹⁴⁰ Bhattacharjee, Anol, "Social Science Research: Principles, Methods, and Practices" (2012). Textbooks Collection. Book 3. http://scholarcommons.usf.edu/oa_textbooks/3

¹⁴¹ Ibid

¹⁴² Ibid

3.5 Ethical Considerations

The conduction of this study considered and respected ethics, moral of the respondents.

Firstly, official letter requesting cooperation was at hand to deliver to the institutions where the respondents are found. In the case of the respondents at school, the BoE, up on receiving the letter from the university wrote a formal letter of cooperation to the concerned Kirkos sub city, which in turn wrote four letters to the respective schools in the study.

The respondents were also notified of both the purpose and the general objective of the study in advance. The interviews proceeded after informing the respondents of their rights to withdraw, and verbal consents to go ahead were secured.

Above all, the three ethical principles were taken into consideration. Every respondent including the children and the teachers was treated with utmost respect to respond what they honestly believe, experience and feel. The children were spoken to in private.

Accordingly, the participation in the study was purely voluntary, and their name and identity will remain confidential and, anonymous name will be used to those with the possibility that they could be easily identifiable (e.g. a school director or a child Member of Parliament). To that end, sensitive details that are gained through any of the methods including observation are not presented in this research.

At the end of every data collection, every respondent, every cooperative individual was properly thanked for the participation, the good will and the information.

Chapter 4: Findings and Discussion

As per the FDRE's Education and Training Policy, the education structure of the country put into effect an educational structure that categorized primary education as an "eight-years of duration, offering basic and general education to prepare students for further general education and training."¹⁴³

Ethiopia is a country where the gross enrollment ration in grades 5-8 is lower than that of the grades 1-4. And, the boys are more in number as compared to the females.¹⁴⁴

Addis Ababa's education system is distinct from the rest of the major regions of the country. It has lowest Pupil-Teacher Ratio, where 24 students are located for 1 teacher. The worst in this ratio is that of the Somali region where the case happened to be 3 folds; 75 students have to find a teacher for them.¹⁴⁵

The main rationale for the barely expressed opposition to employing corporal punishment was that children, like a small tree needs a thread for its upright growth, need shaping and advices. Another main rationale was the unfairness of hitting a child in this modern era. The rights of the child were not mentioned as a rationale for not using corporal punishment. Hence, the information from teachers who completely condemn the use of corporal punishment have saturated in no time.

¹⁴³Federal Democratic Republic Government of Ethiopia, Education and Training Policy, Addis Ababa April, 1994, St. George Printing Press

¹⁴⁴Education Statistics Annual Abstract 2009E.C (2016/17 G.C); City Government of Addis Ababa Education Bureau January 2018 Addis Ababa

¹⁴⁵ Ibid.

On the other hand, those teachers who happened to be pro-corporal punishment have a variety of rationales it needed a look into thematic categorization. Disciplining students was the most outstanding reason that the study participants mentioned as a rationale to employ school corporal punishment. Nevertheless, the teachers perceived it from different perspectives and categories.

This section presents the findings of this research. So, through thematic categorization of the findings, the challenges that the freedom of children from school corporal punishment is facing will be discussed.

4.1 Misconceptions about Corporal Punishment

4.1.1 Spontaneous Corporal Punishment

It would be the assignment of future researches, though very difficult, to determine the extent of corporal punishments that occurs haphazardly. Some teachers, as one of a teacher from Agazian primary school stated in his own words, for instance, is self-critical and his violent actions were very emotional “in most of the cases, I do not hit children. I am more of an advice-person. Parents do even come and pay gratitude for that. But at times, I get angry and hit the students spontaneously but then when I calmed down, I begin to comprehend that my emotional punishment was only temporal but not educational and constructive and then regret it.”¹⁴⁶

Elias Yasin is a school director. He said, “of course, teachers have no addiction of beating children; the students are not coming here to be beaten either. But, things suddenly and emotionally can come out of control.”¹⁴⁷

¹⁴⁶Interview with Anonymous (2019) - Agazian Primary School - Tuesday, 11/06/2019, 11:30 - 12:00am

¹⁴⁷Interview with Elias Yasin (2019)- A director of one of the primary schools

4.1.2 Corporal Punishment in Vain

In the interview the author of this thesis conducted with the teachers, there was no distinct difference as to the reasons that induce the teachers to use violent methods. As one of them said, corporal punishment is administered to a “disrupting student, a deviant who go astray from rules and orders like not wearing proper uniforms, or student who is not pursuing his/her education properly, who fail to submit home/class works, who misbehave, and when one misses classes.”¹⁴⁸

A different teacher from Agazian primary school and a director of a school were among the interviewees who believed that the sad thing was “those same students who received [their] punishment repetitively remain unchanged afterwards.”¹⁴⁹

4.1.3 ‘Experimental’ Corporal Punishment

On the contrary, there are members of the teaching community in the selected primary schools who reject the notion that says; “corporal punishment is futile”. A teacher from Werha Yekatit primary school said; “obviously, a wrong-doer student who gets punished and another wrong-doer student who doesn’t get punished could not behave similarly in the long run. The latter one tends to violate norms and laws; while the former one becomes disciplined. This, hence, highlights the positive significance that the intervention in the form of mild corporal punishment would bring.”¹⁵⁰

¹⁴⁸Interview with Anonymous (2019) - Agazian Primary School - Tuesday, 11/06/2019,11:05-11:25 am

¹⁴⁹Interview with Anonymous (2019) - Agazian Primary School - Tuesday, 11/06/2019, 9:45-10:10 am

¹⁵⁰Interview with Anonymous (2019) - Werha Yekatit Primary School - Thursday11/06/19, 2:50-3:30 pm

4.1.4 Corporal Punishment as a Favor to Students

There are also teachers who perceive corporal punishment as if it was a favor a teacher would do to his or her student. A case in point is a teacher who said that; “a teacher beats a student just for the students’ future sake.”¹⁵¹ Another teacher from the same school underlined the same notion. “I personally do not appreciate beatings but it is undeniable that it helps children to become of good character. Children only know their err when they get pinched.”¹⁵² The teachers’ belief that adults’ role of shaping the children goes as far as hurting the children for the day as long as that pain benefit them for the rest of their lives.

A similar ground for the approval of corporal punishment was aired by some teachers as well. One of them, from Felege Yordanos rationalized the importance of corporal punishment citing the immaturity of children and the risk attached with it if their immaturity is left unmanaged; “it is very dangerous to leave children grow as they wish. Proper pinching will lessen the likelihood of future disaster into their lives.”¹⁵³

4.1.5 Corporal Punishment for Success

Recommendations by societal figures and prominent people who had acknowledged the role corporal punishment during their childhood had for their success later in life during different interviews on media are among the factors that shaped teachers’ attitude towards the use of corporal punishment. Hablu Netsere stated that “we do know that so many intellectual people had paid gratitude for the application of corporal punishment by their predecessors’ strict rules

¹⁵¹Interview with Anonymous (2019) - Werha Yekatit Primary School - Thursday11/06/19, 2:00-2:30 pm

¹⁵²Interview with Anonymous (2019) - Werha Yekatit Primary School - Thursday11/06/19, 2:50-3:30 pm

¹⁵³Interview with Anonymous (2019) - Felege Yordanos Primary School - Thursday19/02/15, 8:50-9:10 am

and norms. I also believe that light physical punishment is important and beneficial for the children.”¹⁵⁴

4.1.6 Corporal Punishment for Behavioral Change

Despite the claim that MoE has familiarized/instructed teachers to stop using corporal punishment as a disciplinary measure, there are teachers who were also of an opinion that they have no better alternative to ensure a change in behavior of the students than using corporal punishment. One example is a Felege Yordanos’ teacher. His ground for approving corporal punishment was in its better effectiveness to bring about behavior change in the students.

“Verbal communication is not enough to make them discern their wrong deeds.”¹⁵⁵

Consolidating this opinion was a teacher from Werha Yekatit primary school who also said;

“wrong doer children tend to forget advices. But, if you flog them, they won’t be able to forget that beating and anger. As a result, they will self-restrain from committing similar faults.”¹⁵⁶

4.1.7 Corporal Punishment during Formative Ages

Corporal punishment is also perceived as a tool that instills fear and cautiousness. According to Elias Yasin, a director at one of the schools approached corporal punishment from a utilitarian perspective; “high schools’ rules are more relaxed. Children who are made to behave well here can cope up with the challenges they will face when they join high school. So, we have to discipline and control them here while they are in a stage that can be shaped in advice and punishment.”¹⁵⁷

¹⁵⁴Interview with Hablu Netsere(2019) - A director of one of the primary schools

¹⁵⁵Interview with Anonymous (2019) - Felege Yordanos Primary School - Thursday 06/06/19, 11:00 -11:25AM

¹⁵⁶Interview with Anonymous (2019) - Werha Yekatit Primary School - Thursday11/06/19, 2:50-3:30 pm

¹⁵⁷Interview with Elias Yasin (2019) - A director of one of the primary schools

The students age was cited to be formative at this stage. Azalu Urgessa (a school official) said; “boys in particular, unless you raise them with some floggings starting at the age of 7, you may not be able to manage their character when they reach age 13.”¹⁵⁸

On contrary, a teacher from Agazian primary school was caught in a dilemma about the utilities of corporal punishment. “These students who get punished will usually be shy, depressed, reserved, and they tend to solve things violently. But those who are not used to physical punishment become careless, near-sighted, and lazy.”¹⁵⁹

4.1.8 Seeking Liberty to Corporal Punishment

A teacher serving in Felege Yordanos primary school is in no dilemma and instead complained about the existing rules; “I have come across children whose motive was not to learn. It is very simple to correct such deviance but as teachers, we are not allowed to punish them. So, the root cause of the indiscipline we observe on children is in the leniency of the law. I know a teacher who is imprisoned just because he punished a student. So many students could have become productive and well-mannered, had it not been by the inappropriate law. But now, teachers refrain to interfere in children’s manner resorting to carelessness.”¹⁶⁰

Another teacher from Felege Yordanos shared the previous opinion saying; “the current generation is unlike the previous one. Now, you come across children who do know their rights but disregard their obligations and responsibilities. This is due to the absence of monitoring and

¹⁵⁸Interview with Azalu Urgessa (2019) - A school official at one of the primary schools Children

¹⁵⁹Interview with Anonymous (2019) - Agazian Primary School - Tuesday, 11/06/2019, 9:45-10:10 am

¹⁶⁰Interview with Anonymous (2019) - Felege Yordanos Primary School - Thursday 06/06/19, 9:30 -10:00

close follow up. Hence, in my opinion, it would be better if physical punishment is allowed to be carried out along with moral education.”¹⁶¹

Hablu Netsere, a director at one of the schools suggested; “I would be happy if the law that prohibits corporal punishment is annulled for the good of the student. If a teacher does not punish a student but passes only his knowledge, then that student may get graduated but he/she could still be a graduated thief. What is the use of passing a property, a car for instance, to a child? Unless a student is disciplined with serious punishment, he or she may drive the car but would end up in an accident because of his poor character and personality. There are students whom I refrained from punishing in September, now in May their misbehavior got even worse.”¹⁶²

4.1.9 Corporal Punishment for Confession

Yet additional rationales why students should be punished physically were forwarded by some of the teachers. Two of these viewpoints were shared by Wro Azalu Urgessa (school official). One factor that necessitated corporal punishment is premature tackling of their future rebellious behavior while in its infancy and the other factor is to make them concede their wrong actions, their faults. Such practice of committing corporal punishment for the latter’s case knows no limit unless the recipient of the punishment concedes to what she/he is considered to be guilty of. “At times, students who have committed faults do not readily admit (stealing others’ items, for example) unless they are beaten more; there are students who do not change even after they were punished by us or their parents. It depends on their nature.”¹⁶³

¹⁶¹Interview with Anonymous (2019) - Felege Yordanos Primary School - Thursday 06/06/19, 10:20 -11:00 AM

¹⁶²Interview with Hablu Netsere(2019) - A director of one of the primary schools

¹⁶³Interview with Azalu Urgessa (2019) - A school official at one of the primary schools

4.1.10 Corporal Punishment for the Right to Education

Asked what they would do if and when students refuse to be punished, a teacher from Agazian primary school said; “students rarely refuse to submit to punishments by teachers. But, when they do, we will accordingly address the issue with their parents; and, the school administration shall take appropriate disciplinary measure.”¹⁶⁴

It was so observed that the likes of those students who do submit to school authorities are who were made to kneel on the veranda of the offices and receive the punishment of being hit with rubber during the break time while the rest of their fellow students were out in the field playing and some watching. The reason was said to be a group fight that involved sticks broke out among students on top floor.¹⁶⁵

According to Hablu Netsere (a director) the importance of corporal punishment is far reaching; “it is for the benefit of the student to retain them in school with some floggings than not beating them yet eventually dismiss them.”¹⁶⁶

4.1.11 Children MPs and Misconceptions

These gap in attitude and knowledge toward the importance of employing corporal punishment and the rights of the child respectively are not solely confined to the teachers, however.

