

**CHILDREN IN CONFLICT WITH THE LAW AND
THEIR RIGHT TO EDUCATION IN ADDIS ABABA
REHABILITATION CENTRE** (*with Special Emphasis on Primary
Education*)

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DECLARATION

I, *Tigabu Haregewoin*, announce that, this thesis is the result of my own works and all sources or materials got through are properly acknowledged. The thesis is submitted for the partial fulfillment of the requirements of the award of degree of Masters of Arts in Human Rights to the College of Law and Governance Addis Ababa University, in the Centre for Human Rights. I assuredly declare that the thesis is not submitted to any other institutions anywhere for the award of any academic degree, diploma or certificate.

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ACRONYMS

CCFDRE	Criminal Code of the Federal Democratic Republic of Ethiopia
CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
CICWL	Children in Conflict with law
FDRE	Federal Democratic Republic of Ethiopia
FEDB	Finance and Economic and Development Bureau
GA	General Assembly
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
ICRC	International Convention on the Rights of Children
ICT	Information Communication Technology
JSCS	Juvenile Justice Secure Care Settings
LJORC	Lideta Juvenile Offenders Rehabilitation Centre
Procl. No.	Proclamation Number
SNNPRS	The South Nations, Nationalities and People's Regional State
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
WCAB	Women's and Children's Affairs Bureau

Abstract

Children in conflict with law are exposed to different violation of human rights in different parts of the world despite the international human rights system protected them. Lideta Rehabilitation Centre for Children in Conflict with law is the only rehabilitation Centre in Ethiopia located in Addis Ababa and administered under the charge of Addis Ababa Women's and Children's Affairs Office and it contains 121 children. The Centre provides primary education for the children through the primary school operated in the Centre. The research examined the practice of educational rights of children in the Centre. Qualitative research methodology is employed here, in order to comprehend adequately the practice of educational rights of children in the Centre. Hence, the data collection instrument is comprised of in depth interviews with 23 juvenile offenders in the Centre. Key informant interview is conducted with the manager of the Centre, psychosocial councilors, caregivers, principals and teachers in the school. Further, the responses of Government and Non-Government bodies in enhancing juvenile offenders right to education is also explored using an interview with the representatives of Women and Children Affairs Bureau, Lideta Sub-City and Woreda 10 education offices who are closely responsible in administering the Centre and the School within it respectively. Interview is also undertaken with Bosco Children's Centre's project officer, an Non-governmental organizations working in reintegrating and educating the children post rehabilitation. Hence, the right to education of children in the Centre is examined in accordance with the Core elements of the right to education stated in the General Comment No. 11 of International Convention on Economic, Social and Cultural Rights on article 13; these are accessibility, availability, acceptability and adaptability. Thus, findings of the research revealed that Juvenile Offenders' right to accessible education based on the principles of non-discrimination, physical and economic accessibility is not respected in Centre. Teachers, educational materials and other facilities required for primary school are not properly available in the Centre. Educational acceptability in applying the state curriculum, respecting the diversity and learners' rights and language of instruction are problematic. Corporal punishment is perpetrated against children in conflict with law in taking account the special needs of children deprived of their liberty is not respected. Behavioral progression of the children is poor, the location of the school and the surrounding environment is difficult, extracurricular activities and vocational trainings are not adequately delivered. The follow up and possibility of educational continuity of Children in Conflict with the law post release is lowly. Therefore, it is detected that the rights of children in the Centre is not respected in accordance with the international human rights of obligations of the nation.

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**CHILDREN IN CONFLICT WITH THE LAW AND THEIR RIGHT TO
EDUCATION IN ADDIS ABABA REHABILITATION CENTRE (*with Special
Emphasis on Primary Education*)**

CHAPTER ONE: INTRODUCTION

1.1 Background of the Study

Children in conflict with law are children whose liberty is deprived because of criminal conviction or prosecution; many they are victims of violation of human rights, for instance, they may be denied of their right to education.¹ Thus, they are exposed to various violations of human rights. In addition to the grand human rights instruments, the international community has adopted different implementing specific guidelines that ensure Juvenile offenders' human rights protection. These are the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the "*Beijing Rules*"), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the "*Havana Rules*"), and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the "*Riyadh Guidelines*").

Pursuant to International Convention on the Rights of Children (ICRC) , there are five fundamental principles in juvenile human rights; these non-discrimination, the best interest of the child, the right to life, survival and development, the right to be heard and dignity². Articles 13 and 14 of the International Convention on Economic, Social and Cultural Rights (ICESCR),

¹ CRC General Comment No.10, Children rights in Juvenile Justice, 2007

² Articles 2,3,6,12 and 40 of CRC

which focuses in the right to education, also provided the right to get accessible, available, acceptable and adaptable education.³

UN Rules for the Protection of Juveniles Deprived of their Liberty demonstrated that juveniles should be treated separately emphasizing to rehabilitate and reintegrate in to the community; the right to education of juveniles has to be maintained.

