



**ADDIS ABABA UNIVERSITY  
SCHOOL OF LAW**

**THE RIGHT TO EDUCATION OF PRISONERS: A CASE STUDY  
OF PRISONERS IN THE SHASHAMANE ZONE, THE LAW  
AND THE PRACTICE.**

**A thesis submitted to Addis Ababa University in partial fulfillment for the  
requirement for the degree of Master of Laws (LLM) in Human Rights Law.**

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## **DECLARATION**

I, declare that the thesis entitled” The Right to Education of Prisoners: A Case Study of Prisoners in the shashamane zone, the law and the practice”. Is my thesis work paper. I have properly acknowledged and referenced all material used in this work.

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## **LIST OF ABBREVIATION**

UDHR	Universal declaration of Human Rights
UNESCO	Convention against discrimination in educations
ICESCR	International convention on economic, social and cultural Rights
ACHPR	African charter on human and people rights
FDRE	Federal Democratic Republic of Ethiopia
ART	Article
UN Charter	United Nation Charter
TVET	Technical and vocation education
G.C	Gregorian calendar

## **ABSTRACT**

Human rights are inherent to all human beings without discrimination. Right of education is Human right given for everyone. Education is a fundamental human right and essential for the exercise of all other human rights, education is not privilege it is a human right governed legally for all without any discrimination. It is both a human right in itself and other means to achieve it. Education is a basic and fundamental human right for all prisoners, Right to education of prisoners recognized in various international, regional instruments and domestic law. It is crucial to assess its sufficiency in light of the rights to education of prisoners'

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# CHAPTER ONE

## 1. Introduction

### 1.1 Background of the Study

Human Rights are a reflection of a universal moral awareness towards human dignity. No matter their nationality, sex, ethnicity, race, color, language, or any other status, all people have rights by nature. They have not been rejected human rights because they have not been provided to them by anyone. All human rights are inclusive, indivisible, interconnected, and reliant on one another<sup>1</sup>. It is impossible to execute other human rights with violation of other human rights. The right to education is related to the idea of the indivisible nature of human rights, the right to education is protected by fundamental human rights internationally; everyone has the right to education.<sup>2</sup> Art 26 of the Universal Declaration of Human Rights specifies that education shall be directed to the complete development of the human personality and the promotion of respect for basic freedoms and human rights.<sup>3</sup> The right to education of the International Covenant on Economic, Social, and Cultural Rights (hereinafter ICESCR), Art 13 and 14, The States Parties to the current Covenant acknowledges everyone has the right to an education.<sup>4</sup> They concur as education should be focused on the complete development of the human personality and feeling of dignity in fostering a respect for basic liberties and rights. United Nations Minimum Treatment on Prisoner's Rights Rules 77 and the Basic Principle on the Treatment of Prisoners.<sup>5</sup> The tools provide the proper focus on the right to education and its components.<sup>6</sup>Through its

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<sup>1</sup>The Vienna Declaration and Programme of Action (VDPA) is a human rights declaration adopted by consensus at the World Conference on Human Rights on 25 June 1993, Paragraph 5

<sup>2</sup>Ibid.

<sup>3</sup>Universal Declaration of human rights proclaimed on 10 December 1948 in Paris (General resolution 217) A1948 art 26 of UDHR.

<sup>4</sup> General comment No.13: The right to education (art 13) (1999)/Adopted by the committee on economic, social and cultural rights at the twenty-first session, E/C.12/1999/10,8 December 1999.

<sup>5</sup>Basic Principle on the Treatment of Prisoners adopted and proclaimed by General Assembly Resolution 45/111 of December 14, 1990.

<sup>6</sup><https://www.abysinnialaw.com/about-us/item/1783-proclamation-no-1-1995-proclamation-of-the-constitution-of-the-fdre-art-43>

policies, the government has implicitly guaranteed everyone's rights to an education; however, neither the federal constitution nor the constitution of the Oromia regional states, as stated in the new federal proclamation no. 1174/2019's art 43 makes the explicit. <sup>7</sup>It stated Academic and Vocational Training: While incarcerated, a prisoner has the right to participate in education and training programs depending on his interests in order to advance his knowledge and abilities.<sup>8</sup>Subsidiary law clearly provides the right to education of prisoners'. Regulation No. 47/200 give right to education for convicts.<sup>9</sup> We thus have laws that expressly grant the right to education to inmates, demonstrating the extent to which the laws directly address the right to education for convicts. Rarely policies recognized for the serious violations of human rights that they are. Denies inmates their access to an education at school and perpetuates injustice and prejudice.<sup>10</sup>Growth and capacity to demand rights depend critically on access to quality education. As a result, there are and have always been groups of individuals in all countries that are excluded from some of the social, cultural, and economic possibilities that others take advantage of.<sup>11</sup> Their exclusion might be unintentional, intentional, or the result of a purposeful policy. Due to their criminal offenses, prisoners are one of the society's disenfranchised groups. Prisoners are among the most marginalized and oppressed populations in Ethiopia,<sup>12</sup> as they are in many other nations. As the right to an education is a fundamental human right and prisoners are considered a justifiable punishment, it should not be accompanied by further restriction of civil rights.

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<sup>7</sup>Ibid.

<sup>8</sup>Regulations no.138/2007, regulation No 168/2014. Regulation to Revise the Oromia National Regional State Prison Administration Commission Police Members Code of Conduct Regulation No47/200

<sup>9</sup>Ibid at page 3.

<sup>10</sup> Ibid

<sup>11</sup>Eikeland, O.-J., Manger, T., and Asbjørnsen, A. (eds) (2009) Education in Nordic Prisons: Prisoners' educational backgrounds, preferences and motivation. Copenhagen: Nordic Council of Ministers.

<sup>12</sup>Ibid.

## **1.2 Statement of the Problem**

Education is a vital and basic human right for everyone, prisoners have Right to education Art.43 of the federal prison proclamation and the Oromia National Regional regulation No 470 impose a duty on the Prison administration to respect the human dignity of the right to education of prisoners. According to section 9(4) of the FDRE constitutions, international Human Rights Instruments are part of domestic law since "all international accords approved by Ethiopia are an inherent element of the law of the country. The rights of inmates, as well as those granted by international laws or international conventions, must be interpreted in accordance with the bill of 'rights. As a result, the constitution trusts the execution of laws by the judiciary, executive, and legislative branches of government with art 9(1) FDRE. Regardless of the fact that the various prison institutions implemented and exercised the rights to education of the prisoners. in such way that their right to education was limited as result of crime acts. To the provision of the law provided for prisoners'. In Ethiopia in its legislation, education policy, strategy, and initiatives of government has also adopted the motto "Education for All," acknowledging the right to education for all. Ethiopia has also accepted a number of laws regard the education as a basic human right. It is insufficient simply to proclaim the fact; this is true Even, the declaration is followed by action. Additionally, despite how important it is, prisoner's right to education is still not receiving enough attention. To ensure that prisoners' rights to education are successfully realized.

## **1.3 Literature Review**

The various authors like Klaus Dieter Beiter, the protection of the right to education by international law, including systematic analysis of article 13 of the ICESCR. since the 1948 declaration of the Universal Declaration of Human Rights as a non-binding document, education has been publicly acknowledged as a human right and reaffirmed in international human rights treaties..<sup>13</sup> For example, the 1966 International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the 1960 Convention against Discrimination in Education(CADE) both of which were adopted by the United Nations Educational, Scientific, and Cultural Organization

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<sup>13</sup>The International Covenant on Economic, Social and Cultural Rights (ICESCR),articles 13 and 14

(UNESCO) the universal right to education.<sup>14</sup> According to the statement that the treaties declare, "These treaties express a commitment to create accessible secondary education for everyone," everyone has the right to education and access to vocational and ongoing training.<sup>15</sup> a duty to offer foundational education to individuals who have not finished elementary school, as well as equitable access to higher education. Later, we will investigate if inmates have a universal, inalienable, or combined right to education, as well as whether this rights should be acknowledged as a human right.<sup>16</sup> Education is a worthwhile thing. It is widely acknowledged that education is a source of information and that it aids in the development of the human personality. This idea has led to the recognition of education as a human right in several national constitutions. it is also acknowledged on a global scale as a human right. International organizations, such as the United Nations (UN) or the United Nations Educational, Scientific and Cultural Organization (UNESCO), have produced international accords that safeguard education as a human right, protecting the right to education of prisoners. With that said, Ethiopia's national laws incorporated the elementary convention's provisions on education into<sup>17</sup>FDRE constitution is acknowledged as the rule of law. Constitutions of the Oromia Regional States and the Federal Democratic Republic of Ethiopia were implicitly described and required the states to uphold the right to education.<sup>18</sup> It provides a framework for other laws and policies, and any law, custom, or decision made by the state or a public official that conflicts with the constitution is automatically void. However, neither the federal nor the regional constitutions expressly mention the right to education of prisoners. However, we were aware that the government needed to set aside funds so that inmates might have access to education in accordance with its policies, plans, and subsidiary legislation. Ancillary laws such as proclamation and regulations

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<sup>14</sup> Universal Declaration of human rights enacted in 1948, Art 26.

<sup>15</sup> Beiter, K. (2006) *the Protection of the Right to Education by International Law*, Leiden: Martinus Nijhoff Publishers. Bynner, J. (2009) *Lifelong Learning and Crime: A life-course perspective*. Leicester: National Institute for Adult and Continuing Learning

<sup>16</sup> Klaus Dieter Beiter: *The Protection of the Right to Education by International Law., Including a Systematic Analysis of Article 13 of the International Covenant on Economic, Social and Cultural Rights*

<sup>17</sup> This Proclamation may be cited as the 'Constitution of the Federal Democratic Republic of Ethiopia,. Coming into Effect, Proclamation No. 1/1995". Art. 9(1).

<sup>18</sup> *ibid*

thereafter acknowledged the right to education for inmates. The achievement of prisoners' right to education has made the right to education explicit. Use their procedures and legal framework as a means of ensuring that convicts have rights to education.

#### **1.4 Research Questions**

**The research questions that are going to be address are -**

Does the prisoner have right to education and are adequately assessed in the shashamane zone prisoners?

Do we have a Legal framework of the international, regional instruments and domestic laws that governs the right to education with specific emphasis on the right to education of prisoners?

Is the realization of the right to education of prisoners as Human Right? How to assess its sufficiency in shashamane zone prisoners?

Is there the accessibility of books, library, computers, internet, technology access to use and motivation of teachers and student in teaching-learning ?

Is the right to education of prisoners in either vocational education or formal education practiced in a zone prisoners?

What is the nature and definition of right to education ?

#### **1.5. General Objective**

The general objective of this study is to assess the implementation of the prisoner's right to education, Specific objectives

To know the different laws governing the right to education.

To analysis the motivation in education of prisoners students and teachers in the teaching and learning process in the Shashamane zone prison center

To explore the practical challenge against the right to education within the zone prison prisoners

To know the right to education of prisoners adequately access in the vocational and technical training education in shashamane zone prison center.