According to Student Lemlem Mulu (Child MP) “the teachers do not beat any student without a reason. They do respect the right of the children. The true challenge we are currently facing is

¹⁶⁴Interview with Anonymous (2019) - Agazian Primary School - Tuesday, 11/06/2019, 10:15-10:40 am

¹⁶⁵ Observation info (Attachment removed from Annex for ethical reasons)

¹⁶⁶Interview with Hablu Netsere(2019) - A director of one of the primary schools

when the 8th graders do not listen to our directions just because they happened to be our seniors”¹⁶⁷

An 8th grader child MP in Agazian Primary school is bolder. After responding in the positive to the question whether teachers do violate children’s rights in school, (stating their use of broom to hit a student, pushing-away a child, whipping and the like) she, however, hesitated to speak in confidence about the strength and duty of the parliament in carrying out its responsibility. The parliament is mainly engaged in handling of the disciplines and shaping of behaviors of the students rather than questioning the routine experience of some form of physical violence, mainly in the form of corporal punishment by teachers. The new information grasped with her interview was that at times the wrong-doer students would be required to do cleaning the rooms of the schools as needed. That aside, her major emphasis, like the MPs in the other schools, is still on the punishment of children that did not even do-wrong, not about the regular corporal punishment that is applied on students that are found to be at fault.¹⁶⁸

Akalu Abebe is another child MP from a different school. He asserts that, “the teachers use rubber, their bare hands to slap on face, pinch ears, and they keep a disruptive student out of class for the whole period; these are the kinds of punishment in our school. They do not violate the rights of children. And, students do not bring complaints to us.”¹⁶⁹

The teachers are said to not punish arbitrarily as the MP underlined that “whether it be flogging or pressing the fingers putting a pen in between, or whipping by a rubber, kneeling and holding

¹⁶⁷ Interview with Lemlem Mulu (2019) - Children MP at one of the schools

¹⁶⁸ Interview with Anonymous (2019) - Agazian Primary School - Tuesday, 11:15-11:40

¹⁶⁹ Interview with Akalu Abebe (2019) - Children MP at one of the schools

under the legs, they would punish only if the student is found to be at fault. The teachers are fair. No unreasonable penalty will be undertaken by their teachers”¹⁷⁰

However, one objective of children’s parliament was supposed to give due primacy to children’s “welfare and benefit, to enable children to become aware of their rights and duties, to facilitate to children’s participation in the affairs of local and national democratic process and assist them become responsible citizens”¹⁷¹ The responses from the MPs in the selected primary schools tell an opposing reality.

Students are often said to report harassment, thefts, bullying that emanate from their peers to their teachers. There are cases where the accused student will be at the receiving end of some kind of corporal punishment. However, given this stature of the students’ parliament in school, it is apparent that children wouldn’t dare to report when teachers use rods and rubbers to discipline them because of lack of knowledge of what their rights that are provided in the UNCRC and the constitution entail.

Besides, such implementations of corporal punishment as disciplinary measure, on contrary, have geared the students’ mentality to normalize penalties of physical punishment to those foul-doers as ‘deserving’.

¹⁷⁰ Ibid

¹⁷¹ የኢ.ፌ.ዴ.ሪ የሕጻናት ፓርላማ ጋዜጣይን፣ የካቲት 2010 አዲስ አበባ

4.2 Socio-economic Challenges

Addis Ababa is the center of Ethiopia. Its incomparable significance (economic, social, political and administrative) on the other parts of the country made it the subject areas of many studies.¹⁷²

It is divided into 10 sub cities. Kirkos is one of them.

Kirkos is located at the heart of the capital city. It encompasses, among other things, notable sport and cultural facilities such as Addis Ababa stadium and Meskel Square. It also is home of intergovernmental organizations like the African Union (AU) and the United Nations Economic Commission for Africa (ECA).¹⁷³

Kirkos sub-city is characterized by “a combination of modern buildings and old residential settlements.”¹⁷⁴ And “[a]t the sub-city level, the mean score of both the intuitive and the rational response of the respondents indicate that the respondents are dissatisfied with the quality of their life.”¹⁷⁵

The socio-economic level of schools, students and teacher is among the factor that facilitate the use of corporal punishment in school.¹⁷⁶ And, Kirkos is a sub city which 21 of the 55 primary schools are state-owned.

Kirkos is one of the only three sub cities where all state owned primary schools are benefitting from school-feeding program indicating the low level of the socio-economic characteristics of

¹⁷² Elsa Sereke Tesfazghi, ‘Urban Quality of Life and Its Spatial Distribution in Addis Ababa: Kirkos sub-city’, March, 2009

¹⁷³ Ibid

¹⁷⁴ Ibid

¹⁷⁵ Ibid

¹⁷⁶ Pankhurst, A. N. Negussie and E. Mulugeta ‘Understanding Children’s Experiences of Violence in Ethiopia: Evidence from Young Lives, *Innocenti Working Paper*’ 2016-25, UNICEF Office of Research, Florence. (2016).

the students and the community they are from at large , which in turn implies, the impoverishment level.¹⁷⁷

On top of that, while a school is a self-standing setting separated from the family setting in which parents play the major role, teachers participated in this study often mentioned the role parents play to the discipline and application of corporal punishment on children in school. This indicates how views of the teachers toward corporal punishment is highly impacted and related to the broader social fabric of the society where they, the students, and their parents come from.

According to Elias Yasin “parents must be of good examples to their children. Separated families and a family in which a father who drinks till late hours of the evening cannot be a good example for his children. Parents who have little education do not pay attention to their children. The economic deprivation and the poverty level is worse. You might not be able to cover all the expenses necessary to raise children. Students from lacking family background do not care more for the education here. Such children already lose respect for their parents. So they do not listen to what we, teachers, tell them. They tend to be violent and disrespectful. So, if children face violence in school, the root causes for that comes from their upbringing back in their family.”¹⁷⁸

Some of the teachers even claim that some parents demand reasonable punishment to be sanctioned on their children when the need arises. This supposedly gave the teachers the legitimacy to subsequent measure of corporal punishment to discipline the children. This is best explained in the words of a teacher from Werha Yekatit Primary school who expressed, “I do corporally punish students to some extent. There are children who are changed behaviorally

¹⁷⁷Education Statistics Annual Abstract 2009E.C (2016/17 G.C); City Government of Addis Ababa Education Bureau January 2018 Addis Ababa

¹⁷⁸Interview with Elias Yasin (2019) - A director at one of the primary schools

because of that. When I talk to their parents, they encourage me to do so. I have never come across a parent that resisted punishment of students by a teacher.”¹⁷⁹

Ato Zelalem Mulatu, Deputy Head of the BoE, said “our socio-cultural backwardness is the defining factor why human rights in general are not protected and respected in our society. We, as a nation, do not have compatible social structure to fulfill human rights. The violation of rights in the school setting can’t be seen isolated from this broader picture. What one has learnt at his home is more fundamental than what he would get at schools. So, that is more socializing. Parents still support the implementation of corporal punishment by teachers. So, it is the society that needs transformation. The teachers are the children of the society. So, even if the academic discourse abhors the physical punishment of children, the bureaucratic discourse is not catching up.”¹⁸⁰

There are times, on the other hand, when this social role of the parents has backfired. Another teacher from Felege Yordanos underlined this reality. “Theoretically, it is said that the students’ are ours too. But, we usually witness situations where parents who do not have a slightest of time to follow up their kids’s education, visit us for a fight seeking an explanation why a teacher has taken some measures against the student. This is non-sense.”¹⁸¹

But there are teachers who throw the blame back to parents and their life style. A teacher at Felege Yordanos said, “not so few children around here have parents who do not shy away chewing khat, drinking alcohol, and smoking cigarettes in the presence of their children. If

¹⁷⁹Interview with Anonymous (2019) - Werha Yekatit Primary School - Thursday 19/06/19, 8:50-9:30 am

¹⁸⁰Interview with Zelalem Mulatu (2019) - Deputy Bureau Head of the Addis Ababa BoA - Wednesday 12/06/19, 04:00 - 05:00 PM

¹⁸¹Interview with Anonymous (2019) - Felege Yordanos Primary School - Thursday 06/06/19, 9:30 -10:00

parents are not cooperative enough to guide their children toward proper direction and upbringing, such children can't be shaped by the efforts of the teachers alone.”¹⁸²

A different social-cultural dimension is what Laeke Mesfin, a supervisor at BoE has said. “Yes, school corporal punishment is unconstitutional. But this is a country where mediation takes place between a victim and the perpetrator of a life-threatening violence like rape and sexual violence. So, it is no wonder if the elimination of corporal punishment is given little attention or low priority.”¹⁸³

Ato Melkamu Agdew, Director of Children Rights Directorate at BoWCA shares this same social value. “We are not under the impression that children should be brought uprightly using cane but we all know it is the simplest alternative. The better alternative is found to be tough for us to employ because of the way we were brought up and lack of knowledge. But on the other hand, that does not mean they should grow deviant. It is no problem to receive some punishment at family level.”¹⁸⁴

Despite her opposition to the employment of corporal punishment on children, Ettihun Shiferaw of EHRC is of an opinion that as much as they should be acquainted with their rights, “children must be exposed to knowledge of their social duties and responsibilities as well.”¹⁸⁵

¹⁸²Interview with Anonymous (2019) - Felege Yordanos Primary School - Thursday 06/06/19, 8:50-9:10 am

¹⁸³Interview with Laeke Mesfin (2019) - A supervisor at AA Education Bureau - Wednesday,12/06/19, 03:05 - 03:35 am.

¹⁸⁴Interview with Ato Melkamu Agdew, (2019) the director of children rights directorate at BoWCA- Children, Monday 03/06/19, 03:00-04:00 am.

¹⁸⁵Interview with Ettihun Shiferaw (2019) - Children Rights Directorate, EHRC, Monday 03/06/19, 10:00-11:00 am

So, the socio-economic status of the family of the children and the abuse in the use of the rights language that caused cliché has the discussion changed to the problem of how to deal with the indiscipline of children rather than their right to be free from corporal punishment.

4.3 Lack of Conceptual Clarity

Children in Ethiopia encounter violence in a variety of settings; at home, at alternative care establishments and in schools and in the community at large.