Article 41 of the FDRE Constitution stipulated the right to education for which government is responsible to provide all the necessary services including juveniles in rehabilitation centers. Pursuant to the Criminal Code of the Federal Democratic Republic of Ethiopia (CCFDRE) when an individual whose age is between 9-15 years commits a crime, the individual shall be neither subjected to similar penalties with adults⁴ rather they have to be admitted in to corrective institutions.⁵

The center for the rehabilitation of juvenile delinquents in the country is located in Addis Ababa Lideta Sub-City. It contained 121 juveniles; 100 hundred males and 20 females.⁶ The Centre has been functional since 1936, bearing in mind that criminally suspected or convicted youths have to be separately treated from adults.⁷ The Centre has a First and Second Cycle Primary School (from grades one to eight), having 121 students and 16 teachers including the principals of the school.

³ Implementation of the International Covenant on Economic, Social and Cultural Rights, General Comment No. 13 (twenty-first session of the Committee on Economic, Social and Cultural Rights, 1999), the right to education (Art. 13 of the Covenant), Document E/C.12/1999/10, 8 December 1999

⁴ Article 53 of the CCFDRE

⁵ Article 162 of CCFDRE Criminal Code

⁶ Taken from the interview conducted with the management of the Centre on February 10/2016, 100 males and 18 females on March 15, 2016

⁷ Juvenile Offenders' Rehabilitation Centre's General Overview, Addis Ababa Juvenile Offenders Rehabilitation Centre, Unpublished, 2015

Some of the activities undertaken by the centre are;

- Counseling and communicating children in conflict with the law(CIWL) in the centre with family;
- Provision of formal education (Primary Education)
- Vocational training and
- Providing other services like sporting and recreational facilities.

In Israel where Palestinian detainee children incarcerated under the custody of Israel prisons are prone to discriminatory practices of their rights to education.⁸ Palestinian children prisoners in Israel are denied of their rights to primary education and vocational training; curricular and extra-curricular educational programs are delivered only for Israelites juvenile offenders precluding Palestinian Juvenile delinquents in the prison.⁹

Thus, it is important to examine that whether the CIWL in the Centre are securing their right to education properly or not. Accordingly, the research is organized to look at whether the provision of primary education in LJORC is delivered in accordance with the international human rights obligations for which Ethiopia is committed. Therefore, the research is conducted on children of the Centre currently attending their primary school in the Centre.

⁸ The Right of Child Prisoners to Education, Addameer Prisoners Support and Human Rights Association, Ramallah-Palestine, October 2010

⁹ Supra note pp.11

1.2 Statement of the Problem

According to article 41 of the FDRE Constitution, the state has the obligation to provide education and other social services. For the same reason articles, 13 and 14 of ICESCR and 28 and 29 of the ICRC respectively imposed obligations on member states to provide education for children. Education is an important tool that plays a due role in the promotion and protection of human rights, democratic values and enhancing equality, mutual understandings and cooperation among people.¹⁰ Juveniles as they are within the age range of childhood and their exposure to various violations of human rights are in an earnest need of education. The propensity of children's out of school involvement in crimes and related evil acts is higher than those who have the access of education.¹¹ Thus, juvenile education is highly essential for the children involved in crimes and, the society and the nation at large.

While government is duty bound to provide and monitor the condition of delivery of primary education for juvenile delinquents neither the state nor other organs have assessed the condition of provision of the right to education of juvenile delinquents in LJORC and responses have not undertaken by.¹² To examine the problems, the researcher tries to assess the level of realization of juveniles' right to education in the Centre in reference with the ICESCR Committee's General Comment 11 on article 13 of ICESCR, on the core elements of the right to education that is the Accessibility, Availability, Acceptability and Adaptability of education.

¹⁰ Education and Training Policy, Government of the Federal Democratic Republic Government of Ethiopia, 1994

¹¹ NDTAC (The National Evaluation and Technical Assistance Centre for the Education of Children and Youth Neglected, Delinquent or at Risk, January 2010, Washington DC

¹² Supra note

1.3 Objectives of the Research

1.3.1 General Objective

The main objective of the study is to assess the existing practice JO's right to education in LJORC.

1.3.2 Specific Objectives

- ✚ To examine the availability and accessibility of the right to education of juveniles in Lideta Rehabilitation Centre;
- ✚ To investigate the acceptability and adaptability of juvenile offenders right to education in Lideta Rehabilitation Centre and
- ✚ To assess the role of stakeholders (State and Non-State actors) in addressing juveniles' right to education in Lideta Rehabilitation Centre.