Whether there is accessibility of chairs, exercise book in the prison center

To point out areas where there is a gap between the law and practice, therefore possible solutions will be recommended to fill the gap.

## **1.6 Research Methodology**

The study follow mixed approach by Both the Doctrinal and empirical methodologies are employed , the doctrinal legal research data collected from currently published works, legal and non-legal materials relevant to rights to education of prisoners, including books, journals, reports, legal instruments and other non-legal documents like resolutions, declarations, the empirical legal research methodology study supported by Interviews with teachers, imprisoned students, prison administrators, directors of the school in prison, thus, it refers to the empirical nature of study, the research employed the qualitative method to assess the condition of right to education of prisoners. The study based the primary and secondary data source.

## **1.7 Significance of the Study**

It gives significant understanding to societies about the right to education of prisoners as the fundamental human right, it serves for treatment and gives priority to education, it can serve as baseline information for conducting further research studies in these areas. In today's world, the right of education of prisoners is getting global acceptance. This particular research was emphases on the right to education of inmates in general and in Shashamane zone center in particular.

It identifies the problem of prisoners are facing while exercising their right to education, it serves as the policy and strategies reform in the deprived of the right to education for prisoners through creating awareness to the wider public. It can serve as a source for the government to find out possible solutions for those practical problems pointed out in the thesis, because when the researcher or any interested party can be renounce to the government official or any other office of government, so that it could effectively realize the right to education of prisoner as its human right.

## **1.8 Limitation of Study**

The international, regional instruments and domestic law was limited to assessing and analyzing the right to education by searching relevant law related to right to education of prisoners, The high security issue made it more difficult to conduct interviews, observations, and research on the geographically restricted right to education of prisoners in the Shashamane zone, making it difficult to gather relevant data from prison officials and students. The researcher in this work

has only limited to the right to education of prisoners in the correctional center, the researcher's ability to complete this study was limited, by financial difficulties, a lack of adequate information, and a lack of transportation services.

### **1.9 Scope of Study**

Geographically speaking, the thesis is restricted to evaluating and examining the inmates' right to education in West Arsi Zone, Shashamane Zone prison Center, and the practices created in compliance with that right.

The researcher has thematically to addressed the right to education of inmates in the Shashamane Zone in relation to the theme of the thesis.

### **1.10 Thesis Organizations**

These papers have five chapters. The first chapter deals with introductory matters such as; background of study, statement of the problem, research questions, objective and scope of the study and methodology.

Chapter two focuses on reviewing related literature on the general concept of the right of education of prisoners with its benefit dealt.

Chapter three will discuss the legal framework of right to education various international, regional instruments and domestic laws.

Chapter four will discuss the implementation of the right to education of prisoners in Shashamane zone prisoner.

Chapter five deals with the summary of the major findings, the conclusion drawn from finding and the possible recommendations to be made were presented.

# CHAPTER TWO

## REVIEW OF RELATED LITERATURE

### 2.1 General Concept of Right to Education

Education is imperative to the promotion of human rights; it is both a human right in itself and an indispensable means of realizing other human rights.<sup>19</sup> It is the precondition for the enjoyment of many economic, social and cultural rights; for instance, the right to receive a higher education on basis of capacity, the right to enjoy the benefits of scientific progress and the right to choose work can only be exercised in a meaningful way after a minimum level of education is reached.<sup>20</sup> In the ambit of civil and political rights, the freedom of information, the right to vote and the right to equal access to public service depends on a minimum level of education, *i.e.* literacy. Further, it is crucial for the dignified life of a person. Without it, it is difficult to say one can lead a dignified life.

#### 2.1.1 Definition of right to education

Before discussing the right to education, it is preferable to know about what is meant by education. Education can be defined in two ways *i.e.* in broader and narrower ways. Broadly, education encompasses all activities by which a human group transmits to its descendants a body of knowledge and skills and a moral core which enable that group to subsist.<sup>21</sup> Art 1(a) of UNESCO's recommendation concerning education for international understanding, cooperation, peace and education relating to human rights and fundamental freedoms of 1974. Gives a highlight about the broader definition of education as follows: Education implies the entire process of social life by means of which individuals and Social groups learn to develop consciously within and for the benefit of the national and international communities, the whole of their personal capacities, aptitudes, attitudes and knowledge.<sup>22</sup> Douglas, defined in a narrower

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<sup>19</sup>Willem J.M. van Genugten (ed), Human Rights Reference Handbook, 3<sup>rd</sup> Edition, 2004, p.291

<sup>20</sup> Ibid.

<sup>21</sup> Klaus Dieter Beiter, the protection of the right to education by international law, including systematic analysis of article 13 of the ICESCR, Martinous Nihoff publisher, Linden/Boston, 2006, p.19.

<sup>22</sup> Klaus, *supra* note no. 4, p.9 .

and wider sense, in its widest sense, “<sup>23</sup>Education refers to the whole process whereby, in any society, adults endeavor to transmit their belief, culture and other values to the young whereas in its narrower sense, it defined as;“<sup>24</sup>teaching or instruction referring in particular to the transmission of the knowledge and to intellectual development. The last but not list normative content of the right to education is the one forwarded by the Committee on Economic, Social and Cultural Rights of the United Nation under its commentary No. 13. Accordingly, it has four-A basic framework elements are Availability, Accessibility, Acceptability and Adaptability. To see them briefly one by one;

**Availability:**<sup>25</sup>This means as the word itself expresses educational institutions and programs have to be available in sufficient quality, such as, the availability of sanitation facilities for sex, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, etc.<sup>26</sup> the concept of availability is explicitly protected by the ICESCR, but differs depending on the level of education. Specifically, primary education shall be “available free to all” and secondary education “shall be made generally available.” Higher education must be “equally accessible.

**Accessibility:** - this means educational institutions and programs have to be accessible to everyone, without discrimination, within the jurisdiction of the state party. This element includes the accessibility of three elements i.e. non-discrimination, physical accessibility, and economic accessibility.<sup>27</sup> First, the essence of the right to education means that no one shall be denied a right to education. In practice, this means an individual right of access to the education available, or in more concrete terms.

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<sup>23</sup> Drouglas Hodgson, *The Human Right to Education*, Faculty of Law, The University of Western Australia, Ashgate publishing Ltd, England, 1998, p. 3

<sup>24</sup>Douglas Hodgson, (1998), supra note no.3, p.4.

<sup>25</sup>Par, 6. Fons Coomans(Prof.), ‘Identifying the Key Elements of the Right to Education: A Focus on Its Core Content’ [2007] P.3/ Committee on Economic, Social and Cultural Rights, General Comment No.13: *The Right to Education (art 13)* (Twenty first session, 1999), HRI /GEN/1/REV.9 (Vol .I).

<sup>26</sup>UN CESCR General Comment no. 13(2).

<sup>27</sup> Supra Note 49, at P.275.

**Acceptability:** - in this case, the curricula and teaching method has to be acceptable. E.g. it has to be relevant, culturally appropriate and of good quality to students.<sup>28</sup> The Committee has also noted that “the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g., relevant, culturally appropriate and of good quality) to students.”<sup>29</sup>

**Adaptability:** - this is all about how education has to be adaptable and flexible so that it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.<sup>30</sup> Article 13(1) of the ICESCR states that: [E]ducation shall be directed to the full development of the human personality and the sense of its dignity, . . . strengthen the respect for human rights and fundamental freedoms . . . [and] enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups. In order for education to achieve these goals, it must be adaptable.<sup>31</sup> Formal institutional instruction, which could be a national and provincial education system whether public or private, most international institutions use the term education in this sense. For example, art 1(2) of UNESCO’s Convention against Discrimination in Education (CADE) of 1960 defines education as “all types and levels of education, including access to education, the standard and quality of education and the condition under which it was given.” Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society.<sup>32</sup> It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training and in helping him to adjust normally to his environment. These days, it is doubtful that any child may reasonably be expected to succeed in life when he was denied the opportunity of

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<sup>28</sup> Supra Note 54, at P.3.

<sup>29</sup> Ibid

<sup>30</sup> Supra Note 41, at P.34.

<sup>31</sup> Ibid at page 34.

<sup>32</sup> Ibid at page 34.

an education.<sup>33</sup> Such an opportunity where the state has undertaken to provide it is a right which must be made available to all on equal terms.<sup>34</sup>As mentioned above.<sup>35</sup> Education definitions in broad context have a variety of definitions in all aspects of human rights for the realization of fundamental rights. Therefore, education is the most important aspect of human life as the human rights, accordingly, is accepted that the content of education may quite legitimately differ between different types of society. Hence, although education must involve the acquisition of knowledge and skills, there are no international agreed upon criteria as to the specific knowledge and skills to be acquire<sup>36</sup>

### **2.1.2 Nature of the right to education**

Education is the key to sustain economic growth and reduce poverty. It is the backbone of every country. Today we live in a world of constant change; everyday life demands an ever-increasing knowledge base and ability to master new technologies and technical skills. Education and training are thus becoming more necessities and it have intrinsic rights of citizens.<sup>37</sup> That is why courts of many countries have ruled that the right to education has to be granted to all citizens of the poor, prisoners, illegal migrants or other persons living in the margin of society.<sup>38</sup> Today's world, the major internationally accepted slogan is "education for all." This is clearly stated under article 26(1) of UDHR as "everyone has the right to education." From this, it can be deduced that the right to education is a fundamental human right. <sup>39</sup>The division of human rights into two main categories resulted from a controversial and contested decision made by the UN

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<sup>33</sup> Ibid at page 34.

<sup>34</sup>The Supreme Court of the United States of America, in the celebrated case of Brown v. Board of Education of Topeka case decision in 1954.

<sup>35</sup> Ibid.

<sup>36</sup>This statement is subject to the qualification that education must fulfill certain aims. These are laid down in international legal instruments. See, for example, art. 26(2) of the Universal Declaration of Human Rights of 1948 in terms of which education must inter alia be directed to the full development of the human personality.

<sup>37</sup>Ministry of Education, Special needs education program strategy: Emphasizing inclusive education to meet the UPE and EFA goals, Addis Ababa, 2006, p.36

<sup>38</sup>Yoram Rabin, The many face of the right to education, Harl publishing, Portland, 2007, p.270

<sup>39</sup>Asbjorn Eide (ed), "Economic, Social and Cultural Rights as Human Rights", in Asbjorn Eide et al (eds.), Economic, Social and cultural Rights, (2nd ed.), Kluwer Law International, Netherlands, 2001, p. 10.