There is a 5-year development and transformation plan that was put in place in December 2015. It is not clear if the term ‘physical violence’ used in the plan document is referring to corporal punishments in the school setting as well. This lack of explicitness is one challenge to the attention that the abolishment of school corporal punishment is in need of.¹⁸⁶

The same is true on the regional reports that are submitted to MoWCA. It appears the phrase “የኃይል ጥቃት” is used to refer to corporal punishment which is not literally the right translation. This Amharic word “የኃይል /Yehayl” could be translated as to mean “Forcible”, “Forced”, or even “Physical”. But the word “Punishment” does mean “ቅጣት/Qtat" not “ጥቃት/Tqat”. “ጥቃት/Tqat" might be translated as “violence”. Hence, as physical violence is a broader concept than corporal punishment, when they meant physical violence in the ministry reports, it crudely show the word “Yehayl Tqat”; the broader “physical violence” - not corporal punishment, per se.¹⁸⁷

Therefore, the offices which are supposed to work on the abolishment of corporal punishment are not making stark and clear distinction in their report, and hence, question arises if indeed

¹⁸⁶ የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ፣ የሁለተኛው አምስት ዓመት የዕድገትና ትራንስፎርሜሽን ዕቅድ (2008-2012) ፣ ጥራዝ 1፣ ዋና ሰነድ፣ ብሔራዊ የፕላን ኮሚሽን ታህሣሥ 2008 አዲስ አበባ see also Annex

¹⁸⁷ አስራ አንደኛው ሀገር አቀፍ የሴቶችና ህጻናት ዓመታዊ ጉባዔ ፕሮሲዲንግ፣ በኢ.ፌ.ዴ.ሪ የሴቶችና ህጻናት ጉዳይ ሚኒስቴር የህዝብ ግንኙነት ዳይሬክቶሬት የተዘጋጀ፣ ጥቅምት 2009 አዳማ

their activities on the elimination of physical violence included corporal punishment or not. Given the lack of breakdown of activities per types of violence, the commitment to target the school communities in their localities for the abolishment of corporal punishment is not noticeable.

A case in point is a small booklet of the UNCRC for children prepared by the Ethiopian Human Rights Commission talks of violence against children but vague. In the interview with Ato Melkamu Agdew, it is noted that those who are closest to children (parents, teachers and the likes) are the ones who often violate the rights of the child.¹⁸⁸ But the communication material designed for children has left the burden on children to understand who might be violating their rights.¹⁸⁹

No specific words were mentioned about corporal punishment in the citizen's charter either. No word that refers to abuse, violence, or corporal or physical punishment and so and so forth; simply very loose and crude.¹⁹⁰ Even the National Child Policy mentioned the issue of physical violence using the crude phrase 'child abuse'; that is how close it could get to corporal punishment which has been explicitly stated and prohibited in the constitution.¹⁹¹

Policy documents give birth to strategies that can deal with and solve the problem that necessitated the policy. In this case, it is no wonder, if corporal punishment stays as an issue that is not well addressed in governmental schools because it has not also been clearly spoken of in the policy documents either. In general, there is no clear articulation in the policy documents

¹⁸⁸ Interview with Ato Melkamu Agdew, (2019) the director of children rights directorate at BoWCA- Children, Monday 03/06/19, 03:00-04:00 am.

¹⁸⁹ Convention on the Rights of the Child: Child Friendly Version, Ehrc (2009 Ec)

¹⁹⁰ የዜጎች ቻርተር (ረቂቅ) ህዳር 2009 ዓ. ም ሴ.ህ.ፖ. ሚ.ር

¹⁹¹ Federal Democratic Republic of Ethiopia, National Children's Policy, April 2017 Addis Ababa

that attempts to address the problems of physical violence, particularly corporal punishment in school setting.

4.4 Programmatic Challenges

It is true Ethiopia is a state that prohibited corporal punishment of children in school on its constitution. As learnt from the responses of the teachers, however, there were no governmental or any other non-state actors that have been routinely engaged with the teaching staff on the issue of the application of corporal punishment except the parents of concerned students. Even the parents' inquiries occur when their children are severely beaten, showing them some change on their body. Otherwise, slight and light punishments are taken for granted by all the parties.

However, Save the Children and ANPPCAN appeared to be two NGOs that have some interest in dealing with the rights of the children in school setting. They partnered for poster-material and a billboard installed in the premises of two of the schools even though both columns of the billboard were talking about the rights and the responsibilities of the child, missing to put similar reminders for the teachers”¹⁹²

The BoE, however, has no any designated office that deals with the rights of the child in the school setting. There are no students' (be it rights/or discipline) related unit. The responses tell that the bureau assumes that curriculum department is the one that is dealing with the students' matters whereas the staffs in curriculum team thought it was teachers' development unit that is more relevant to be interviewed for this research. There are two departments that appeared

¹⁹² Observation data: See Annex

somehow associated with the rights of the child, however. One is the Multi-Sectoral issues office and the other is the office for Gender Affairs.¹⁹³

None of the respondents in the bureau have any knowledge with a circular that was reported to have been passed to schools on positive disciplining in 1998 as was put in the state party report to the UN Child Rights Committee.

The lack of commitment and effort to educate children of their constitutional human right to be free from corporal punishments in clear terms is displayed even in the absence of the rights of the provision in the Civics text books of the country. This sparks a suspicion if the duty bearer that fulfills the right of the child in the school setting is not acting deliberately or not.

The violations of the rights of the child in school have its root in the poor attention it is given in the BoE. There is no structural, infrastructural, or systemic set-up that reminds the teachers of their accountability to their actions toward the students.

Nevertheless, if an education system that did not stop using corporal punishment for disciplinary, correctional or punitive or any other purpose, then it is perpetuating a practice that is contrary to aim of education of the child because corporal punishment is essentially and diametrically opposite to this ought-to-be direction of education.

Article 29 (1) of the UNCRC is asserts that, “1. States Parties agree that the education of the child shall be directed to: (a) the development of the child's personality, talents and mental and physical abilities to their fullest potential.”¹⁹⁴ And article 28 (2) of the UNCRC explicitly

¹⁹³ Interview with Abeba (2019) - Gender team at BoE Wednesday - 12/06/19 03:00 - 03:10 am.

¹⁹⁴ Article 29 (1): UNCRC, 1990

requires that school discipline should be “administered in a manner consistent with the child's human dignity and in conformity with the present Convention.”¹⁹⁵ Therefore, it can't be clearer for the MoE and other concerned governmental and public bodies to carry out their responsibilities accordingly.

This lack of commitment was noticed on other organizations as well. In 2018, EIO released a new guideline on the formation of children's parliament in different settings. Despite the fact that the necessity of modifying the previous guideline was to apply standardized and similar patterns of children's parliament across all settings where the parliaments are set up, the so-called child parliaments in schools (even if the schools' community calls it “Children's Parliament”), it is far from being one, however. It is a ministerial assignment and the fortnight meeting is of a cabinet sort.¹⁹⁶ Usually, the children parliament is a sub-club in Civics and Ethics club.¹⁹⁷ These indicate that no much deviation from the previous practices. Still the office of children's parliament in schools is only a strategy by which students carry out their portion of duties and responsibilities vested by an ‘inclusive’ state.

The new guideline for children parliament and its modifications have not trickled down into the yards of the schools yet, and therefore, the actual change that the new guideline would bring is not observed yet. Ato Abera Herqeta, Children's Education and Training Expert at the Institution of Ombudsman, responded “the new guideline was only passed to the regional branch offices of

¹⁹⁵ Article 28 (2): UNCRC. 1990

¹⁹⁶ Observation of the parliament room (see Anex for the photograph)

¹⁹⁷ See Annex

the institution and a single copy of the guideline to the concerned governmental bureaus not directly to the children nor the schools they go to.”¹⁹⁸

With regard to BoWCA, there is a committee organized within the bureau that is named “Children’s Rights Convention Committee”. The programmatic challenge emerges from the technical gap exemplified by the identified gaps and mistakes that the log-frame of this committee use. There is a mix up between what goals and activities are; and between what objectives and activities are. Most of the stated activities do not contain monitoring plan. And, activities are the routine mission the organization is undertaking. In it, there is no goal, objective or even activities that are particularly targeting the children in school.

One instance is where a classification of celebrating a day (children’s day) is stated to be both a goal and an activity of the committee meant they are finding themselves indulged in activities that are/should be a sub set of bigger goals while the supposed bigger picture and reality demands to be more pragmatic, more serious and more committed than that.

On a report to the MoWCA for instance, it is shown that the only region with child policy was the Afar region. That same Afar region tend to implement the UNCRC for those vulnerable sections of the children but not for all. If a region with a child policy tends to implement the UNCRC in such a fashion, the likelihood of the rest of the regions to embrace the larger children community regardless of their vulnerability or other status seems slim.¹⁹⁹

¹⁹⁸Interview with Ato Abera Herqeta,(2019) - Children’s Education and Training Expert, EIO - 10/06/19, 03:13- 03:50 PM.

¹⁹⁹አስራ አንደኛው ሀገር አቀፍ የሴቶችና ህጻናት ዓመታዊ ጉባዔ ፕሮሰዲንግ፣ በኢ.ፌ.ዴ.ሪ የሴቶችና ህጻናት ጉዳይ ማኒስቴር የህዝብ ግንኙነት ዳይሬክቶሬት የተዘጋጀ፣ ጥቅምት 2009 አዳማ

The other problem is the BoWCA's incapability to synchronize its emphasis to children in vulnerable situations (which includes children in institutional care, children who need to be enrolled into the education system, children in need of feeding programs) with the protection of other rights of children in schools.

This is further exacerbated by the very inception of the National School Health and Nutrition Strategy by the MoE which skipped the concern towards freedom from corporal punishment and yet gave emphasis to the implementation of the feeding program and preventive and curative care for vulnerable children.²⁰⁰

Since the title and objective of the strategy is presumed to be dealing with the health of the school community to which children are indisputably the most important ones, the impairment of some kind of physical and psychological health of the child should have been taken into account in the strategy.²⁰¹ Yet, like in most of other major national documents, school corporal punishment is not there for the reason beyond one's comprehension.²⁰²

In general, there is a clear tendency to execute the positive duty of the state (looking after vulnerable ones) and overlook the negative ones, viz. respecting and fulfilling the freedom from school corporal punishment.

²⁰⁰The Federal Democratic Republic of Ethiopia, National School Health and Nutrition Strategy, Ministry of Education, October 2012, Addis Ababa, Ethiopia

²⁰¹ Ibid

²⁰² Ibid

4.5 Poor Monitoring and Evaluation

According to the Fifth Education Sector Development Program, education plays a role to promote human rights;²⁰³ and corporal punishment is a violation of human rights and it is unconstitutional in school setting; yet, it is being practiced in schools in Addis Ababa.

Two of the tasks that the Ethiopian Human Rights Commission (EHRC) is entrusted by the parliament to carry out are to “undertake investigation, upon complaint or its own initiation, in respect of human rights violations; and, make recommendations for the revision of existing laws, enactment of new laws and formulation of policies.”²⁰⁴ But, there is no known single self-initiated investigation on corporal punishment in schools that is conducted by the commission. According to Ettihun Shiferaw of the Child Rights Directorate in the Ethiopian Human Rights Commission, the development of checklist to supervise and monitor the fulfillments of the rights of children in different setting is on a process.²⁰⁵

Among the organizations that are expected to work under this theme include the EIO. The institution conducted a monitoring study assessing the contemporary situation of learning-teaching process for children. An unpublished result has shown that students are still suffering from corporal punishment from teachers who were angry even for reasons that are not related to the students. In the report, the MoE, conceding to the result, has attributed the failure to the delay in ratification of education law that details the disciplining methods. That was back in 2017 though.²⁰⁶

²⁰³The Federal Democratic Republic of Ethiopia: Education Sector Development, Programme V (ESDP V) 2008 - 2012 E.C. 2015/16 - 2019/20 G.C: Programme Action Plan, Federal Ministry of Education, 2015: Addis Ababa

²⁰⁴Proclamation No. 210/2000: A Proclamation to Provide for The Establishment of the Human Rights Commission

²⁰⁵Interview with Ettihun Shiferaw (2019) - Children Rights Directorate, EHRC, Monday 03/06/19, 10:00-11:00 am

²⁰⁶Interview with Ato Abera Herqeta,(2019) - Children’s Education and Training Expert, EIO - 10/06/19, 03:13- 03:50 PM.