1.4 Research questions

The study is guided by the following key research questions;

- ✚ To what extent are juveniles enjoying their rights education in the primary school in the Centre particularly related with accessibility and availability of right to education?
- ✚ Is the carried out primary education acceptable and adaptable to juvenile offenders?
- ✚ What is the role of the stakeholders (government and non-government bodies) in enhancing juvenile offenders' right to education?

1.5 Significance of the Study

Education is an indispensable for human development and promotion of human rights, particularly for juvenile offenders; they need to be corrected from their wrong doings and it is

their human right too. Further, as provided in the FDRE Constitution, international human rights conventions and declarations for which government is duty bound to provide compulsory primary education. Accordingly, denial of juveniles' right to education and the inadequacy of provision of educational and rehabilitation facilities for juveniles are violation of human rights.¹³

The research pointed out the challenges of juveniles to bring in to fruition their right to education and the problems that the centre facing to enhance juveniles' right to education. The Centre on which the research is being undertaken can use findings of the research to revise its programs for the furtherance and implementation of juvenile offenders' right to education. It may also have significance to government bodies responsible for juvenile offenders educational like Addis Ababa Bureau of Education and WCAB in identifying the limitation they have to fulfill their respective obligations. Other non-government bodies involved in juveniles education and rehabilitation program can take in to consideration the findings of the research while they run their activities. As a result, government can take proper structural adjustments, capacity building of the staff, recruiting and employing adequate and qualified number of staff and teachers, allot sufficient budgets and other desired facilities to succeed juvenile offenders' right to education.

1.6 Scope of the study

The target groups of the research are juveniles whose age is from 9-15 according to the FDRE Criminal Code and detained in LJORC. The span of the research is limited to the conditions in fulfilling the right to primary education of juveniles in LJORC particularly to the accessibility, availability, acceptability and adaptability of the principles of right to education. The level of realization of juveniles' right to education and rehabilitation, the complications in providing

¹³ Supra note 10

juveniles' education and the roles of concerned government and non-government bodies in enhancing juveniles' rights to education in line with the aforementioned principles of the right to education are bounds of the research.

Despite there are numerous non-governmental and governmental bodies directly or indirectly involved in juveniles' education and rehabilitation packages; the research solely focuses on some state organs closely working and responsible for juveniles and an NGO widely occupied in juveniles' right to education and rehabilitation. Even though many juveniles are being rehabilitated and corrected in the centre, because of accessibility the juveniles who were in the Centre while the researcher was collecting data are the targets of the research.

1.7 Methodology

1.7.1 The Study design

The primary objective of the research is to scrutinize the condition of juvenile delinquents right to education in *Lideta* Juvenile Offenders Rehabilitation Centre. Besides, it tries to explore detailed and multifaceted data on the condition accessibility, availability, acceptability and adaptability of education in LJORC. Further, stakeholders' role in supporting juveniles' right to education and rehabilitation is also subject of the research. Thus, qualitative research methodology is used.

Using such an approach, the researcher able to examine the condition of human right to education of juveniles in *Lideta* Rehabilitation Centre and this is because of the actuality that qualitative research approach helps the researcher to have detailed and in-depth acquaintance of the situation on the right to education. Qualitative research here is imperative in order to examine

the actual role of the Centre and the Primary School within it in meeting the educational needs and rights of juveniles and its impact to bring behavioral changes and personal development on the children. The measures undertaken and the practices on the ground can also be detected through the way of observation the changes on the lives of juveniles through the intensive interaction and communication made with the target group and key informants.

1.7.2 Sources of Data

To get hold of the essential evidences and answers for the research questions, the researcher employed primary and secondary data sources. The primary data is assembled using interviews as long as the target group and the key-informants are less interested to provide information in a group discussion; that is why Focus Group Discussion is precluded. Interview is conducted with 23 juveniles. Key informant interviews are made with the manager of the centre, with 4 caregivers of juveniles, two councilors, 5 teachers, one librarian and one physician working in the centre. Primary data was also taken from three stakeholder organizations' experts on their role in supporting the centre to educate juveniles properly and their observations regarding the condition and performance of the centre in addressing juveniles' right to education. Personal observation is another way through which data is gathered. Secondary sources are acquired from different studies, documents, publications and reports produced by different individuals and government and non-government organizations. More importantly, an internet is a crucial secondary source that is helpful to ensure the accuracy and relevance of data.