General Assembly in 1951. During the drafting of the International Bill of Human Rights. It was result of the right to education was forced to group into social economic and cultural rights nowadays, communities arrive at a consensus of classifying human rights into three groups i.e. first generation (civil and political rights), second generation consists of (socioeconomic rights) and third generation (collective rights). They also believe that civil and political rights are absolute and need immediate realization while socioeconomic rights were held to be programmatic and to be realized progressively.<sup>40</sup> Though this argument works for some socioeconomic rights, it is not a valid argument for the right to education, even if grouped as a socioeconomic right, it has some common features with civil and political rights. i.e. The right to education, as a civil and political right, demands the obligation to respect from the state parties and as a socioeconomic right require state obligation to fulfill. The classification is central to the full and effective realization of civil and political rights. the right to education is one of the socioeconomic rights and civil and political rights.<sup>41</sup>The right to education as a second-generation right requires a huge amount of capital expenditure, on other hand rights includes an element of duty and compulsion. in other cases an individual can refuse to accept state- provided public service, but the same is not true for the right to education.<sup>42</sup> The right to education as a socioeconomic right is most commonly acknowledged throughout the world and protected in the constitutions of countries and a large number of international covenants.<sup>43</sup>

The normative content of the right to education consists of three basic rights that should be distinguished from one another: the right to receive education, the right to choose a stream of education and the right to equal education. The former group of right, i.e. the right to receive education, as the word itself expresses, it precisely means individuals' right to receive education and educational related services that are funded by state.<sup>44</sup> It may include the right to receive primary education, secondary education and higher education.<sup>45</sup>In general, it has the message of

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<sup>40</sup>Ibid

<sup>41</sup>Committee on economic, social and cultural rights, general comment no. 11, plans of action for primary education,(article 4), (twentieth session, 1990), UN Doc.E/c.12/199/4,para.2

<sup>42</sup>Yoroms supra note 8, p.266

<sup>43</sup> Ibid.

<sup>44</sup> Id, p.267.

<sup>45</sup>Yoram supra note 8, p.278.

providing education to all without discrimination. This can be inferred from different international instruments which prohibits discrimination by stating "Not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground pupils belong to a particular group.

### **2.1.3 Justification for the Realization of Right to Education**

The justifications for the realization of the right to education may be; it provides the foundation for individual autonomy, liberty and human dignity and it is essential for the realization of other civil and political rights, it benefits the society. The justification related with the first, without education liberty declines in value.<sup>46</sup> These days it is undisputed that all human rights are equal importance for human dignity so that the right to education as being part of human right contributes a lot in the safeguarding of human dignity.<sup>47</sup> It is undoubted an education imparts knowledge of essential skills and trains, the individuals in logical thought and reasoned analysis forms the basis of individual dignity and self-respect.<sup>48</sup> Without education, people lack the capacity to achieve valuable functioning as part of their living. Whenever people have access to education, they can develop the skill, capacity and confidence to secure other rights.<sup>49</sup> The other aspect of education is that it constitutes the inner worth richness of the personality.<sup>50</sup> The right to education is related to human dignity in both intrinsic and extrinsic manner. In the case of intrinsic manners, education contributes a lot to personal development and individual self-esteem, to a cell of inner value to individual worth. On the other hand, in an extrinsic manner the amount of education obtained represents the primary measure for an assessment of a person's worth, capabilities and potential to succeed in numerous areas of daily life.<sup>51</sup>

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<sup>46</sup> Id, p.268

<sup>47</sup> The Mast rich Guide line on violation of economic, social and cultural rights, para.4

<sup>48</sup> W.F Foster and G.Pinhiro, "constitutional protection of the right to education ", Dalhousie law Journal, vol.11, 1987/88, p.755 and 771

<sup>49</sup> <http://www.right-to-education.org/node/233>, accessed on June 22, 2010

<sup>50</sup> G, Mialaret (ed), the Childs right to education, 1979, p.40.

<sup>51</sup>Yoram, supra note no .8.

The second justification is the right to education as it is essential to the realization of basic civil and political rights and socioeconomic rights.<sup>52</sup> Furthermore, it is beyond doubt that the two cells' rights are extrinsically linked in practical life. It is a fact that as a person dies sooner or later without food and health care, anyone who has not learned to read and write will not be able to enjoy civil and participatory rights.<sup>53</sup> Denial of right to education has the potential to restrict the enjoyment of other fundamental rights.<sup>54</sup> Education gives people access to the skills and knowledge needed for full membership in society.<sup>55</sup> Education not only civil and political rights, but it also promotes the realization of other socioeconomic rights. For instance, the right to work, the right to an adequate standard of living or the right to health can be exercised in a meaningful manner where a minimum level of education has been attained. Furthermore,<sup>56</sup> Education plays a significant role in preserving democracy and enabling citizens to participate actively in politics. It can be said that, education is the key role for the effective enjoyment of many civil and political as well as socioeconomic rights.<sup>57</sup> Education also serves as an empowerment right.<sup>58</sup> Lastly, education makes a person aware of the cultural and spiritual value of their community and can serve as an instrument of transmitting those values from one generation to the next.<sup>59</sup> In general, the above mentioned and other rationales lead to the conclusion that education is so closely connected with the day to day life activity of human beings and should be recognized as a fundamental and basic human rights granted to everyone.

#### **2.1.4 Duty bearers in realization of the right to education**

**Until now, we discussed the right to education. However, knowing the right to education without knowing from whom this right is claimed is nothing. Accordingly, it is usual for all**

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<sup>52</sup>Asbjorn, supra note .9, p.12.

<sup>53</sup> Elisabeth Kock, “ Economic, social, and cultural rights as components in civil and political rights: p.33.

<sup>54</sup>Neville Harris and Paul Meredith (eds.), Children, Education and Health, International perspective on law and policy, Ash gate, Antwerpen-Oxford, 2006, p. 3.

<sup>55</sup>F. Complain & F.V. Hoof (eds.), The Right to Complain About Economic, Social and Cultural Rights, 1995, p.12.

<sup>56</sup>Klaus D. Beiter (2006) supra notes 4, p. 29.

<sup>57</sup>Yoram Rabin (2007) supra notes 8, p. 269.

<sup>58</sup>Committee on Economic, Social and Cultural Rights, General Comment No.13, supra note at 16 par, 8.

<sup>59</sup>Klaus D. Beiter (2006), op cited at note 4, p. 18.

**prison facilities to be run by state. The most significant provision clearly stated in the Art 2(1) of (ICESCR) It reads as;**

*Each state party to the present covenant undertakes to take steps individually and through international assistance and cooperation especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the right recognized in the present covenant by all appropriate means, including particularly the adoption of legislative measures.*

By looking into this provision, it can conclude that the major responsibility to realize the right to education was directed to state, therefore, when we say with its maximum available resource, "it refers both the resource within the state and those available from the international community through international cooperation." States parties' domestic obligations under the covenant and state parties' international obligations are indicated through the phrase "individually and international assistance and co-operations, especially economic and technical. "International cooperation and aid in accordance with the UN charter (Art 55 and 56) the covenant will prioritize the attainment of all essential freedoms and human rights.<sup>60</sup> There was a clear obligation to co-operate internationally; it is not clear whether wealthy states parties are obliged to provide aid to assist in the realization of the rights, including in other countries.<sup>61</sup> However, it is acknowledged that a state cannot merely use resource inefficiency as an excuse for failing to realize right; rather, it must actively seek support from the international community and use any resources made available by the international community from bilateral aid programs and international financial institutions.

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<sup>60</sup>Limburg Principle on the Implementation of the International Covenant on Economic, Social and Cultural Rights, Maastricht, The Netherlands, (1986), par. 29 (the Limburg principles are the outcome of a meeting of experts in international law, held at Maastricht, the Netherlands from 2-6 June 1986, to consider the nature and scope of the obligation of state parties to the ICESCR).

<sup>61</sup>Matthew Craven, "The International Covenant on Economic, Social and Cultural Rights", in (RaijaHanski and MarkkuSuksi (eds.)), An Introduction to the International Protection of Human Rights – Text

## **CHAPTER THREE**

### **3. LEGAL FRAMEWORK OF RIGHT TO EDUCATION OF PRISONERS: INTERNATIONAL, REGIONAL INSTRUMENTS AND NATIONAL LAW**

Every person has been given the right to an education by all international agreements, including the 1948 UDHR and the 2013 ICESCR. The phrase "every individual has the right to enjoy educational rights" is included in regional law as well as national law, the 1960 UN Educational Scientific and Cultural Organizations (UNESCO) and the African Charter on People and Human Rights, the domestic laws to ensure that prisoners are not disadvantaged. Further special rules concerning prisoners' rights to education at the international level and the acceptance of education for everyone. neither nature nor society can be proper made to perform their respective important roles without education.<sup>62</sup>

#### **3.1 International Instruments**

##### **3.1.1 United Nations Charter (1945)**

The United Nations will promote educational cooperation among nations to create stability and well-being. In its preamble, the UN chartered states a universal principle of fundamental human rights: the dignity and worth of the human person, and the equal rights of men and women.<sup>63</sup> The United Nations members agreed to take both joint and separate action in support of human rights and fundamental freedoms for all without regard to race, sex, language, or religion in order to establish the conditions for stability and well-being based on respect for the principle of equal rights and the right of peoples to self-determination.

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<sup>62</sup>Douglas Charles Hadgson 1998 The Role and Purposes of Public Schools and Religious Fundamentalism: An International Human Rights Law Perspective' Professor of International and Obligations Law, Faculty of Law, The University Of Western Australia p.supra note at preamble 1.

<sup>63</sup>Jootaek Lee, 'The Human Right to Education: Definition, Research and Annotated Bibliography' (2020) 34 Emory Int'l L Rev 757.

### 3.1.2. Universal Declaration of Human Rights (UDHR)

The International Bill of Human Rights is composed of the UDHR, ICESCR, and the ICCPR. The UDHR is "a milestone document in the history of human rights."<sup>64</sup> Undoubtedly, the worldwide undertaking of the 20th century was the Universal Declaration of Human Rights (UDHR).<sup>65</sup> The UN General Assembly unanimously approved the Universal Declaration of Human Rights on 10 December 1948 to give substance to the human rights provisions of art 55 of the United Nations Charter and to stipulate in its terms, "*a common standard of achievement for all peoples and nations*". A prologue art 30, make up the document. Subsequent treaties, regional human rights documents, national constitutions, and legislation have expanded in the articles. In the Declaration, general right to education was stated explicitly and clearly for the first time Art of 26(1) UDHR . It stated;-<sup>66</sup>

*"Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit".<sup>67</sup>*

Education shall direct to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups shall further activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that has given to their children.<sup>68</sup> "Everyone has the right to education," it declares. While not explicitly stated in this section, the right to education of convicts may be deduced from the fact that everyone has the right education. the word "everyone" indicates its existence. One of the socioeconomic, civic, and political rights is the right to education. Human rights, on the other hand, are all interrelated and necessary for a person to be able to live a good life. Hence, convicts have the same access to education, education is a fundamental right, prisoners still have human rights even though they are stripped of their physical freedom".

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<sup>64</sup>Ibid.

<sup>65</sup> Thomas S. Wermuth, 'The Hudson River Valley Review'(2009) Vol. 26 A Journal of Regional StudiesP.53

<sup>66</sup> The UN General Assembly unanimously adopted the universal Declaration of Human Rights on 10 Dec 1948.