Ato Abera Herqeta, replied that the institution has recently conducted a study on Children Personality Development even though it did not incorporate the issue of corporal punishment. Asked why, he replied that there is a general understanding, though not based on studies, that corporal punishment has decreased; beyond that, the institution has a challenge in shortage of both human resources and financial support from the government”²⁰⁷

Apart from that one-off operational study, the institution, like the EHRC, has no formal monitoring tool and checklist to assess the nation’s handling of its children in their respective educational settings. The lack in standard instrument risked the periodical and situational inclusion/exclusion of important child rights issues like corporal punishment.

Another institution is the Child Justice Project Office (CJPO). CJPO is set up under the auspices of the Federal Supreme Court (FSC) to advocate for children’s justice. But often, like EHRC and EIO, the project usually initiates investigation upon complaint. To the knowledge of the acting-coordinator of the project, Kibkab Gizaw, there has not been any litigation or cases of such sort that appeared to their table on the issue of corporal punishment in schools”²⁰⁸

The project has, for the realization of its objectives, put activities such as to “cause an assessment on the provisions prescribed in the working laws of the country pertaining to children and compare their status with the international child right standards;”²⁰⁹ and “based on the outcome of the assessment, identify the articles from the penal code, the civil code and the criminal and

²⁰⁷ Ibid

²⁰⁸ Interview with Kibkab Gizaw (2019)- Acting coordinator for children, Child Justice Project, Wednesday 05/06/19, 10:00 -10:25 am.

²⁰⁹ www.fsc.gov.et

civil procedures that need reform,”²¹⁰ nevertheless, it is very much overwhelmed by its primary focus which is to deal with those children who pass through the justice system.

The monitoring and evaluation component of school corporal punishment seems to be given little attention by the BoWCA as well. As noted from the interview with Ato Melkamu Agdew, the bureau is very much attending to other demands (feeding programs) of progressive rights of children in other settings.²¹¹ Hence, the oversight and supervision of the freedom of the children to be free from school corporal punishment is compromised.

Not only are the physical violence in other settings not disaggregated by settings, age and sex and other details, but the validity of the performance indicators are under question due to the absence of baseline data concerning corporal punishment of children in the country in general.²¹²

So, either corporal punishment must be disaggregated by type, or, literally direct term must be used so as not to confuse with other types of violence that entail force viz. GBV, sexual or other types of violence and in other settings.

Knowing that corporal punishment is put under the category of torture in the Universal Periodic Review (UPR) database, it is imperative to expect the Demographic and Health Survey (DHS) which is periodically conducted by the Central Statistics Authority (CSA) to collect and incorporate in its report and disseminate the impact of the such violence on children in schools’ environment but that is has not been the case yet.

²¹⁰ Ibid

²¹¹ Interview with Ato Melkamu Agdew, (2019) the director of children rights directorate at BoWCA- Children, Monday 03/06/19, 03:00-04:00 am.

²¹² በሴ.ቶችና ህፃናት ጉዳይ ሚኒስቴር፣ የሴክተር ሀላፊዎች ዙር የልደትና ትራንስፎርሜሽን ዕቅድ (2008 - 2012) ፣ጥቅምት 2008 ዓ.ም አዲስ አበባ

The BoE shares this gap of comprehensive monitoring of its educational settings. According to Laeke Mesfin a supervisor at BoE’s Teacher Development Unit however, “the issue of corporal punishment is not specifically addressed here at the bureau level. The decentralization of education is one challenge. The political power is vested at the Woreda level but the personnel lack the expertise to handle technical issues. We do the regular supervisions and forward feedbacks but we can’t go beyond that. We can’t be certain if our feedbacks are implemented or not.”²¹³

Nevertheless, as has been discussed in the previous section, the bureau has no database concerning the fulfillment of the constitutional prohibition of corporal punishment in schools in Addis Ababa.

It is observed that even regular documentations like Educational Statistics Annual Abstract prepared by the BoE overlooked such components like corporal punishment and ways of handling of disciplines by the teachers.²¹⁴ The bureau has indicators for the availability of water supply, sanitation and feeding programs that benefits children in school. But the overall wellbeing of the children and the interdependence of the rights of the child are not taken into account.²¹⁵

Re-enrolling 20,000 drop-out students in Addis Ababa in 2014 could be a news report which witness the BoE’s effort, yet it was not clear if school-violence was among their reasons for

²¹³Interview with Laeke Mesfin (2019) - A supervisor at AA Education Bureau - Wednesday,12/06/19, 03:05 - 03:35 am.

²¹⁴Education Statistics Annual Abstract 2009E.C (2016/17 G.C); City Government of Addis Ababa Education Bureau January 2018 Addis Ababa

²¹⁵Education Statistics Annual Abstract 2009E.C (2016/17 G.C); City Government of Addis Ababa Education Bureau January 2018 Addis Ababa

discontinuation of education in the first place.²¹⁶ It could also be another instance for the prevalence of the lack of data on corporal punishment by school staffs.

A form that is said to be a monitoring checklist by the gender team of the BoE doesn't address whether or not students are being punished physically. One good thing about that checklist is that it requires the data collector to observe and fill the availability / installment of a sealed-box in the school premise which students can access and submit their complaints anonymously.²¹⁷

MoE inspects schools for the fulfillment of different standards that it has set out. "The Learning Environment" is one of the areas on which inspection of schools are done up on. The minimum standard is the creation of "a conducive teaching-learning [not learning-teaching] environment which is safe and secure for the school community." Ironically, it overlooked to measure and monitor what is explicitly prohibited in the constitution; the existence and extent of the practice of school corporal punishment and thereby it ignored the students' rights and well-being.²¹⁸

This school inspection looks at what it called the aspect of students' personal development. The standard includes students' demonstration of "responsible behavior..." And, a number of indicators were developed for the standard. Yet, the possibility of measuring the aspect of students' personal development from the perspective of their capability to demand the fulfillment

²¹⁶ http://www.addisababa.gov.et/es/web/guest/news_amharic/-/asset_publisher/AMH_ENG_MENU/content/-20-?inheritRedirect=true&redirect=%2Fes%2Fweb%2Fguest%2Fnews_amharic%3Fp_id%3D101_INSTANCE_AMH_ENG_MENU%26p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-2%26p_p_col_pos%3D1%26p_p_col_count%3D2%26_101_INSTANCE_AMH_ENG_MENU_delta%3D15%26_101_INSTANCE_AMH_ENG_MENU_keywords%3D%26_101_INSTANCE_AMH_ENG_MENU_advancedSearch%3Dfalse%26_101_INSTANCE_AMH_ENG_MENU_andOperator%3Dtrue%26_r_p_564233524_resetCur%3Dfalse%26_101_INSTANCE_AMH_ENG_MENU_cur%3D51

²¹⁷ See Annex

²¹⁸ Ministry of Education, (2013) National General Education Inspection Framework, September 2013

of their rights did not cross the minds of those who developed the school inspection toolkit in the first place.²¹⁹

Contrarily, a MoLSA report on corporal punishment of children in school places the head of schools as the ultimate person to deal with the problem. This throwing of responsibility back to a community-based association is relieving the executive body off its direct duties. And, mainly this is not an ideal strategy to deal with the problem. Leaving the child at the mercy of the group of people who could be the very perpetrators of violations against his/her rights is not stately.²²⁰

To make matters worse, the FDRE's House of Peoples' Representatives (HPR) in 2015 observed a gap in the planning of the MoE which were mainly related with the issue of unfair increment of tuition fees by private schools and their application of a different curriculum than what the MoE released to be used at national level. Unfortunately, the monitoring and follow-up of the fulfillment of the rights of the child and issues like corporal punishment at primary schools were not addressed by the legislative body itself.²²¹

4.6 Legislative Challenges

Article 41 of the convention provides that no provision of the convention shall stand against the law of a state party if the latter happens to be more conducive to the realization of the rights of a

²¹⁹ Ibid

²²⁰ Federal Democratic Republic of Ethiopia Country Response to the Questionnaire on Violence Against Children by The Federal Ministry of Labor and Social Affairs Submitted to: The UN Secretary General's Independent Expert on the Study on Violence Against Children: May 2005

²²¹ http://www.addisababa.gov.et/web/guest/news_amharic/-/asset_publisher/AMH_ENG_MENU/content/---226?inheritRedirect=true&redirect=%2Fcs%2Fweb%2Fguest%2Fnews_amharic%3Fp_p_id%3D101_INSTANCE_AMH_ENG_MENU%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-2%26p_p_col_pos%3D1%26p_p_col_count%3D2%26_101_INSTANCE_AMH_ENG_MENU_delta%3D15%26_101_INSTANCE_AMH_ENG_MENU_keywords%3D%26_101_INSTANCE_AMH_ENG_MENU_advancedSearch%3Dfalse%26_101_INSTANCE_AMH_ENG_MENU_andOperator%3Dtrue%26_r_p_564233524_resetCur%3Dfalse%26_101_INSTANCE_AMH_ENG_MENU_cur%3D12

child that the convention has contained in it which obviously is not the case in Ethiopia. Ethiopia is a country with no law that mainly and exclusively addresses children and their issues.

Children in Ethiopia who can constitutionally claim their right to freedom from corporal punishment in school setting could again lose it at home legally because of the silence of the supreme law of the land.

It seems that the Ethiopian constitution has made a preference as to who can (not) physically punish the child. The ideal provision of a human right should be stated from the point of view of the right holder rather than from the point of view of its violator. A human right held by someone should stay inalienable in all situations. If right holders are eligible to demand their particular right only when and if the other party in the social interaction is deemed to be legally fitting, then that dependence on who is and who is not required to respect that right would invalidate the substantive nature of that right. This possibly opens a door for negligence, abuse and violation even in other settings, like schools, as well.

Hence, this prohibition of corporal punishment when the child is only in the school setting might have implicitly allowed parents to be of the opinion that they possess the right to punish their children corporally. Taking into consideration of the fact that parents' involvement on teachers' practice of corporal punishment on children, the context-specificity of the ban of corporal punishment in Ethiopia that is put on the FDRE's constitution article 36 (1) e, is understood to be not so helping to the protection of all children from corporal punishment.

Article 576 (1) of the criminal code and Article 2039(c) of the Civil Code are not ideal for the child either. Instead, they give room to violators of the rights of the child. Children's birth status

to particular parents has them expect and experience corporal punishment from their very parents as normal.

Furthermore, the constitution's article which banned the exercise of corporal punishment in the school setting failed not only to be conducive for all children who may experience the double standards as they might witness different practices between home and school but it has also become even discriminatory to a child, for instance, that is not going to school at all for some other reasons. It can hardly be called a right of the child broadly if it serves those children who are students and/or enrolled in institutions only. Children should not necessarily be school going and/or enrolled in institutional set up to be free from corporal punishment.

4.7 Summary

The primary place children in urban area can be found is in school. And, the recommendation forwarded by the committee for the UNCRC to take "all appropriate measures" to instill acceptable disciplinary measures were not introduced and applied in the contexts of the four schools in Kirkos sub-city. The view of those interviewed in this study show that there is only little, if any, have been done in that regard.

Speaking from the point of view of the Rights Perspective, the children's freedom from school corporal punishment disregards the rationalizations other disciplines attaches as benefit of applying it. Hence, the rationale behind the principle 'a child should not suffer a physical pain' is not just about the physical, or socio-economic or psychological harm or benefit any of the parties involved may experience but it is about the dignity and the best interest of the child at the center of it.