<sup>67</sup> Ibid at P.26

<sup>68</sup>Supra Note 1, at Preamble.

### **3.1.3 The International Covenant on Economic, Social, and Cultural Rights' (ICESCR).**

The United Nations General Assembly adopted the Covenant on December 16, 1966, and it entered into force on January 3, 1976, the same year as the International Covenant on Civil and Political Rights. A prologue art 31, broken up into five parts, makes up the document.

It places an enforceable duty on the countries that ratify it or accede to it to work toward providing people economic, social, and cultural rights.<sup>69</sup> This Covenant has reaffirmed, expanded, and added greater specificity to the UDHR's educational provisions. Article 13 of the ICESCR expands the scope of the right to education as defined by Art 26(1) of the UDHR. It is devoted to the right to education and at the time it has written, it featured the most comprehensive and in-depth provisions on the topic ever included in a treaty.<sup>70</sup> There are several definitions for the word "education." In its broadest definition, education happens when a person interacts with the social and natural world to which they belong. Education can be defined broadly to include "all endeavors by which a human group passes on to its offspring a set of knowledge, skills, and moral principles that enable that group to survive. Therefore, in this sense, education is primarily concerned with passing down to the younger generation. The abilities required to carry out everyday duties as well as with instilling the social, cultural, religious, and philosophical values held by the specific group."<sup>71</sup> Marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education is essential for empowering women, protecting kids from dangerous and exploitative jobs and sexual exploitation, and advancing.<sup>72</sup> In order to measure a State's compliance with a treaty, we must carefully know the treaty language. To interpret the meaning of the ICESCR, we look at the language of the treaty and the General Comments on (CESCR or Committee).<sup>73</sup> the

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<sup>69</sup>Supra Note 38 at P.44

<sup>70</sup>Ibid.

<sup>71</sup>Douglas Charles Hodgson, 'The Role and Purposes of Public Schools and Religious Fundamentalism: An International Human Rights Law Perspective' Professor of International and Obligations Law, Faculty of Law, The University Of Western Australia p.1

<sup>72</sup>Committee On Economic, Social And Cultural Rights, Implementation Of The International Covenant on Economic, Social And Cultural Rights [1999]General Comment No. 13

<sup>73</sup>Ibid at P.260

treaty body responsible for monitoring and evaluating States parties' compliance with the ICESCR, including the right to education.<sup>74</sup>

### **3.1.4 UNESCO's Convention against Discrimination in Education /CADE/**

The Convention against Discrimination in Education was approved at the UNESCO General Conference, which met in Paris from 14 November to 15 December 1960. Its format consists of a prologue and art 19 . The Convention's explicit goals are to put a stop to discrimination, ensure equality of treatment, and provide access to education at all levels. According to paragraph four of the Convention's preamble, the United Nations Educational, Scientific, and Cultural Organization have a duty to foster equality of opportunity and treatment for everyone in education as well as to outlaw any kind of discrimination in education. "As a result, to banning discrimination, the Convention also encourages equality of opportunity and universal access to education. In our case, the Convention ensures that inmates would not encounter prejudice when exercising their right to education. This is not the end since the Convention guarantees them the right to equal opportunity and treatment in schools. For the purposes of the Convention, "education" means all levels and types of education access to the standard of, and the environment in which education is delivered.<sup>75</sup> Art 5(1) (a) of the UN Charter states the following regarding the purpose of education: - "[e]ducation shall be directed to the full. It shall promote understanding, tolerance and friendship among all nations.<sup>76</sup> Moreover, this convention urges states to eliminate any discriminatory laws or administrative acts, which result in educational exclusion based on race, color, sex, religion, prisoners, etc. Not only abrogating the discriminatory provisions, but also the states are obligated to formulate, develop and apply a national policy by method appropriate to the circumstances and to the national usage, will tend to promote equality of opportunity and of treatment in the matter of education. The cooperation of all states in the world to strengthen and respect the human rights to education of all individuals' like the prisoners".

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<sup>74</sup>Sita Kalantry, Jocelyn Getgen, and Steven A. Koh 'Measuring State Compliance with the Right to Education Using Indicators: a Case Study of Colombia's Obligations Under the ICESCR' [2009] Cornell Law Faculty Working Papers p.18, [http://scholarship.law.cornell.edu/clsops\\_papers/52](http://scholarship.law.cornell.edu/clsops_papers/52)

<sup>75</sup>Id.page 48.

<sup>76</sup> Supra Note 35, at P.777

### 3.1.5 United Nation Standards

The United Nations has also adopted several sets of standards that are relevant right education of prisoners. The most important of these, containing The Standard Minimum Rules for the Treatment of Prisoners, The Economic and Social Council accepted in 1957 and expanded by the General Assembly in its resolution 45/111, containing the Basic Principles for the Treatment of Prisoners.<sup>77</sup> Rule 77 applies directly to the education and recreation of offenders. Specifically, it states, "provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction", and penal education should be integrated "so far as practicable" with the educational system of each country.

Rule 77 states:

*"All convicts who may benefit from it must be given the opportunity to continue their education, including receiving religious instruction where it is legal. Illiterates and young convicts must get an education, and the government must give it special consideration."*

The national educational system, as much as is practical, has linked to prisoner education so that, after release, students may easily continue their studies.

### 3.1.6 Recent Resolution

The Economic and Social Council adopted important new resolutions on prison education on May 24, 1990<sup>78</sup> (resolution 1990/20). The Council reaffirmed rule 77 of the Standard Minimum Rules for the Treatment of Prisoners and the universal right to education, both of which are enshrined in the aforementioned human rights agreements. The resolutions' main suggestions are, in brief, Member States<sup>79</sup>:

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<sup>77</sup>Standard Minimum Rules for the Treatment of Prisoners, was adopted in 1957 by the Economic and Social Council and was enlarged upon by the General Assembly in its resolution 45/111, containing the Basic Principles for the Treatment of Prisoners.

<sup>78</sup>The General Assembly, the Economic and Social Council adopted important new resolutions on prison education on May 24, 1990.

<sup>79</sup> Standard Minimum Rules for the Treatment of Prisoners ,Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

“To consider increasing the use of alternatives to jail and measures for the social reintegration of inmates; to provide various forms of education that would considerably help to crime prevention and reduction of recidivism.”

The same resolution also suggested that while creating education policy, Member States should consider that as Prison education focuses on fostering the full person while considering the prisoners social, economic, and cultural background, every prisoner should have access to educational opportunities, such as literacy programs. Basic education, vocational training, creative, religious, and cultural activities, physical education and sports, social education, higher education, and library resources are all available. Every effort should be made to encourage prisoners to participate actively in all aspects of schooling. Everyone working in prison administration and management should support and promote education to the maximum degree possible. To avoid creating obstacles for inmates who take part in authorized formal education programs, Vocational education should be attentive to market developments and work for the individual's higher growth.” It is crucial to draw the conclusion, all state members expected to offer education for the inmates who are located in their nation based on the aforementioned advice. In accordance with this suggestion, the member nations must not only provide access to education but also encourage inmates to actively engage in all facets of education. Education in prison as to prisoners enabled and supported by those in charge of jail management and operations. If a prisoner's education program takes place outside of the jail, as much of the outside community should take part as well. However, some contend that this advice is not binding. However, despite its lack of binding, it plays a convincing function. Therefore, in light of this, inmates have a right to education. Member nations are obligated to provide all inmates with access to education in accordance with this proposal.

## **3.2 Regional Instruments**

### **3.2.1 African Charter on Human and Peoples' Rights**

A new phase in the history of human rights in Africa began with the ratification of the African Charter on Human and Peoples' Rights in 1981. It became effective on October 21, 1986.<sup>80</sup> Charter has 53 States parties as of April 29, 2002. Every person "must have the right to education," according to Article 17(1) of the ACHPR. This concise description of the right to education in the Charters is not expanded upon. The African Charter exhibits a high degree of specificity due in particular to the African conception of the term "right" and the prominence it accords to human responsibilities; despite being strongly inspired by the Universal Declaration of Human Rights.<sup>81</sup> The Charter offers a lengthy list of rights that spans a wide range of economic, social, and cultural rights, with the civil and political rights. Ethiopia is not only a party to it, but also a key player in putting this Charter into action. Every person "should have the right to education" and the freedom to "take part in the cultural life of his society," it states in art 17 of the charter. Although financial and other restrictions hinder the African Commission on Human and Peoples' Rights from working at full capacity, this document has played and will continue to play a crucial role in protecting the human rights of prisoners in African States Parties to the Charter.<sup>82</sup> It follows logically from reading this article, and in particular, from the phrase "every individual shall have the right to education," that convicts have this right as part of the broad category of "every individual."

## **3.3 Domestic Laws of Ethiopia**

International agreement that Ethiopia approved became the supreme law of the territory<sup>83</sup>. Ethiopia is one of the nations that have ratified the UN's principles and rules, including the UDHR, ICCPR, and ICESCR, as well as one of the nations which is a member of the UN. there were law which address the right to education for inmates and recognize the broad concept of education for each individual.

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<sup>80</sup> African Charter on Human and Peoples' Rights (1981) OAU Doc. CAB/LEG/67/ 3Rev.5, entered into force on 21 October 1986.

<sup>81</sup> Id, p.9

<sup>82</sup> Ibid

<sup>83</sup> FDRE Constitution Art 9(4)

### **3.3.1 Federal Laws**

Ethiopia originally based its domestic legal framework on the treaties it had ratified. Ethiopia is one of the nations that have endorsed the UN's founding ideals and rules, including the International Covenant on Economic, Social, and Cultural Rights and the Universal Declaration of Human Rights. Furthermore, there are particular law governing educational rights that deal with the rights to education of prisoners as it developed and enshrined Ethiopia laws as it cover the broad idea of education for everyone.

#### **3.3.1.1 The Federal Democratic Republic of Ethiopia Constitutions**

The FDRE constitution is acknowledged as the only legitimate legal instrument in Ethiopia. All following laws, regulations, orders, decrees, customs, and state decisions founded on it.<sup>84</sup> Public authorities have not been permitted to violate the constitution in any way, everyone has a responsibility to uphold and respect the constitutional order, including government entities and political parties.<sup>85</sup> Eleven chapters make up the constitution. The constitution also includes the three-generation rights stated in international human rights accords. The constitution recognizes the right to education as one of the socioeconomic rights, even if it also contains components of a civic and political right. Despite the fact that the right to education is not expressly mentioned, assumptions might nevertheless, be formed. Every Ethiopian has the right to equitable access to publicly funded social services, sub-art (3) of art 41 of constitutions. the collective rights of FDRE.

The right to education is one social benefit that the government may provide, among other things. This sub-article states that regardless of whether a person is in custody or not, they have access to education. In actuality, the great majority of prisoners in the country will not have access to education. Art 41(4) demands that the state spend more money on delivering public social services, such as health and education.<sup>86</sup> This sentence serves as more evidence that those who commit crimes are regular people, the government must provide financing so that inmates

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<sup>84</sup>Ibid.

<sup>85</sup>According to Article 9(4) of the 1995 FDRE constitution, every foreign agreement that Ethiopia has accepted is a basic part of the law of the state.

<sup>86</sup> According to Article 41(4) of the 1995 FDRE Constitution, the State must provide resources at ever-increasing levels to provide the people with social services including health care and education.

can pursue their education. Furthermore, the same art (7) mandates that states make all necessary steps to improve people's chances of finding meaningful work. Providing education services to its citizens, both inside and outside of jail, who have a right to education, in order to gain work possibilities following their release, is one method the government may use to ensure employment chances. Art 90(1) of the FDRE constitution mandated to the degree of the nation's resources permit, measures must be put in place to ensure all Ethiopians have access to public health and education, water, housing, etc. One could only conclude that inmates have a right to education by reading the words "all Ethiopians" and realizing the prisoners in the member of the enormous group of all Ethiopians. Art 9(4) of the FDRE Constitution has emphasized in which Ethiopia has granted its approval. Through a specific process, international accords have incorporated into national law.<sup>87</sup> Ethiopia's ratification of the UDHR, ICESCR, ICCPR, and other international human rights agreement. The constitution further, interpreting the document, the pertinent provisions of the UDHR and the International Covenant on Human Rights have been taken into consideration.<sup>88</sup> This upholds and supports Ethiopian prisoners' right to education. To guarantee Ethiopian law upholds the right to education of prisoners, it is essential to combine the implementation of the aforementioned constitutional clauses with those of the numerous international and regional human rights treaties that Ethiopia has ratified. However, it is clear that these technologies have not been exploiting to its full potential yet.

### **3.3.1.2 Federal prison Proclamation No. 1174/2019**

The House of Peoples' Representative (HPR), Ethiopia's top legislative body, is responsible for promulgating laws. it has a higher standing than all other laws, save the constitution.<sup>89</sup> The country's institutions and organs must respect their accessibility. As a result, the principles and policies outlined in the laws have binding effects. In light of this, HPR passed the Federal Prison Proclamation, Art 43 of the Proclamation focused on prisoners' rights to education. It stated <sup>90</sup>“ . One of the strategies that can achieve the goal of the proclamation is one of the inmates being

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<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup>Federal Prison Proclamation, Proclamation 1174/2019, Federal Negarit Gazeta year 26, no 14, (17 February 2020) Art. 43(1).

<sup>90</sup>Ibid art 43(2) of Federal prison Proclamation No. 1174/2019

educated with the intention of accessing judicial judgments with the necessity to carry out the role of the custody reforming and rehabilitating the convicts and aiding in crime prevention.<sup>91</sup> the proclamation implicitly incorporated in its preamble.<sup>92</sup> The proclamation sub-art 2 of the same articles stated that, it must develop relationships with public and private educational institutions and organizations that offer comparable services, in order to facilitate the provision of education with specialized professional training of inmates within the prison's walls.<sup>93</sup> Prisoners who are illiterate are required to pick up reading and writing.<sup>94</sup> The Commission is responsible for setting up a library with general interest and leisure literature in each jail and promoting reading of inmates.<sup>95</sup> A prisoner has the right to bring and study any book of his choosing within the facility, subject to reasonable scrutiny by the Commission based on a Regulation published.<sup>96</sup> In this way, the proclamation grants prisoners right to learn while; the convicts are detained and deprived of freedom. The proclamation elaborates the right to education of inmates, The right to education is focused on training and vocational education, but has not been put into practice as required by law. It discuss the formal education of convicts and training and vocational education, it has not put into practice in the places where the inmates have been captured.

### **3.3.2 Regulation no.138/2007, Council of Ministers Regulations on the Treatment of Federal Prisoners**

The Council of Ministers establishes regulations No. 138, titled "Treatment of the Federal Prisoners Council of Minister Regulations" approved in accordance with the Council of Ministers in 2007. It issued in accordance with the terms of carry out the right to education of

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<sup>91</sup>Federal Prison Proclamation No 1174/2019. Federal Negarit Gazeta year 26, number 14, (17 February 2020) Art. 43 (3).

<sup>92</sup>Ibid art 43(4) of Federal prison Proclamation No. 1174/2019

<sup>93</sup>Ibid art 43(5) of Federal prison Proclamation No. 1174/2019

<sup>94</sup>Ibid art 43(6) of Federal prison Proclamation No. 1174/2019

<sup>95</sup> Ibid art 43 (4) of Federal prison Proclamation No. 1174/2019

<sup>96</sup>Art 23, Federal Prison Proclamation, Proclamation No 1174/2019. Federal Negarit Gazeta year 26, number 14, (17 February 2020)

prisoners with conformance of art 23.<sup>97</sup> Prisoners will have the chance to enroll in academic and vocational training programs, although preference will be given to those who lack literacy. The education and training program must follow the curriculum that has been authorized by the relevant agency. Prisoners enrolled in academic or vocational programs who successfully complete the school have recognized by the relevant organization will receive certificates of achievement. Giving education opportunities to young convicts will receive special consideration.<sup>98</sup> The assertion supports the idea of prisoners should have the opportunity to seek education, even though setting priorities is acceptable. A female, minor, and uneducated prisoner has precedence. Regulations require detainees have the right to participate in academic and vocational training. The regulations also require that a certificate of qualification to offenders passed test accepted by the relevant body.<sup>99</sup> Overall, one could conclude that the domestic legal system is sufficient. The right to education of prisoners has adopted into law in one way or another.

### **3.3.3 Regional law**

#### **3.3.3.1 The constitutions of the Oromia National Regional States**

To Address the problems through constitutionally policies and tactics In accordance with sub art (3) of art 41, which comprises the socioeconomic rights <sup>100</sup>According to the explanatory regional state constitutions, every inhabitant of the region has the right to equitable access publicly government-owned social services.<sup>101</sup> Implicitly acknowledge the right to education through social, economic, and cultural rights.<sup>102</sup>As it has to claim the rights from government and it should provide access education by laws, Strategy, policy and planning state, the right to education of convicts, Again art 41(6) of constitutions.<sup>103</sup> To take all necessary

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<sup>97</sup> Regulation No. 138/2007 articles 23(6)

<sup>98</sup> Ibid art 23(6)

<sup>99</sup> *ibid.*

<sup>100</sup> Proclamation of Oromia's National Regional State Constitution Articles 94 of the Regional State of Oromia 21<sup>st</sup> August Finfinnee No. 1/1995

<sup>101</sup> *Id* art 94 and 41.

<sup>102</sup> *Ibid.*

<sup>103</sup> *ibid.*

steps to provide employment opportunities for the unemployed and the poor, must work on public programs and projects to obtain gainful employment.<sup>104</sup> Therefore, providing education services to its citizens in general, and prisoners in particular, who are Ethiopians citizens also entitled to the right to education, is one method that the government may assure job opportunities.<sup>105</sup> So as to get job opportunities upon their release of prisoners “According to Art 94(1) of social objectives of constitution , subject to resource constraints, the government shall pursue a policy of providing all residents of the region with access to public health, education, clean water, housing, food, and social security. In such way, they established policy formulation of education, right to education of prisoners’ have to endorse in policy formation.<sup>106</sup>

### **3.3.3.2 Regulation No. 168/2014 a Regulation to Revise the Oromia National Regional State Prison Administration Commission Police Members Code of Conduct Regulation No 47/2005.**

Technical and Vocational Training Center for Inmates in the defining section of the rule, the commissions have acknowledged the prisoners' entitlement to education.<sup>107</sup> Facility inmates receive regular training or various occupational educations. The law acknowledges the authority of the administration to develop and carry out social assistance plans of inmates with right to education.<sup>108</sup> Technical and Vocational Education and Training Center have to form a disciplinary committee in accordance with this rule with the rights and obligations of inmates. The primary human rights recognized right to education of prisoners.<sup>109</sup> A trainee who meets the requirements has to get training or education opportunities at colleges, universities, and other training facilities both domestically and overseas in order to develop the potential. A number of inmates that have a chance to train must notify the commission in advance if he needs to modify,

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<sup>104</sup> Ibid.

<sup>105</sup> Ibid art 94 and 41 of Oromia national regional states constitution.

<sup>106</sup> Art 94(1) of the Oromia National State Constitution, the government shall adopt a policy of ensuring access to public health, education, and clean water, subject to resource restrictions.

<sup>107</sup> Regulation No. 168/2014 may be used to refer to this regulation. Oromia National Regional State Prison Administration Commission Police Members Code of Conduct Regulation No. 47/200 is a regulation that has to be revised.

<sup>108</sup> Ibid at page 1.

<sup>109</sup> Ibid. page 5.

extend, or discontinue the training.<sup>110</sup> so that the right holders have the opportunity to provide all trainee and education services to inmates in the jail center, child or adult education have access to all materials by the institution of prison administration. Young offenders have a preferential opportunity to engage in education, and educated convicts have the right to acquire certificates of completion after completing formal and practical training.

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<sup>110</sup> Ibid at page 5, Art 15 (1) (2) and 3.

## CHAPTER FOUR

### Implementation of Right to Education of prisoners in the Shashamane Zone Prisoners

#### 4.1. Prisoners' have right to academic education and training.

Art 23 (3) of the Regulation on the Treatment of Federal Detainees No. 138/2007 and other regional regulations or directives on the treatment of detainees, as to provide certificates of qualification to detainees enrolled have right to academic or vocational training recognized by the appropriate body<sup>111</sup>. However, certificates have not been given to the learners due to the chaotic nature of the training. Many training institutions lack accreditation to grant vocational and technical credentials. The prisoners typically struggle to obtain employment after their release, and schools set up within prisons frequently lack funding.<sup>112</sup> In particular, teachers have to address inmates' right to education entitlement, in which international instruments to which Ethiopia is a party constitutes an inherent element of the country's constitutions art 9(4). prisoners in Ethiopia are entitled to the right to education not only as provided in domestic law as provided in international instruments to which Ethiopia has ratified the right to education of prisoners of academic education and vocational training. When it comes to practical application, still far from what is really specified in law. Education is required for making informed decisions and actively participating in society.<sup>113</sup> Most nations acknowledge the importance of early childhood education.<sup>114</sup> Adults, whether male and female inmates, require education and training in a variety of fields, officials have to provide continued education for all convicts who are capable of benefiting from it. The education of illiterates and young prisoners will be mandatory

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<sup>111</sup> Art 23 (3) of the Regulation on the Treatment of Federal Detainees No. 138/2007

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Art 9(4). As a result, prisoners in Ethiopia are entitled to the right to education not only as provided in domestic law provided in international instruments to which Ethiopia has ratified.