As is stated in the legal framework section of this study, The UNCRC is defined by four principles. These are Non Discrimination, Best Interest of the Child, Right to life, Survival and Development, and the fourth, The Views of the Child.

Right to Survival and Development is the umbrella principle under which the freedom from corporal punishment is found. And, corporal punishment is essentially a violation of the rights of a child by applying some kind of force that could cause pain and harm. Therefore, a happening of corporal punishment is a violation of this principle.

An application of corporal punishment on an individual child in the suburbs of Addis obviously neglected the principle of the Best Interest of the Child in the first place as apparently no child would be tempted to inherently enjoy physical punishment for disciplinary or any other reason.

As has been discussed under sub-topic legislative challenge, the absence of comprehensive prohibition of corporal punishment in the country risks children who are not going to school; and therefore, the law is not inclusive rather discriminatory; which automatically defiled one of the four principle of the UNCRC, viz., Non-Discrimination.

The extent of violating these rights gets even worse when considering students from a better socio-economic background may enjoy better school rules that protect them from any kind of school corporal punishment while their compatriots in state-run schools do not.

The Views of the Child is not merely rejected; rather the child parliament is mainly serving the interests of the schooling staff, the teachers and the likes. It has mainly become an auxiliary, subordinate tool for the teaching staff to oversee the students' activities rather than doing advocacy for the rights of the child.

Subject to further research, the violation of the right of the child to participate could again be the very cause of the use of corporal punishments by teachers. So, all the underpinning principles of the UNCRC are at stake in a singular application of corporal punishment with in a school in a suburb that is defined by its low socio economic realities.

Article 2 (1) of the UNCRC states that “[s]tates [p]arties shall respect and ensure the rights set forth in the present [c]onvention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”²²²

Therefore, refraining from delegitimizing what is considered to be traditional or local or context-specific practice including corporal punishment, on the one hand, or reluctance from enforcing the ratified laws that prohibit the practice of corporal punishment in school setting, on the other, are not acceptable for any social, economic or cultural status that the child or his guardian/parents hold.

²²²Article 2(1): the UNCRC, 1990

Chapter 5: Conclusion and Recommendation

This section will present the conclusion of the research and major actions and recommendations to tackle the major challenges.

5.1 Conclusion

Ethiopia has the legal provision even with in its supreme law of the land that states the prohibition of corporal punishment in schools and institutional settings. One may feel this developing country has invested a great deal of effort to lessening the problem; but the observation and encounters of the practice in some selected schools at the heart of its capital city stirs a curiosity as to the extent, types and spread of corporal punishment in schools across the country rather than acknowledging the efforts.

This study has identified the lags in attitudes and knowledge of teachers and children and other major stakeholders which are directly contrary to the spirit of and provisions in the UNCRC. The teachers' justification ranges from using it as a last resort strategy to the conviction that corporal punishment is the most efficient to shape the manners of their students and to even seek the repeal of the law that ban corporal punishment in school.

Corporal punishment was not understood as a violation of the rights of the child by the students either. But it was learnt that the perception of punishment as a violation of the rights of the child occurs either when the victim is considered to be clean from the wrong they are to receive punishment for or when the gravity of the punishment is taken into account. In this case, only when a teacher is perceived to be cruel and aggressive will he/she be considered as a violator of the rights of the child.

In general, the attitudes of the teachers and the level of knowledge of the child parliamentarians speaks volume about the misconception that the school communities possess about the rights of the child in general and corporal punishment in particular. There is a very huge task that the set-up the BoWCA, BoE, EHRC and EIO are counted on to carry out.

This study has also come up with other gaps both in the policy and the practices; it also specified programmatic problems including poor design of strategies and implementation of programs with regard to enforcing the rights of the child to be free from corporal punishment; and, it amplified monitoring challenges that clearly hampered the fulfillment of the right as explicitly stated in the constitution.

Since the excuses to hit are being treated on equal terms with the justifications to hit, the effect that the absence of positive child disciplining techniques brought is so critical that the significance of applying the alternative has become paramount. While the ministry's focus on teachers' development is a commendable task that needs to continue, the opinions of the teachers in this study also showed that teachers need a capacity building course more important than classroom management; hence, familiarizing them with the concept of alternative child disciplining technique is instrumental.²²³ An observation in Walia Primary school showed a list of parameters by African Union to award a teacher. That can be a good example for the BoE / MoE.²²⁴

²²³ http://www.addisababa.gov.et/es/web/guest/news_amharic/-/asset_publisher/AMH_ENG_MENU/content/-13-2008-2-?inheritRedirect=true&redirect=%2Fes%2Fweb%2Fguest%2Fnews_amharic%3Fp_p_id%3D101_INSTANCE_AMH_ENG_MENU%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-2%26p_p_col_pos%3D1%26p_p_col_count%3D2%26_101_INSTANCE_AMH_ENG_MENU_delta%3D15%26_101_INSTANCE_AMH_ENG_MENU_keywords%3D%26_101_INSTANCE_AMH_ENG_MENU_advancedSearch%3Dfalse%26_101_INSTANCE_AMH_ENG_MENU_andOperator%3Dtrue%26p_r_p_564233524_resetCur%3Dfalse%26_101_INSTANCE_AMH_ENG_MENU_cur%3D42

²²⁴ See Annex

The general living standard and the intervention of parents were also identified to be serious socio-economic challenges that stood against the realization of the freedom of children from school corporal punishment.

Corporal Punishment of children in Ethiopia is very critical for many reasons. The continuation of the practice will hamper the future of the children of this needy country. It is not the purpose of this research to reveal the effects that corporal punishment will have on the children. It is multifaceted definitely. One critical aspect that can't be skipped though is that it affects and brings the disruption of the enjoyment of their other rights provided in the UNCRC, viz., the right to education, their rights to health, their right to overall well-being, their freedom to expression and so and so forth. A child whose right to education is violated (or even affected), in turn, could end up becoming a violator of others' rights when he/ she grows up and assume a responsibility in the community. This will result in constructing a desensitized-to human rights cohort of future adult people.

5.2 Recommendations

This study recommends:

1. Children should know their rights in simple and direct languages. Communicating what corporal punishment entails, what it means with clear language is very important. For instance, saying "Flogging (or other type of strike) is prohibited" is more communicative to a wide variety of audiences than saying "Physical punishment is prohibited." When they know it, they will begin to demand it. If they demand it, the existence and/ or the formation of the children parliament will be felt. Any entity with the duty to protect and respect their rights will begin to give due consideration to the matters of children and their non-negotiable human

rights. Not just the reports but the overall modes-operandi that included the promotion, persuasion, education, social movements and other implementations need to begin hitting the head of the nail.

2. The country needs a broader, comprehensive, exclusive child law that deals, in detail, with the rights and welfare of the child in Ethiopia.
3. The petition set-up must be well defined and accessible for children. Children should be brought to the knowledge that there are additional options where to they can communicate their complaints and report the abuse and/or violation that they/any child is suffering from corporal punishment. Therefore, they should also be approached and information should be made accessible to them where they can submit their complaints nearby.
4. The most intimate, convenient person to complain to comes in the form of a parent. A parent of the child is one who often appreciates the punishment rather than submit the complaints to another body. Ethiopia must explicitly ban corporal punishment in the family setting and parents should be stripped of the liberty to use corporal punishment of their children in a very clear legal manner. That is exactly when they are not going to be counted as a legitimizing body for some teachers to use corporal punishment in school setting.
5. Teachers are the next powerful group of people for children in school. Teachers should be exemplary, not violator; contributory but not obstacles; and should rather play far significant roles for the fulfillment of other rights of children, not just the right to be free from corporal punishment, and their promotion to the public at large. To that end, refresher trainings by psychologists and experts in child pedagogy for every teacher in primary school level is

indispensable. Equipping them with the knowledge of their obligation to respect the rights of children is an elementary task imposed on the MoE and other organs of the state.

6. As has been discussed in the findings part, awarding a teacher (as e.g. ‘The Best Teacher in Addis Ababa’) might bring an enormous amount of inspiration for fellow teachers to follow suit. The criteria should consider their treatment of students; and, children in school should participate in the selection process.
7. If the child parliamentarians do not know their right to be free from corporal punishment, which child does? The Civics and Ethics subject is not even tailored to familiarize children to their rights. MoE (BoE) need not be told what it should do about it.
8. Whatever happens in a primary school should center on the child. Instead of manipulating the child parliament for a different purpose, another mechanism in the form of a “Code of Conduct that Guides Interactions between Adults and Children” can handle such roles as is the case in a community school in a neighboring sub-city and shared among the students, teachers and parents for a better transparent performance.²²⁵
9. CSA should begin to periodically undertake studies; collect, compile national data on the extent, characteristics of corporal punishment and the larger fulfillment of the rights of the child.
10. The very task of overseeing and reviewing all the respective activities and performances of EHRC and EIO, MoE, MoWCA by the respective (to be) designated parliamentary

²²⁵ICS Addis Ababa, Child Protection Handbook rev. 5 Aug 2015(Adapted from the Assoc. of Int’l Schools in Africa Child Protection Handbook, May 2014) https://www.icsaddis.org/uploaded/downloads/Child_Protection_Handbook.pdf

committees should better engage capable independent firms or CSOs that subsequently enhance their capacity, resources, to enable them to become more efficient and thereby serve the attainment of the objectives of the organizations.

It is a cumulative linkage of these measures that would bring the enjoyment of the rights provided on the UNCRC into a reality to children in Ethiopia.

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66. http://www.addisababa.gov.et/es/web/guest/news_amharic/-/asset_publisher/AMH_ENG_MENU/content/-20-?inheritRedirect=true&redirect=%2Fes%2Fweb%2Fguest%2Fnews_amharic%3Fp_p_id%3D101_INSTANCE_AMH_ENG_MENU%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-2%26p_p_col_pos%3D1%26p_p_col_count%3D2%26_101_INSTANCE_AMH_ENG_MENU_delta%3D15%26_101_INSTANCE_AMH_ENG_MENU_keywords%3D%26_101_INSTANCE_AMH_ENG_MENU_advancedSearch%3Dfalse%26_101_INSTANCE_AMH_ENG_MENU_andOperator%3Dtrue%26_r_p_564233524_resetCur%3Dfalse%26_101_INSTANCE_AMH_ENG_MENU_cur%3D51
67. http://www.addisababa.gov.et/web/guest/news_amharic/-/asset_publisher/AMH_ENG_MENU/content/--226?inheritRedirect=true&redirect=%2Fes%2Fweb%2Fguest%2Fnews_amharic%3Fp_p_id%3D101_INSTANCE_AMH_ENG_MENU%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-

[2%26p p col pos%3D1%26p p col count%3D2%26 101 INSTANCE AMH ENG MENU delta%3D15%26 101 INSTANCE AMH ENG MENU keywords%3D%26 101 INSTANCE AMH ENG MENU advancedSearch%3Dfalse%26 101 INSTANCE AMH ENG MENU andOperator%3Dtrue%26p r p 564233524 resetCur%3Dfalse%26 101 INSTANCE AMH ENG MENU cur%3D12](#)

68. www.fsc.gov.et

69. www2.ohchr.org/english/bodies/crc/comments.htm

70. በሴቶችና ህፃናት ጉዳይ ሚኒስቴር፤ የሴክተር ሁለተኛው ዙር የዕድገትና ትራንስፎርሜሽን ዕቅድ (2008-2012)፤ ጥቅምት 2008 ዓ.ም አዲስ አበባ

71. አስራ አንደኛው ሀገር አቀፍ የሴቶችና ህፃናት ዓመታዊ ጉባዔ ፕሮሲዲንግ፤ በኢ.ፌ.ዴ.ሪ የሴቶችና ህፃናት ጉዳይ ሚኒስቴር የህዝብ ግንኙነት ዳይሬክቶሬት የተዘጋጀ፤ ጥቅምት 2009 አዳማ

72. የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ፤ የሁለተኛው አምስት ዓመት የዕድገትና ትራንስፎርሜሽን ዕቅድ (2008-2012)፤ ጥራዝ 1፡ ዋና ሰነድ፤ ብሔራዊ የፕላን ኮሚሽን ታህሣሥ 2008 አዲስ አበባ

73. የኢ.ፌ.ዴ.ሪ የሕጻናት ፓርላማ ጋዴታዎች፤ የካቲት 2010 አዲስ አበባ

74. የዜጎች ቻርተር (ረቂቅ) ህዳር 2009 ዓ. ም ሴ.ህ.ጉ.ሚ.ር

Annex 1: Observation Checklist

School's name _____

Date _____

1. Posters, or leaflets and pamphlets on walls about the right of the child?
2. Slogans on the rights of the child?
3. Observable activities of the child club?
4. Is any staff, (including security guards at the gate) in the school setting holding a rod or some other whipping stick or something similar?