<sup>115</sup> Ibid

#### **4.2. Prison education and training (TVET) at school prison.**

The criminals in the prison have the right to education, but the Bureau of Prisoners in the shashamane zone has not made such access.<sup>116</sup> It is a condition of offenders to obtain a high school level after being released. The need is vital not just for obtaining a job outside of jail but staying within. The Bureau alleged that the colleges of technical schools insufficient to provide for instruction of the vocational training programs as required by the law. There were no vocational and apprenticeship programs available to detainees, for instance, security problems faced obstacles for accessibility of education despite the degree of the country's situation, resources allowed, and to make additional preparations within the basic minimum norms for prisoner care required to it.<sup>117</sup> The issue of education and training of prisoners were tested using interviews. The test of the condition of rights to education and training in jail cover the situation was tantamount to the right to education was inadequacy to the extent required. In this regard, education and training situations of prisoners did not attainable in the jail.<sup>118</sup>

Prisoners were considered not enough to attend an education making training of any type. there was not satisfactory education training in the zone. Moreover, training in the field of activity has been insufficient to provide.<sup>119</sup> The jail officials cannot have provided them the opportunity to finish their studies. It has not involved moving such offenders to other prison facilities; the education has not completed up to required.<sup>120</sup> When it comes to vocational education practice they did not provide enough vocational training of prisoners. There are plan to offer training in a variety of trades, including woodworking, metalworking, electrical work, cabling, singer work, hair work, and water pump work. By the year 2024 G, C. however, there is a lack of accomplishment because there is no training room, no technology is utilized for training. there is no equipment needed for training, and there is no budget. A small number of convicts receive vocational training services from the institution, but none of them engage in the training, as it is

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<sup>116</sup>Interview with bureau of prison center in the shashamane zone of the criminals have right to education technical training and education(20 February 2023)

<sup>117</sup>Interviews conducted with prisoners in the prison center in shashamane zone(17 February 2023)

<sup>118</sup>Interviews conducted with prisoners in the prison center in shashamane zone(17 February 2023)

<sup>119</sup> Interviews conducted with prisoners in the prison center in shashamane zone (17 February 2023)

<sup>120</sup> Interviews conducted with prisoners in the prison center in shashamane zone (17 February 2023)

necessitated of prisoners.<sup>121</sup>The prisoner received a certificate of occupational qualification after completing the course.Due to the lack of micro organization establishment inside the prison center, they were not giving inmates the opportunity to perform the professions so far until they were freed.<sup>122</sup> They merely obtain certificates and do not put their training into practice.

### **4.3 Academic educations**

Most students responded to the existence of the primary school in the shashamane zone prisoners (only from grade 1-8). Students have been getting to primary school. Respondent stated, there weren't secondary school institutions. The policy and education strategies were not implemented for different reasons. Many students in the prison have been troubling getting secondary school of education needed for prisoners. The authorities were not responsible in addressing the right to education of prisoners in the manner required by law within the required level of education. They also talked about a lack of resources because there was no budget allocation for education. It should be noted that the evaluation primarily on the issue of individual right to education of inmates, including the situation in the prison management zone. Special attention has not been given to young female convicts to open the door to education opportunities.<sup>123</sup> Inmates' rights to education have to be viewed as fundamental human rights rather than privileges; they place little emphasis of the right, and the prisoners themselves are unaware of it. Prisoners' rights to education and the normative provisions of international, regional, and state laws have gained attention to prisoners' rights to education have become current issues, prisoners right to realize other civil rights while they were in custody.<sup>124</sup> Mean that other civil rights have not been violated because of the normative understanding of prisoners' rights that has recently emerged, despite the fact that crime revokes some rights. The regulation's purpose was to ensure that the legislation followed and put into practice

According to interviews student's attendance based on the prisoner's interest<sup>125</sup>. However, it must not be forgotten that education for literates and young convicts is mandatory, regardless of

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<sup>121</sup> Interviews conducted with prisoners in the prison center in shashamane zone (17 February 2023)

<sup>122</sup>Interviews conducted with prisoners in the prison center in shashamane zone (17 February 2023)

<sup>123</sup> Interviews conducted with prisoners in the prison center in the shashamane zone(17 February 2023)

<sup>124</sup> Interview conducted with prisoners in shashamane the prison center (17 February 2023)

<sup>125</sup> Interview conducted with prisoners in the shashamane the prison center(17 February 2023)

whether they are interested in school or not. As previously stated, the convicts' have study provided an education curriculum ranging from kindergarten to grade eight.<sup>126</sup> Nevertheless, the majority of them have not enrolled for educational programs. Significant respond of proportion of convicts, the situation remaining to push illiterate and young offenders who owing to a lack to attend school.<sup>127</sup>

#### **4.4. Access and use of digital technology; -**

There is a greater understanding of digital literacy and the advantages it brings for fundamental life skills.<sup>128</sup> The tools to end vicious inter-generational cycles that disproportionately harm low-income families and communities of color are provided by digital literacy programs for returning citizens. Returned residents can foster upward mobility in their own communities by using technology as change agents<sup>129</sup> in the shashamane zone prisoners. The nature and characteristics of those unable to access ICT are brought to our notice, it represents how much technology use enables people to engage in and be a part of society.<sup>130</sup> The act of being imprisoned consciously limits and restricts communication options, social contacts (including face-to-face interactions) and the ability to make independent decisions about communication.<sup>131</sup> Prisons are communication-challenged settings with severely restricted access and participation. In the case of prisons, the "divide" is doubled and made worse by government interference that restricts communication options and uses a basic model of related industries to create a "digital rehabilitation model."<sup>132</sup> In this paradigm, accessibility and digital competence can improve returning residents' economic, social, personal, cultural, and health dimensions. Evidence that contradicts what some members of the public questioned for this study fail to notice. Our

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<sup>126</sup> Interview conducted with prisoners in shashamane the prison center (17 February 2023)

<sup>127</sup> Interview conducted with prisoners in shashamane the prison center (17 February 2023)

<sup>128</sup> Lee Hadlington<sup>1</sup> and Victoria Knight<sup>2</sup> *Article* Public Acceptability of Prisoners' Access and Use of Digital Technologies in the UK *The Prison Journal* Volume 102, Issue 2, March 2022, Pages 237-255 © 2022 SAGE Publications, [Article Reuse Guidelineshttps://doi.org/10.1177/00328855221079290](https://doi.org/10.1177/00328855221079290).

<sup>129</sup> Ibid, page 241.

<sup>130</sup> Ibid, page 246.

<sup>131</sup> Ibid, page 247.

<sup>132</sup> Ibid, page 251.

investigation was digital rehabilitation models is noteworthy. It is clear that opinions about digital opportunity and enrichment are varied among the general people.<sup>133</sup> the public believes that usage and adoption would improve jail operations, promote "compliance and order," and aid accomplishes "reduced re offending" results.<sup>134</sup> in the shashamane learning new skills via technology is beneficial, they are less certain or even aware of how these activities could affect broader rehabilitative results and crime reduction. it shows a lack of understanding. Although the study of prisoner rehabilitation is recognized and seen as a top concern, it is less known how specifically digital literacy and competence relate to the likelihood of rehabilitation. Although respondents need rehabilitation with internet access, the correlation is constrained. The vast majority of people want to give that people who are incarcerated cannot freely access all of the interactive features of the internet. For the majority of participants, cost and security features are crucial.<sup>135</sup> They discovered response tended to be motivated by technology and access to ICT was seen as crucial to both social and economic progress. The researcher made clear that inmate felt it was up to each person to gain access. This was insufficient in the correctional center in order to close the digital gap. The results of the study concluded about prisoners' access to and development of digital literacy are relevant in this respect. The reduced eligibility objective is definitely supported by the manner in which the public is informed about the usage and purpose of jail.<sup>136</sup> Prisoners do not have access to ICT's diminished communication options and losses of those chances seem to be part of rhetoric of deprivation. Rather it is believed usage of technology might lessen the likelihood of violence in jail.<sup>137</sup> They claims that digital technology, obviously, the Evidence has not been incorporated or translated into widely accepted discourses to the public may easily access to education.<sup>138</sup> respondents expressed technology might give inmates not to have more chances to engage in criminal activity. Nevertheless, the lack precise

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<sup>133</sup> Ibid, page 252.

<sup>134</sup>Allen R. (2013). What works in changing public attitudes to prison: Lessons from rethinking crime and punishment? In Paul Mason (ed.) *Captured by the media: Prison discourse in popular culture* (pp. 65–83). Routledge

<sup>135</sup>Interview conducted with prisoners in the shashamane zone center (17 February 2023)

<sup>136</sup>Interview conducted with prisoners in the shashamane zone center (17 February 2023)

<sup>137</sup>Interview conducted with prisoners in shashamane zone center (17 February 2023)

<sup>138</sup> Interview conducted with prisoners in the shashamane zone center(17 February 2023)

information on the processes, presently no safe digital jail options, making it possible to engage in legitimate internet activity of educations in shashamane zone of inmate.

#### **4.5. Teaching-learning facilities at school prison**

In the School, the teaching-learning environment of Prisoners schools is very complex. There are difficulties that need to be corrected the challenges is inherently.<sup>139</sup> Nonetheless, many issues are unique to the correctional school.<sup>140</sup> A zone Prisoners school coordinator sated that there was a lack of educational input; a person who had been imprisoned for 10 years and had spent that time in a prison complained that there were no books or study aids available.<sup>141</sup> Moreover, he explained that the prison did not endorse the school based on his experience. He further added that the school funding provided by the donor was not utilized for educational purposes. Participants in focus groups at prison school reported that the bulk of them hailed from low-income families.<sup>142</sup> They could not afford to buy learning materials like; pens, pencils, exercise books and other necessary materials used for educations, the director of the prison's education department was honest about the fact that there was a lack of infrastructure including libraries, classrooms, tables, and seats, the school's head of education indicated that his office operated under the impression that it was supporting other functions rather than carrying out its own.<sup>143</sup> This is because the center's education coordinator stated that there was an issue with the organizational structure used to handle education. The researchers noted that there were no chairs or tables in the school center, where education varied from nonexistent to inadequate. Students write in their exercise books while seated on a large wooden board with their knees bent. Even the teachers themselves lacked seats and chairs. Teachers used blackboards that were damaged

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<sup>139</sup>Gamachu Gische badasa, Isa Aliye sado and Yealemwork Geshow meselu, articles types: Original,education facilities and motivation of teachers and students at correction centers; the case of goba,delomena and shashamane Oromia in Ethiopia.