Annex 2: Interview Guide

(for Human Rights Commission / BoWCA / BoE / EIO)

1. What are some of the rights children in school should enjoy?
2. Are teachers the de jure parents at school compound?
3. What does the phrase *Yehayl Tqat* mean in your reports? - (BoWCA)
4. Have you ever conducted a self-initiated monitoring visit with a checklist/ or a study on school corporal punishment? (BoE, BoWCA, EHRC, EIO, Child Justice)
5. Can I see some of your reports on corporal punishment in school? Monitoring and Evaluation tools? If any?
6. Which unit of your organization deals with the affairs of students in primary schools? (BoE)
7. MoE issued a circular which listed acceptable disciplinary methods that could be employed by teachers to discipline their students, which does not include corporal punishment (MoE 1998). Could you please tell me something about it? Can I see a copy?
8. Why have the efforts towards the abolishment of corporal rights appeared to be very limited?
9. What are the challenges? And, what should be done? - (HR Commission, BoWCA & BoE, For teachers (directors))

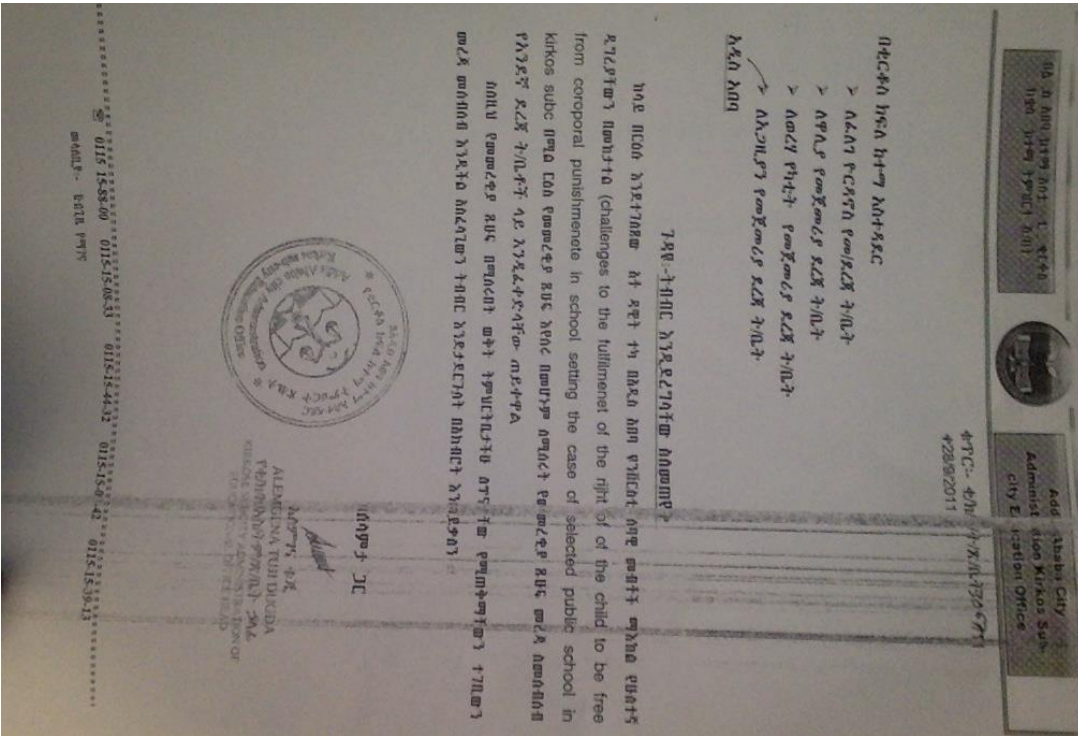
Annex 3: Interview guide for Teachers

1. ጥፋት ፈፅመው ዱላ ያልቀመሱ ተማሪዎች ተገርፈው፣ ተቆነጥጠው ካደጉ ተማሪዎች ጋ ስታስተያየቸው ባህሪያቸው እንዴት ነው? ምን ይመስላል?
2. ልጆችን ለማረቅ እና ለመግራት ምን ምን ታደርጋለህ?
3. የቀን ውሎ ላይ ልጆችን በተመለከተ መምህራን የወላጆች ባለ አደራ ናቸው ይባላል። ወላጆች ተማሪዎቻችሁን ስለምትቆጣጠሩበት መንገድ ምን ምን ግብረ መልስ ይሰጧችኋል? ለምን?
4. “ልጅህን እማትገርፈው ከሆነ አትወደውም ማለት ነው”፤ “ከዱላው የሚቆጥብ ልጄን የሚጠላ ነው” የሚሉ አስተሳሰቦችን እንዴት ታያቸዋለህ?
5. አንድን ተማሪ የምትቀጣው ምን ምን ሲያደርግ / ሳያደርግ ሲቀር ነው? ተማሪዎች ከባህሪ ጉድለት ውጭ የሚያስቀጧቸው ምክንያቶች ምን ምን ናቸው?
6. ተማሪዎችን ቅጣት ቀጥቶ ለየት ያለ ውዝግብ ውስጥ የገባ መምህር አለ? (ካለ) ስም ሳትጥቀስ ስለውዝግቡ ትነግረኝ?
7. አጥፍተው ሳለ ቅጣት አንቀበልም፣ አንቀጣም የሚሉ ተማሪዎች አጋጥመውሃል? እነሱን ምን ታደርጋለህ?
8. እሺ፤ ልጆች ከአካላዊ ቅጣት ነፃ የመሆን መብታቸው ሊከበር ያልተቻለበት ዋናው ምክንያት ምንድን ነው ብለህ ታስባለህ? ምን፣ ምን ዓይነት ተግዳሮቶች አሉ?
9. ህገ መንግሥቱ በቢሮህ ውስጥ አለ? ሲ አር ሲ? የአፍሪካ የሕፃናት ቻርተር? (For Directors only)

Annex 4: Interview guide for Children MPs

ለተማሪዎች ፓርላማ አባላት

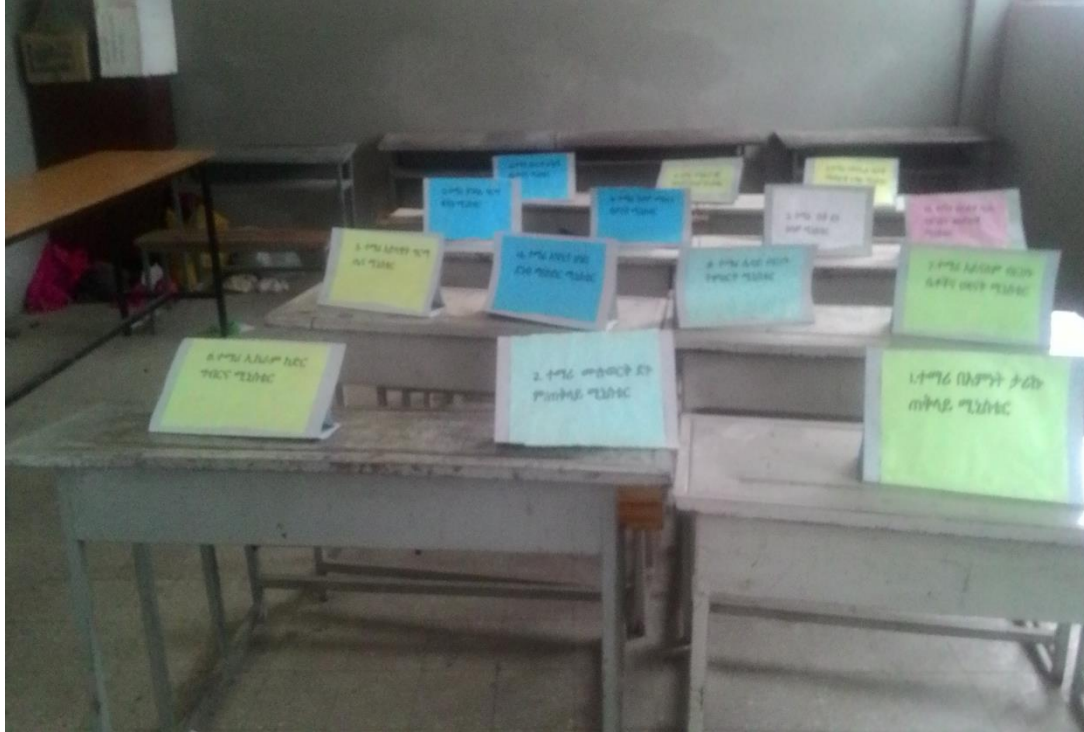
1. የተማሪዎች ፓርላማ ሥራው ምንድን ነው?
2. እንዴት ነው የተመረጣችሁት? በየሰንት ጊዜ ነው ስብስባው?
3. ስለምን ጉዳዮች ትወያያላችሁ? የባለፈው ወይይታችሁ ስለምን ነበር?
4. ተማሪ ምን ምን ሲያደርግ /ሳያደርግ ይቀጣል? ቅጣቱ ምን ምንድን ነው?
5. ጥፋት ሳያጠፋ የተቀጣ ተማሪ አጋጥሟችኋል? ተማሪዎች ቅሬታ ያመጡላችኋል?
6. መምህራን የህፃናትን መብት የሚያከብሩት በምን መልኩ ነው ?
7. ስለ ህፃናት መብቶች እምታወቁውን ትነግሪኝ?
8. የህፃናት መብቶች አንዴት እና በማን ይጣሳሉ? የህፃናት መብት ሲጣስ ምን ታደርጋላችሁ?
9. ቢሮዎችሁን ማየት እችላለሁ?