<sup>140</sup>Interview conducted with coordinators in the shashamane zone prisoners centers(20 February 2023)

<sup>141</sup>Interview conducted with mikineb meskel ten year imprisoned in the shashamane zone prisoners centers(17 February 2023) Author detail a-c Department of psychology ,college of education and behavioral science, Madda Walabu University, Bale Robe ,Ethiopia, [E-mail-gamachusigishe@gmail.com](mailto:E-mail-gamachusigishe@gmail.com),P.O.X :+251247.Bale Robe ,Ethiopia

<sup>142</sup>Participants in focus groups discussion at the Shashamane zone prisoners centers(17 February 2023)

<sup>143</sup>The head school of Shashamane zone prisoners centers (20 February 2023)

and uncomfortable to write on.<sup>144</sup>The director of the center remarked that the local head of school who received this responsibility from the district education office.<sup>145</sup> It's not visit the correctional school to provide assistance; for instance instructors who took part in focus groups stated that there were not enough classrooms, even if they had previously been set aside for office usage.<sup>146</sup> We did note, however, that the classroom was not appropriate to learning and teaching. Moreover, some of the classrooms lacked windows or light, while others were overly wide or narrow. Once more, this school collaborates with the office of education and other non-governmental and educational stakeholders.<sup>147</sup> The head of the school countered that there were no exercise books, pens, or pencils among the kids placed in the class. The head of the education office completely disagreed, claiming that his department has been giving out extra exercise books, pencils, and paper by working with local stakeholders who have expressed concern. For instance, the library was shut down at Prison Camps, according to reliable sources.<sup>148</sup> Any teaching aids utilized to cover physical education topics like handball, football, and others were not prepared for kid prisoners.<sup>149</sup>The principal of the school claims that despite stating the situation to the administration and education office of the correctional facility, the issue was not resolved because of a lack of collaboration of stakeholders.

#### **4.6. Motivation of teachers in teaching at prison school**

According to a study revealed in the prison school's education administration occasionally failed to assign dedicated instructors, the school's teachers' motivation was low.<sup>150</sup>Instead, one key source believed that the teachers at this correctional facility appeared to have been put there as a sort of punishment rather than to teach people who had been convicted of a crime and imprisoned. The officials of Correction School added that these teachers were demotivated to perform effectively their jobs well because of the severe character of the workplace and harsh

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<sup>144</sup>Interview conducted with school Director Mamude mohammed morke (20 February 2024)

<sup>145</sup> Focus group of teachers discussions in the correction school in the shashamane zone (17 February 2023)

<sup>146</sup>Focus group of teachers discussions in the correction school in the shashamane zone (17 February 2023)

<sup>147</sup>Focus group of teachers discussions in the correction school in the shashamane zone center (17 February 2023)

<sup>148</sup> Focus group of teachers discussions in the correction school in the shashamane zone center (17 February 2023 )

<sup>149</sup> Focus group of teachers discussions in the correction school in the shashamane zone center (17 February 2023)

<sup>150</sup> African Journal of Social Work, 7(2), Dec 2017.

environment for high security <sup>151</sup> it was discovered that the prison did not oversee instructors chosen by the prison education office. According to the academic timetable for Ethiopian elementary and secondary schools, pupils are required to take six courses each day, however, detainees said they only took one subject per day. The director of the school did not dispute the fact. The official claims that neither his office nor the Prison Center paid attention to the area.<sup>152</sup> To address the school's teacher shortfall, several convicts who were teachers after being imprisoned whom were not trained in the different academic disciplines-have been teaching. Yet, students and the prison education facilitator claim that these para-teachers lack incentives from the prison and its office of education. The coordinator also mentioned a situation in which a dedicated peer teacher abandoned his corrective commitment.<sup>153</sup> Education was disrupted as usual as a result. However, there were Students who participated in focus groups who agreed that teachers who took part at the correctional school have provided their students with role model. prisoners who succeed by overcoming difficulties associated with detention by learning to inspire them.<sup>154</sup> Most crucially, in line with findings, students believed that their teachers lacked competency based on the interviewees' experiences performing corrective actions. Because they were not punctual and committed to teaching convicts, the school staff was inadequate. Nevertheless, the teachers experienced in the prison centers dedicated peer teachers worked for no pay. Throughout their careers, teaching services without cost make teachers ineffective, as result of non-salaried from that it may concern. As per the teachers, according to the response of a school director, meaning that most instructors had inexpensive experience working with prisoners. Due to the lack dedication of the teachers, the pupils' responses were considerably more comparable to director.

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<sup>151</sup> Ibid, page 5.

<sup>152</sup>Interviews conducted with coordinator in the shashamane zone correction school (20 February 2023)

<sup>153</sup>Focus group discussions of prison students in the shashamane zone correction school (17 February 2023)

<sup>154</sup>Focus group discussions of prison students in the shashamane zone correction school (17 February 2023)

#### 4.7 Motivation of students in the teaching and learning at prison school

Prisoners themselves have requested more opportunity to participate in education, learning and reading activities. Almost all of the inmates expressed a desire to participate in prison education. A researcher discovered that the convicts desired to engage in prison education to learn the technical and vocational training education in the center, many of these inmates desired vocational training.<sup>155</sup> The respondents expressed an interest to motivate in participating in prisoners' education in the vocational training and apprenticeship or advanced crafts credentials were the most often sought while they went to the upper secondary school education to attend school.<sup>156</sup> They desired to attend university or a higher education class, as result they expressed a desire to pursue a university degree program but it was not available yet, for there were no facilities provided for the prison education.<sup>157</sup> The educational of offenders in jail and their open willingness to motivate education activities highly the necessity for training and education. These demands have to be met through educational programs provided in prisons through aiding former inmates in pursuing their educational goals after release. It is especially important to guarantee continuity between education chances in jail and after release. Accordingly, Data collected from pupils at the School indicate that they lacked motivation for a variety of reasons. For instance, as the education coordinator noted, the setting does not encourage students in full engage into their education by doing their assignments, homework, making notes, and getting ready for examination.<sup>158</sup> Students allegedly exposed themselves to a variety of substances on a large scale.<sup>159</sup> As a result, a large number of new prisoners were picking up these behaviors and other wrongdoings. Pupils believed that they were only attending school for the sake of being school in the centers.<sup>160</sup> The students responded that saying, "Something is better than nothing," stated that, as they were not motivated for education. According to the findings, pupils at prison School may not have been motivated since they believed that the educational program was ineffective. As a result, the participants opted to work at conventional or unskilled jobs like

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<sup>155</sup> Interview conducted with prisoners in the shashamane the prison center (17 February 2023)

<sup>156</sup> Interview conducted with prisoners in the shashamane the prison center(17 February 2023)

<sup>157</sup> Interview conducted with prisoners in the shashamane the prison center(17 February 2023)

<sup>158</sup> Interview conducted with the education coordinators in correctional centers(20 February 2023)

<sup>159</sup> Interview conducted with the prisoners students in correctional centers (17 February 2023)

<sup>160</sup> Interview conducted with head of detention school in correctional centers(20 February 2023)

making rope, doing other crafts, and the like to address their immediate financial problem rather than school attending.<sup>161</sup> The Ethiopian Constitution states that everyone has the right to education.<sup>162</sup> In contrast, according to the head of the detention school female pupils received almost little attention in correctional facilities. Prior to moving to the main center, where there was no official education, seven female prisoners were only enrolled in classes..

#### **4.8 Teachers' competencies**

It found teachers need to have significant expertise in two areas: general pedagogy and pedagogical knowledge.<sup>163</sup> instructors were unable to distinguish between the skills required for formal and informal inmates when asked to define the teaching abilities needed for an adult teacher during an interview<sup>164</sup> It is essential to get ready for the lessons. knowing the principles of effective instruction that any teacher should know, people who train prisoners also need to possess particular skills that are different from those required for instructing in a formal school the survey also shows that instructors are not proficient in comprehending educational topics. The teachers' competence falls short of what is necessary in this respect. Their expertise is insufficient to instruct the convicts.<sup>165</sup>They primarily concentrate on teaching reading and writing, despite the fact that inmates should be taught the material in conjunction with their experiences.<sup>166</sup> Non-degrees volunteer's teachers, who work in non-formal education, are also employed there.<sup>167</sup> Foe with Unpaid cost.<sup>168</sup> Because it is less formal, they are less motivated to teach effectively because they lack the fundamental knowledge necessary to do so. <sup>169</sup>However, a qualified team operating inside a traditional framework of equivalence and assessment must also

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<sup>161</sup> Interview conducted with head of detention school in correctional centers(20 February 2023)

<sup>162</sup> Interview conducted with the prisoners students in correctional centers (17 February 2023)

<sup>163</sup>Genet Genena and Haftu Hindeya Correctional Education Teachers 'Teaching competence and use of Adult learning principles; Inmates and Teachers 'views in selected correctional institutions Correctional Institutions.

<sup>164</sup> Interview with teachers shashamane zone in prison administration (17 February 2023)

<sup>165</sup> Interview conducted with teachers in shashamane zone correctional center (17 February 2023)

<sup>166</sup> Interview conducted with teachers in shashamane zone correctional center (17 February 2023)

<sup>167</sup> Interview conducted with teachers in shashamane zone correctional center (17 February 2023).

<sup>168</sup> [https://www.bop.gov/resources/research\\_projects/published\\_reports/pub\\_vs\\_priv/oreprcg2000.pdf](https://www.bop.gov/resources/research_projects/published_reports/pub_vs_priv/oreprcg2000.pdf)

<sup>169</sup> Interview conducted with teachers in shashamane zone correctional center. (17 February 2023)

monitor it.<sup>170</sup> As they will learn about peer culture and behavior, inmates may gain by being taught how to educate their peers. Nevertheless, these strategies need to be regularly monitored by qualified teachers in order to properly address the learning needs of inmates. When asked about their subject area, the subject matter is straightforward and requires little preparation. Inmates must learn from teachers. It is essential to have the ability to apply a variety of cutting-edge or complex instructional methodologies, as well as specific learning objectives designed to educate prisoners certain call characteristics and abilities. The prison administration utilized inside-the-compound lecturers who had been jailed for crimes against society rather than outside-the-compound professors. These teachers lacked the credentials required to instruct successfully. The inmates claim that we lack qualified teachers, to have a thorough mastery of one or more of the subject areas covered by teaching; inmates must possess expert awareness of educational principles, practices, and techniques.<sup>171</sup> Prison instructors may provide inmates with academic teaching at various levels, vocational training, and a range of lucrative professional prospects. This enables a person to contribute to both the institutional community while they are incarcerated and society once they are freed.<sup>172</sup> The majority of activities are provided to inmates by the Education Department, which also handles both their specialized and general educational needs. The division provides leisure time programs in a variety of areas.<sup>173</sup> All programs are designed to increase institutional effectiveness while helping inmates develop the skills, knowledge, and attitudes that will increase their prospects of success outside of prison. The Shashamane Directors are not dedicated to determining the convicts' requirements or assessing the teachers' abilities.

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<sup>170</sup> Interview conducted with teachers in shashamane zone prison administration (17 February 2023).

<sup>171</sup> Admission and orientation handbook; federal correctional institution tellite prison camp Texarkana, texas.