Letter from the sub-city

<p>ግብ 4 የህፃናት መብትና ተሳትፎ ለማረጋገጥ የህፃናት ተገቢ ስራዎችን ማክበር</p>	<p>1. የአለምና የአፍሪካ ህፃናት ቀን በዓልን ማክበር</p>	<p>ብቁጥር</p>	<p>2</p>					
<p>ግብ 5 የህፃናት ደህንነት ማጠናከሪያ ለማረጋገጥ ለሰው ጤና ተገቢ ስራዎችን ማክበር</p>	<p>1. የህፃናት ደህንነት ማጠናከሪያ ለማረጋገጥ ለሰው ጤና ተገቢ ስራዎችን ማክበር <i>Child building data base</i></p>	<p>ብቁጥር</p>	<p>4</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>
<p>ግብ 6 ከትትልና ሪፖርት ማድረግ</p>	<p>1. ከከ/ከተማ ህፃናት መብት ኮሚቴዎች ጋር ግንኙነት መፍጠርና የጋራ የአሰራር ስርዓት መዘር ለማረጋገጥ ለሰው ጤና ተገቢ ስራዎችን ማክበር</p>	<p>በጊዜ</p>	<p>4</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>
	<p>2. የኮሚቴውን የሥራ አፈጻጸም በተመለከተ የ3 ወር 1 የ6ወር እና የአመት ሪፖርት ማዘጋጀት</p>	<p>ብቁጥር</p>	<p>4</p>	<p>1</p>	<p>1</p>	<p>1</p>	<p>1</p>	<p>1</p>

Celebrating Children's day as achievable goal of the child rights committee at BoWCA



The Cabinet – Parliament at one of the primary schools



At the heart of the capital city

አባሪ 2:- የሀጻናት ዘርፍ 2ኛው እድገትና ትራንስፎርሜሽን ዕቅድ ግቦች፣ ውጤቶችና አመላካቾች

ግብ	ውጤት	አመላካች	መለኪያ	መነሻ/Baseline/	የ5 ዓመት ዕቅድ	ዓመታዊ ዓላማ					የበጀት ፍላጎት
						2008	2009	2010	2011	2012	
የሀጻናትን መብት-ማስከበር	መብታቸው የተረጋገጠና ከጥቃት የተጠበቁ ሀጻናት	በከብር መዝገብ የልደት ምዝገባ ሰርቲፊኬት ያገኙ ሀጻናት በመቶኛ	በመቶኛ	10	50		25	35	45	50	3,000,000
		በሀጻናት ላይ የሚፈጸሙ ጎጂ ልማዳዊ ድርጊቶችን፣ ጥቃቶችን እና ህገወጥ ዝውውርን ለመቀነስ በተካሄዱ የግንዛቤ ማስጨበጫ ፓርሞራሞች ግንዛቤው ደገ ህብረተሰብ/ህዝብ ተዘጋጅቶ	በቁጥፎ		19,637,137	3700000	3700000	3800000	4000137	4437000	
		የቀነሰ የሀጻናት ጥቃት ምጣኔ									
		☐ አካላዊ ጥቃት	መቶኛ	—	70					70	
		☐ ወሲባዊ ጥቃት	መቶኛ	—	70					70	
		☐ የጉልበት ብዝሃ	መቶኛ	27.4	10					10	
		☐ የሀጻናት ህገወጥ ዝውውር	መቶኛ	—	70					70	
		የቀነሱ ጎጂ ልማዳዊ ድርጊቶች ምጣኔ									
		☐ ግን ማውጣት	መቶኛ	35.7	10					10	
		☐ እንጥል መቁረጥ	መቶኛ	36	10					10	
		☐ ሌሎች	—	10						10	
		ሀጻናት ጥቃት ሲደርስባቸው የሚያሳውቁበት ባለሰዎች ዲጂትል የስልክ መስመር	የክልል ከተሞች	0	6		1	1	2	2	12,000,000

The crude physical violence hiding the light corporal punishment

<p style="text-align: center;">እንጥካን ኢትዮጵያ ከሴቭ ዘ ቺልድረን ኢንተርናሽናል ጋር በመተባበር</p>	
እራጃታዊ የሥነ-ምግባር አጠባበቅ	አሱታዊ የሥነ-ምግባር አጠባበቅ
<p>በመቆየት ላይ የተመሰረተ ሰዓይ-ክፍርን የግደባት እና ሌሎች ሆን ባንገጥ ከግራም-ቶታት የጠራ ነው።</p>	<p>በመቆየት ላይ የተመሰረተ አሱታዊ ክፍርን የግደባት ነው። በግደባት፣ በመቆየት፣ በግደባት ጋደልን ወይም የሌሎችን ግደባትን ያስተታል።</p>
<p>ሕጻን ተረጎሞ የሆነ ራሱን የግደባት ቁፍ እና ራሱን የግደባት ለሌሎች ለንግድ ለውጥ ይሰጣል።</p>	<p>ሕጻን ምን ዓይነት የሌሎች ተገጥሞ የግደባት ለውጥ ይሰጣል።</p>
<p>በመልካም አስተሳሰብ እና የሆኑትን ግደባት የሌሎችን ስነ-ምግባር የሰጠውን የሰጠውን ላይ የተመሰረተ ነው።</p>	<p>የሕጻን ግደባት ስነ-ምግባር ስንገባ ለሌሎች ለውጥ ይሰጣል። የሕጻን ግደባት ስነ-ምግባር ስንገባ ለሌሎች ለውጥ ይሰጣል።</p>
<p>ሌሎች የተለያዩ ስነ-ምግባር ያተረጎሙ፣ በአጠቃላይ ቁፍ ላይ ያተኮራል።</p>	<p>ሕጻን ግደባት የሌሎችን ስነ-ምግባር ያተረጎሙ፣ የሌሎችን ግደባት ላይ ያተኮራል።</p>
<p>መልካም ቁፍ ላይ የተመሰረተ የሕጻን ግደባት ላይ ያተኮራል።</p>	<p>ያልተረጎሙ ቁፍ ላይ የተመሰረተ የሕጻን ግደባት ላይ ያተኮራል።</p>
<p>ሰዓቶች የግደባት ስነ-ምግባር ተደርጎ ይሰጣል። ሕጻን በመልካም አጠባበቅ ይገኛል። በሰዓቶች ሰዓት ለንግድ ለውጥ ይሰጣል።</p>	<p>ጥታትን ከሰዓቶች ተደርጎ ተገባል እና ትግትን ያስከትላል።</p>

Near children parliament at Felege-Yordanos Primary School



Children's duties and responsibilities at Felege Yordanos Primary School

በአዲስ አበባ ከተማ አስተዳደር ትምህርት ቤሮ በ2011 ስርዓተ ስራ ጉዳይ በ-ድን

ቼክ ለስት

በስርዓተ ስራ ጉዳይ በድን ለታይ የሚገቡ ጉዳዮች

1. በት/ቤቶች በጾታዊ ጥቃት በምን ደረጃ ላይ እንዳለ ይገለጹ
2. ጥቃት የደረሰባቸው ተማሪዎች ወ _____ ሴ _____ ድ _____
3. እየተወሰደ ያለ የመፍትሄ እርምጃ ይገለጹ

4. በት/ቤቶች ያለ የመምህራን ብዛት ወ _____ ሴ _____ ድ _____
5. በት/ቤቶች የሴት ር/መምህራን ብዛት _____
6. በት/ቤቶች ያለ ሴት ስ-ፐርሻይዘሮች ብዛት _____
7. በት/ቤቶች ለሴት ተማሪዎች የማጠናከሪያ ትምህርት እየተሰጠ ስለመሆኑ ይገለጹ

8. ት/ቤቶች ለስት ተማሪዎች እየተደረገ ያለ ድጋፍ (ለምሳሌ የንጹህና መጠበቂ ሞዴል እና መተየሪ ክፍል ስለመዘጋጀት) _____

9. በት/ቤቶች ጥቃትን በሚመለከት ጥቆማ ማድረግ ምስጢራዊ ሳትን በሁሉም ት/ቤቶች ስለመዘጋጀቱ _____
10. በት/ቤቶች የሴቶችና የወንዶች መፀዳጃ ቤት ክፍል ለየብቻ መኖሩ ይገለጻል

11. በትምህርት ቤቱ በተለያዩ ሰዎች የተያዙ ተማሪዎች ስለመኖራቸው ወ _____ ሴ _____ ድ _____
የተወሰደ ያለው መፍትሄ _____
12. ጋይዳንስና ካውንስሊንግ ተማሪዎች ወደ ሱስ እንዳይገቡ እየተደረገ ያለው ድጋፍ

Vulnerability of Students from Gender-only perspective

ፕሬሲዳንት ፎቶ ህፃናትና የመጀ/ደ/ት/ቤት 2011/9/ም የክብብ አባላት መመዝገቢያ ቅጽ (ክበባት እና መለያ ቁጥራቸው)

ተ.ቁ	የክብብ ስም	በክብብ ውስጥ የሚገኙ ዘርፎች	ኮድ
1	የማህበራዊ አገልግሎት	በጎ አድራጎት ስካውት የተማሪዎች ትራፊክ ፖሊስ ፖስታ	01
2	የቋንቋ ክብብ	ሚኒ ሚዲያ ቤተ መጻሕፍት ንባብ አይስቲ	02
3	የጤና ክብብ	ፀረ HIV/AIDS ቀይ መስቀል ስነ ህዝብ /ስነ ተዋልዶ	03
4	የስነ ጤጋና ስነ ምግባር ክብብ	ስነ ጤጋ እና ስነ ምግባር የተማሪዎች ፓሪላማ	04
5	የህብረተሰብ ሳይንስ ክብብ	አገርን ዕውቅ መጤ ባህሎች እና ጎጂ ልማዶች	05
6	የስርዓተ ሥነ ክብብ		06
7	የስፖርት ክብብ		07
8	የኪነ ጥበብ ክብብ		08
9	የጎገው መምህር ክብብ		09
10	የሳይንስ እና ቴክኖሎጂ ክብብ		10
11	የአካባቢ ጥበቃ እንክብካቤ ክብብ		11

ማሳሰቢያ:-ሁሉም መምህር ሶስት ክበባትን መምረጥ ይኖርባቸዋል ::

ቀ : ፪ሺ፴፱ ። (፪) በቂ : ምክንያት ።

ተከላሹ : ጥፋተኛ : ነው : የማይባለው ፤

(ሀ) ከላሹ : ሥራውን : የሚቃወም : መሆኑን : ተከላሹ : በአእምሮው : ግምት : ሊያስበው : የማይችል : መሆኑ : የታወቀ : እንደ : ሆነ ፤

፱፻፳፰

የፍትሕ : ብሔር : ሕግ ።

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- (ለ) ሥራው : የተፈጸመው ፤ በሚገባ : አኳኋን : ለራሱ : ወይም : ለሌላ : ሰው : ለመከላከል : ወይም : በደንብ : በእጁ : ያለውን : ወይም : የያዘውን : ንብረት : ለመጠበቅ : ሲል : እንደ : ሆነ ፤
- (ሐ) ሥራው : የተፈጸመው : ተከላሹ : ልጁን : የአደራ : ልጁን : ተማሪውን : ወይም : አሸክሩን : በሚገባ : ለመቅጣት : ሲል : በሰውነቱ : ላይ : ተገቢ : የሆነውን : አቀጣጥ : ፈጽሞበት : እንደ : ሆነ ፤
- (መ) ከላሹ : አደገኛ : እብድ : በመሆኑ ፤ ጉዳት : እንዳያደርስ : በሌላ : አኳኋን : ለመከልከል : ስላልተቻለውና : ተከላሹ : ሥራውን : የፈጸመው : በሚገባ : አኳኋን : እንደ : ሆነ ፤
- (ሠ) የተከላሹ : ሥራ : አእምሮ : ባለው : ሰው : ግምት : የሚገባ : ነው : የሚያሰኝ : ሌላ : ማናቸውም : ምክንያት : በተገኘ : ጊዜ : ሁሉ : ነው ።

Article from the Civil Code

አንቀጽ ፮፻፸፮ ለአካለመጠን ያልደረሱ ልጆችን መገዳት

፩ ለአካለመጠን ያልደረሱ ልጆችን የሚጠብቅ ወይም በኃላፊነት የሚያሳድግ ማንም ሰው በማናቸውም ምክንያት ወይም ሁኔታ ልጁን የበደለ፣ ችላ ያለ ከአቅሙ በላይ ያሰራ ወይም የመታ እንደሆነ፣

ከሦስት ወር በማይበልጥ ቀላል እሥራት ይቀጣል።

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የወንጀል ሕግ

፫፻፸

፪ ወንጀሉ በልጁ ጤንነት፣ ደህንነት፣ ትምህርት ወይም አካላዊ ወይም ስነልቦናዊ እድገት ላይ ከፍተኛ ጉዳት በሚያስከትልበት ጊዜ፣ አስፈላጊ ሲሆን ከቤተዘመድ ሥልጣን የመሻሩ ቅጣት እንደተጠበቀ ሆኖ ከአንድ ዓመት በማያንስ ቀላል እሥራት ያስቀጣል።

፫ ይህ ድንጋጌ ወላጆችና ተመሳሳይ ኃላፊነት ያላቸው ሌሎች ሰዎች ለመልካም አስተዳደግ የሚወስዱትንና ሕግን የማይቃረን የዲ.ሲ.ፕ.ሊ.ን እርምጃን አይመለከትም /አንቀጽ ፳፮/።

Article from the Criminal Code

አንቀጽ ፪፻፵፭ (፩) የአሳዳሪው መሻር

- ፩. አካለመጠን ላልደረሰ ልጅ አሳዳሪ እንዲሆን የተሾመ ሰው ልጁ ለኑሮው አስፈላጊ የሆነውን ጥበቃ ሳያገኝ ወይም ከሞራል ጋር የሚስማማ የአእምሮ አስተዳደግ ወይም ከችሎታው ጋር ተመዛዛኝ የሆነ ትምህርት እንዲያገኝ ሳያደርግለት የቀረ እንደሆነ አሳዳሪው እንዲሻር ፍርድ ቤት ሊወስን ይችላል።
- ፪. ይህንንም ውሳኔ ለመስጠት አሳዳሪው የሚኖርበትን የአካባቢ ሁኔታና ጊዜውንም መመርመርና መሠረት ማድረግ አስፈላጊ ነው።
- ፫. በተለይም ፍርድ ቤቱ አሳዳሪውን ለመሻር የሚችለው አካለ መጠን ያልደረሰው ልጅ ወንጀል መስራቱ የተረጋገጠ ሲሆንና ይህንንም ወንጀል የፈፀመው በመጥፎ አስተዳደግ ወይም በአሳዳሪው ጉድለት ተገቢውን የግብረ ገብ ትምህርት ለማግኘት ባለመቻሉ የሆነ እንደሆነ ነው።

Article from the Revised Family Law

*Annex 6

*Acknowledgment & Dedication

ከከፋ-ነገሮች ሁሉ ተከላከሎኛል። በጎ ሆነውልኛል ብዬ እምጠቅሳቸው ሰዎች እና ምቹ ሆኑልኝ እምላቸው አካላት፣ ከስተቶች፣ ቦታዎች እና ጊዜያት ሁሉ ያለ አንድዬ አብሮኝ መሆን እሚታሰቡ አልነበሩምና nano እምታክል ምስጋና ከሱ ሸርፌ ለመስጠት አልዳዳም። ያለ ልክ ስለሚወደኝ አውቄውም ሆነ ሳላውቀው በሕይወቴ የተደሰትኩባትን ደቂቅ-ረቂቅ ቅፅበት ሁሉ ለሱ እንደተሰዋ ምስጋናው አድርጎ ራሱ እግዚአብሔር እንደወሰደና እንደተደሰተባት እርግጠኛ ነኝ። ይህን አኗሪ 'የለም!' የሚሉ ሰዎች አሉ። ሊከበር የሚገባ ግለሰባዊ መብታቸው ነው።

ከአክሱድ፣ ከሳራ፣ ከጌትነት፣ ከግዛቸውና ከበላይነሽጋ ተምራ ተደስቻለሁ። በተለይ ግዛቸው የተለያዩ አመለካከቶቻን ባልቀበልም ስለHuman Rights ጉዳይ motivated ነበር። በላይነሽም brilliant ነበረች። 6 ኪሎ ዋናው ግቢ ደጃፍ ላይ ታክሲ መያዣው አካባቢ ተያይተን መነጋገራችንን ስለማስታወሷ እርግጠኛ ባልሆንም በወቅቱ መመለስ ያልቻልኳት የቃልኪዳን አበራ አንዲት ጥያቄያዊ ዓረፍተነገር በጣም significant ነበረች ለኔ። አብዱሊጠፍ ከድርጅት የናስ ተስፋ፣ አልሻዳይ ከፍሉና ዶክተር ደጀኔ ጃንካ ትምህርታቸው ራሱ ከብቁ በላይ ነበር። ማሳደር! ፀሐይ፣ ብርሃኔ፣ ዓለምጸሐይ እና እጅጋየሁም እኔ ጉዳዩ እምለውን ነገር እነሱ ሥራችን ብለው ትኩረት ሰጥተውልኛል።

ጎበዙ አንትሮፖሎጂስት ዶክተር ደረጃ ፊይሳ ስላምታችን ሳይቀር ንግግራችንና አለባበሳችን ላይ እንደ 'imposition' የማይቆጠር ነገር ማግኘት እየከበደ መምጣቱን ነግሮናል። ነገር ግን with all due respect, አንትሮፖሎጂ ለባህሎች ጠበቃ ሆኖ በግለሰብ መብቶች ያለልዩነት የመከበር መንገድ ላይ የበቀለ ጅብራ ላለመሆኑ እርግጠኛ አይደለሁም።

ያስተማሩኝ ብዙ ናቸው። ከጃለሌ እና Ph.D ካላቸው 4ቱ መምህራኔ ማለትም ከታደሰ፣ ከይታየው፣ ከጌታሁንና ከሰሎሞን ምን ያልተማርኩት ነገር አለ? በተለይ ግን ለምን corporal punishment ላይ እንደማልሠራ ራሱን የጠየቅኩበት ከብዙ ጊዜ በፊት ታደሰ (PhD) የላከልኝ link አለል remark ቁልፍ ሆኖ የጠቀመኝ ሲሆን Concluding observation ላይ አትኩራ በርዕስ ጉዳዩ ላይ ኢትዮጵያ ለኮሚቴው የሰጠችውን ምላሽና ከፍተኛነትም እንዳይ ረድቶኛል።

ራሳቸውን የቻሉ ኮርሶች ሊሆኑ የሚገባቸውን ሦስት subjects አንድ ላይ ሊያስተምረን ይተጋ የነበረው ይታየውም (PhD) “አለሁኝ” ብሎኛል አማካሪዬ እንዲሆን ስጽፍለት። ጌታሁንም (PhD) ስለተለያዩ ጉዳዮች ምክረ ሐሳቡን በተለመደ ትህትናው አካፍሎኛል።

ቢራራ ገብሩ (አሁንም በአንተታ ልጥራውና) class ውስጥ ምክንያቱን ጠይቆኝ የቡድን ሥራ ያስከተሉበንን ጉዳት በግልጽ ካስረዳሁ በኋላ ሁናቴውን አጠኛ ለብቻዬ አንድሠራ ፈቅዶልኛል። “እኔም በግሌ መሥራት አፈልጋለሁ፤ ይቻላል ወይ?” የሚል ሳይሆን “ለምን እሱ በግሌ እንዲሠራ ይፈቀድለታል?” የሚል cloddish የሆነ ጥያቄ ለጠየቀ ተማሪም እኔ መልስ መስጠት አላሻኝም።

‘የቀይ ሽብር ስማዕታት ይታወሱበታል’ የሚባለውን የታሪክ ሙዚየም እንድንገባኝ አዘዘን ‘ነጭ ሽብር’ የሚባል ተያይዞ አሚጠቀስ ታሪካዊ ክስተትን የሚገልጽ አንድም ቃል ላገኝ አለመቻሌን reflect ማድረግ ስለቡድን መብቶች አንድናወራ አደረገንና “እኛ እና እነሱ” የሚል ስሜትንና አመለካከትን አፋፍተው የሰውን ልጅ ethnocentric ያደርጋሉ” ብዬ ስለው በፍፁም ካልተቀበለኝ ከፕሮፌሰር ሕዝቅኤል ዝቢሳምጋ በሌላ academic ጉዳይ class ውስጥ ትንሽ ተነታኝነት ነበር። ነገር ግን methodologyው በጣም liberal የሆነ አራፍ አስተማሪ ነበር።

በአጭሩ የቢራራና የሕዝቅኤል የትምህርት አሰጣጥ ሂደት ማዕከላዊ ያደረገው መማሪያችንን እንጂ ማስተማሪያቸውን አልነበረም። እግዚሃር ያክብርልኝ!

ለአንዳቸውም አይበቃቸውም፤ አይመጥናቸውም፤ አይቀበሉኝምም። ግን ለራሴ satisfaction ይህን የጥናት ጽሑፍ

- ፩ኛ: ነጻ ፈቃድን ሳይገጥቅ ሰላሙን ለሰጠኝ፤ ከዕኩይ ሐሳቦችና ድርጊቶች ለተከላከለኝ፤ እንዲሁ ለወደደኝ አምላኬ፤
- ፪ኛ: ኢትዮጵያን አፍቅሯት ላገለገላት፤ ስቴዲዮም ወስዶ ከሚያሳየን ጨዋታ ጀምሮ እስከ ቀሪው የሕይወታችን ውሳኔ ድረስ እሱ offer እና ምርጫ ብቻ እያቀረበ እያንዳንዳችን በጋራ ሳይሆን በተናጠል የማሰብ፣ የመምረጥና የመወሰን ችሎታ እንዲኖረን አድርጎ በነፃነት ላሳደገን ምክንያታዊ አባቴ፤ እና በጎው፣ በጎው ብቻ ለሚታዩት ለየዋኝ እናቴ
- ፫ኛ: በጣም ከባድ ዝናብ እየጣለባት በነበረች Bangkok በምትባል ትልቅ እና አሲን ከተማ ውስጥ የተሰወረ አንድን ኩሩ ኢትዮጵያዊ check-in ሳታደርግ ተጨንቃ ትጠብቅ ለነበረች በድንበር በባህል ያልታጠረ አመለካከት ላላት አንዲት ቅን European ሴት፤
- ፬ኛ: በተለያዩ የአመለካከት ፍኖት እየነገዱ የኢትዮጵያን ኃይልነት ከልባቸው ለሚናፍቁ ለታምራት ነገራ እና ለያዕቆብ ዘባሲል
- ፭ኛ: ዘመን መሣፍንትን የቋጨ፣ የባህል አብዮተኛ የነበረ አስደናቂ አባቴን አጥቶ ከዚያም እናቴ ሞታበት ሳይደሰት አድን በወጣትነቱ ለሞተ አንድ አሳዛኝ ልዑል፣ እና 'ልጅ ነው ሃገር ለመምራት ብቁ አይደለም' ተብሎ በተጎነጎነ ሲራ ከዙፋኑ እንዲርቅ ተደርጎ፤ አንድ ሥጋት ተቆጥሮም ግዞት እንዲወርድ ለተወሰነበት ብዙም traditional ላልነበረ አንድ ልጅ፤
- ፮ኛ: እምፈክረውን ፊት ተሰላፊው እያስተጋባ በዋናው በር ወጥተን የካቲት 12 የሰማዕታት ሐውልት ስንደርስ በወቅቱ በነበረው አምባገነን ኃይል በኃይል ከተተነተው የተቃውሞ ሰልፍና ከነበረን ፖሊቲካዊ አመለካከትጋ በተያያዘ ሕይወታቸው፣ አቅጣጫቸው እና አጠቃላይ prospecታቸው ለጨነፈና sacrifice ለከፈሉ የአዲስ አበባ ዩኒቨርሲቲ ተማሪዎች
- ፯ኛ: የWelfare theoreticians ገና immature በሚሉት ዕድሜው ከእናት፣ ከአባቱጋ ለበዓል በሔደባት ከተማ የራሱ ጉዳይ ለነበረው፤ ወላጆቹ ወደቤት ሲመለሱ ከካቴው ለረሱት፤ በኋላም ምን ያህል ተጨንቀው እንዳገኙት ሲነግሩት “ሰለምን ፈለጋችሁኝ?” ብሎ ጥያቄያቸውን በጥያቄ ለመለስ አንድ የ12 ዓመት ልጅ

dedicate አድርጌዋለሁ።