<sup>172</sup> Interview conducted with teachers in shashamane zone correctional center (17 February 2023)

<sup>173</sup> Interview conducted with teachers in shashamane zone correctional center (17 February 2023)

## 4.9 Availability of libraries

The library setting is suitable for learning; it was built to meet the public's information requirements, and correctional facilities across the world are primarily intended for reformation, not simply for the punishment and mistreatment are possible there<sup>174</sup>. It was shown that there are quite a few resources, including fiction novels, textbooks, periodicals, seats, and lighting. Newspapers, newspaper racks, audio and video cassettes, DVDs, and library software are among the items it has.<sup>175</sup> Correctional facilities offer a variety of services in an effort to reform, rehabilitate, and reintegrate prisoners into society, and the libraries housed within these facilities support the attainment of these goals. Hence,<sup>176</sup> Effective library services in correctional facilities are crucial for calming inmates' minds and spirits and giving them hope for life outside the prison walls. The jail library serves the same purpose as a regular library does in a citizen's life. Making appropriate library materials available in prison libraries in the shashamane zone might aid in the rehabilitation of the convicts in the center is one method the aforementioned goal might be useful.<sup>177</sup> Yet, at facilities, rather than involving the convicts in reformation and reintegration, the inmates appear to all types of unobtainable instructional material in the libraries. Library must have items that are suited for the various prisoners' classifications. Interviews with convicts was just library building, Prison students who took part in the education stated prisoners shouldn't be allowed to use reading materials to education, wouldn't be encouraged to use it to the fullest extent possible for the, the literature and library materials unavailable in the library books to convicts, the library does not provide typewriters, a few books and/or manuals, papers.

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<sup>174</sup> Doris Obinyere Obiano, Emeka Ogueri, Ngozi Chima-James & Irene Ijeoma Bernard (2020) Availability and Use of Library Resources in the Rehabilitation of Inmates in Correctional Centers in Imo and Abia States, Nigeria. *Information Impact: Journal of Information and Knowledge Management*, 11:2, 51-61, DOI: [dx.doi.org/10.4314/ijjkm.v11i2.5](https://dx.doi.org/10.4314/ijjkm.v11i2.5)

<sup>175</sup> Ibid, page 52.

<sup>176</sup> Ibid, page 53.

<sup>177</sup> Temesgen jiddo Interview, conducted with prison students within shashamane correctional center.

#### **4.10 Children imprisoned with their mother at prison school**

Many of the kids who are incarcerated alongside their mothers are still too young to start school. Nevertheless, aside from a lack of preschool and childcare facilities, the children residing with their imprisoned moms are unable to receive a pr-school education.<sup>178</sup> Children cannot learn effectively in prison facilities because of the environment. Children in prison have dangerous living conditions that make it difficult for them to develop their brains when they are of school age.<sup>179</sup> According to the finding, there are no preschool programs that prepare kids to start school at the appropriate age. As they are unfamiliar with the outside world, it will be challenging kids to get along with other kids outside of prison.

Child detained with their mother, attained educational age, does not have access to schooling. There were some children of education age in prison centers, no child guardian within the jail center or access to education in a public child with guardian, among them only fifteen, youngsters are receiving an education, which is still not available to all children who have reached the age of an education.<sup>180</sup> The children detained with their mother, have not accessed education as result of lack of administrative budget and did not provide the conditions that make the children access to prison education. Child education is compulsory; it is compulsory education in the primary level, to access the material of teaching and learning in the school administration. So as to enable the children to education in the capacity they have attained the age of academic education.

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<sup>178</sup> Interview with prisoners with children in shashamane zone prison women (17 janauray 2023)

<sup>179</sup> Interview with prisoners with children in shashamane zone prison women (17 janauray 2023)

<sup>180</sup> Interview with prisoners with children in shashamane zone prison women (17 janauray 2023)

## **CHAPTER FIVE**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **5.1 CONCLUSIONS**

An educational right is a fundamental human right that every individual can enjoy. So prisoners should not be discriminated against by law. However, when it comes to practice there is a challenge to implement human rights, right to education of prisoners in general and in prison centers in the shashamane zones particularly, it is not implemented as what the law says. Under UDHR Article 26, stipulates that primary education shall be compulsory implemented for everyone, nevertheless, until now in our country socioeconomic rights cannot be claimed individually as of right in practice therefore, there are violations of socioeconomic right in general and right of education of inmates in particular.

The Prison administrations have no full understanding of prisoners' right to education. They take it as luxury rights rather than basic rights; they do not give emphasis about this right and prisoners themselves have no awareness about their right to education. Improving the quality of education is the main goal of the current educational curriculum by the ministry of education. From the observation and interview made zone prison center there is a lack of implementation of quality of education. The study discovered that the key tenets of adult learning do not support the teaching strategies used by incarcerated teachers. Also, many teachers who work with adult offenders lack the necessary teaching skills. Particularly lacking in both general pedagogical knowledge and pedagogical content knowledge are found to be teachers.

The study found that inmate teachers' classroom practices significantly diverged from adult learning principles, despite the claims of many educators that teaching in formal schooling should differ from teaching in non-formal schooling. This survey also showed that there are few possibilities for teachers to advance their professional development and that they receive inadequate training. Even the education given is not satisfactory to avoid recidivism; prisoners made recidivisms after release which indicate lack of prisoners' educations. The child detains together with their mother whose ages to attain for education have no chance to get education. The law provides educational right of child as general and children detain together with mother

in particular in the prison center not implement this rights there was gap between the law and practice. There was no chance of distance education and a weak end education program given for prisoners, Even if education given until grade eight is not adequate, from observation and interview made prison centers. Nowadays the day place given for vocational education is high. This kind of education helps to produce creative citizens' by producing new technologies. There are different kinds of vocational education i.e. computer work, cable work, construction work, textile work. Singer work, their work, electric work, water pump work, woodwork. In prison administration computer science training, the remaining is not started due to the lack of training room; absence of technology needed for training, sufficient budget. Computers training given in prison center now a day not adequate, It is not help to improve knowledge due to it made for short time; trainer gain computer training within a few days, in absence of sufficient computer only one computers exist, for all prisoners, so it is difficult to say implementation of prison vocational education in prison center.

The prisoner vocational certificate of qualification is given when they complete training. It is good practice. However, the mere providing certificates have no effect without exercising profession; they do not train within prison administration due to absence of micro –organization establishment which is basic to exercise with their profession within prison centers. Such kinds of absence of chance have a great impact on prisoners who stay for a long period to be released. Staying without exercising with skill acquired through training results in forgetting the skill. Therefore, it makes taking training have no value. The trainers have no chance to visit other training and vocational institutions out of the prison center. This resulted in affecting the quality of education given to prisoners. Generally there is a gap between law and practice on implementation of prisoners' right to education in prison centers both in quality and on upgrading education level. This study concluded that although convicts in the shashamane zone State prisons minimally utilize prison libraries often, the library's resources and staff are insufficient to meet their informational demands. Hence, there are no appreciable differences between how much inmates in the prison centers use material resources.

## 5.2. Recommendations

Even if there are sufficient legal frameworks ensuring the prisoners right to education in Ethiopia, implementation of these laws have been very low. As enacting laws without implementing them is equal to a toothless dog, the government should do its best so that the aspirations of the laws will be realized.

It is better to improve the quality of education by fulfilling all equipment needed for education I.e. building sufficient teaching classes, building libraries and a favorable place for study, providing sufficient teaching books and reference books for study, allowing internet access to use, giving tutorial classes, fulfilling pen and exercise books for prisoners who have no capacity to buy by themselves.

Government shall provide adequate budget to prisoner administration to implement prisoners' rights to education because on socioeconomic right the government have obligation to promote or fulfill so it is not fair to jump the right to education by left it to progressive realizations

Even in the Shashamane zone detention where schools are opened their grade level is low, as a result, prisoners' are unable to pursue higher education. Therefore, to enable prisoners' to pursue their higher education the Government should have to upgrade the schools grade level in prison administration so as to be able to pursue higher education.

All organs have to responsible for implementation of human right shall give awareness about rights to education of prisoner, for prisoners, for prison administration and made supervise on prison administration day to day activities

It is better to change the objective of education of prisoners to create a knowledgeable and creative citizen in addition to rehabilitation and reducing recidivism.

Concerning vocational education, the government should build a training room with sufficient technology for each vocational profession and then change the plan to put all training into action.

The time schedule for computer training shall extend to enough days. The computer access shall provide for each trainer.

It is better to establish a micro organization within prison administration of prisoners who completed a vocational education, to exercise their vocational education professions.

It is better to allow prisoners to observe other vocational education schools by going out of prison centers.

It is better to increase women participation in all formal and vocational education by giving special treatment I.e. affirmative actions.

It is better to give educational opportunities for children detained together with their mothers by building child guardians or by providing a chance to learn out of prisoner administration.

Government have duty to promote or fulfill the right to education in general and prisoner right in particular so it is better to fulfill prisoner right to education without left it to progressive realization by giving due emphasis

Human right have own unique future of universality indivisibility interdependent so without realization of one right impossible to implement other human rights therefore it is better if government made at least elementary education individually enforced or claimed as of right until know in our country no individual including prisoner can claim as of right it is not fair need solution for future

It is strongly advised that instructors who work with adult offenders complete all necessary training. In addition, a particular curriculum should be developed to regularly train teachers on how to instruct adult prisoners. Adult learning principles, assessment, active learning, and counseling are a few examples of potential training topics. In addition, offenders need access to counseling and guidance programs in correctional facilities. This may encourage inmates to value education and get them ready for a better life after release. On the other hand, in order to meet their material and training demands, correctional facilities must create collaboration with stakeholders.

In addition, there should be a clear understanding and application of formal and non-formal education. Moreover, initiatives should be undertaken to coordinate non-formal convict education with the necessary functional adult literacy

The prison administration should consider making enough provisions for qualified librarians needed in shashamane prison libraries by adhering to public library. According to the data, library resources are used to a large level. Before placing a book order, it is important to be aware of and take into account the information demands of the convicts in order to guarantee that the inmates use the library resources more effectively. This will facilitate meeting their informational requirements and encourage them to visit the library more frequently.

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Focus Group Discussion with prisoners Student of shashamane zone prison administration

Focus Group Discussion with imprisoned teachers of shashamane zone prison administration

Interview conducted with officials and coordinators of shashamane zone prison administration

Interview with each one of students in prisoners'

**ANNEX I.**

Prisoners who are detained at the Shashamane jail center subjected to this interview and teachers, coordinator and head school are subject to the same questions. The results of this questionnaire will give important information regarding the circumstances of prisoners who are being held in prison.

Do the prisoners have right to educations? Yes/no

.....  
.....

2. What is accessibility of access and use of digital technology in the prison school?

3. Is the right to education of prisoners are adequately assessed in the shashamane zone prisoners?.....

4. Did the prisoners are getting educations in academic and Technical and vocational education training (TVET)?.....

5. What is the conditions of teaching-learning facilities at school in the shashmane zone prison?.....

6. Do the teachers competencies is adequate in the prison school

.....  
.....

7. Is there the availability of libraries, books, chairs, materiel of learning and teaching at the school?.....

8, Are the children imprisoned with mother getting pr-school education ?.....

**9.What is motivation of teachers in teaching at prison school**

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**10.What is motivation of students in the teaching and learning at prison school?.....**

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