1.7.3 Sampling Techniques and Procedures

In *Lideta* Juveniles Offenders' Rehabilitation Centre, there are juveniles having different backgrounds. In order to access the targeted partakers, stratified sampling is used. Stratified

sampling is the sub part of random sampling that is employed to get a representative sample.¹⁴ In Stratified Sampling (SS), the population can be divided into different sub-groups that are individually more similar than the total population from which the researcher selects an item from each division based on representative figure, which is possible to obtain detailed and reliable information.¹⁵

Accordingly, the researcher used SS method based on the juveniles' population, which is comprised of boys from each grades 1-8 sixteen and from girls from each grade one juveniles totally seven respondents. Totally, 23 respondents have participated in the interview..

For key informants, particularly for teachers, interview is made with two female and two male teachers. As to other key informants, one school deputy principal and two social councilors keeping the gender balance and two female and two male caregivers were participants in the data collection. One physician is involved from the health department of the Centre. The Manager of the center is another important key informant. Significantly, in a similar case, respondents from concerned government and non-government bodies participated; these are Addis Ababa Bureau of Women and Children affairs, *Lideta* Sub-City Education Office, *Woreda* 10 education Office that is closely responsible in supporting LJORC. *Bosco* Children's Village is another stakeholder NGO that is under the administration Ethiopian Catholic Church. Considerably, the researcher would watchfully observe the educational environments in the Rehabilitation Centre.

¹⁴ C.R Kothari, Research Methodology: Methods and Techniques, Second Edition, New Age International Publishers, 2004, India pp.62

¹⁵ Ibid

1.8 Challenges of the Research

The availability of ample resources particularly in Lideta Juvenile Offenders' Rehabilitation Centre on the condition of human rights of juveniles specifically on educational and rehabilitation has limited the research to be relayed on qualitative research method and semi-structured interviews. The records of disciplinary measures taken against juveniles and the admission and withdrawal of juvenile offenders in the Centre at different times and the poorly recorded activities of the juveniles and the centre are some among the challenges. The limitations and frustrations of the juveniles in expressing their views and the despairing feelings of the staff encountering problems are bothering. Non-availability of documents and focal persons responsible in government bodies is the other challenges of the research.

Despite the aforementioned challenges, the researcher tried to counterpoise by creating continuous discussion about the purpose of the research with the juvenile offenders and the relevant staff members in the Centre. To the extent possible, all relevant documents in and out of the centre are addressed and the researcher attempted to offset the remained pertinent information of the centre through the in depth interview which is conducted with senior officers in the Centre and Addis Ababa WCAB.

1.9 Organization of the study

The research is composed of four chapters; the first chapter introduces background of the study, statement of the problem, objective of the study, research question, significance, scope, methodology, limitation and organization of the research. The second chapter reviews the literatures related with juveniles' education and the international and national normative

frameworks. The third chapter contains the right to education of JO in LJORC with special emphasis on primary education which analysis in reference with the Core elements of the right to education stated in ICESCR's General Comment No.11. Moreover, the response of governmental and non-governmental bodies for juvenile education is also included. The last and fourth chapter provides conclusion and recommendations.

1.10 Ethical Deliberations

Critical determination is conducted to uphold ethical standards of the research. Primarily, the researcher informed respondents about purpose of the data and the expected information from juveniles. They are politely requested their wills to give a reply for the questions and held a discussion with the researcher. The names and identities of the respondents are coded keeping their privacy rights. Observations from the campus of the centre are stated meticulously utmost avoiding bias and distortion. Observed state of affairs on the condition of juveniles' education never be exposed to third party without authorization of the respondents. Since the children are under the custody of the Centre and they are occupied with educational and other programs, the researcher have communicated and discussed with the in their time of rest usually from 3:00 - 4:00 o'clock.

CHAPTER TWO: REVIEW OF LITERATURE

THE RIGHT TO EDUCATION OF CHILDREN IN CONFLICT WITH THE LAW (CIWL)

2.1 Introduction

The second chapter is going to review related literature on the right to education of Children in Conflict with the law. It contains the definition and significance of education, challenges of Children's in Conflict with the law education, the different between adult offenders and children in conflict with the law and juvenile delinquency and the minimum age limits. It also explains about the Principles of CICWL Right to Education, Children's in Conflict with the law Right to Education such as accessibility, availability, acceptability and adaptability; CIWL and Core Elements of Juvenile Justice, Comparative analysis of Some Countries on Juvenile Education such as Sweden, Canada, South Africa and Kenya are included. International and national normative frameworks of the Right to Education of CIWL are discussed in the last part of the chapter.

2.2 Definition of Education

Education is the fundamental transformation of experiences and knowledge in to children for the sake of betterment of life.¹⁶ The Larouse Dictionary defined education as molding and training an individual having the intention to apply the acquired knowledge.¹⁷ As to Jean-Jacques

¹⁶ *Ion Pârgaru, Rodica Gherghina and Ioana Duca*, *Annales Universitatis Apulensis Series Oeconomica*, University of Bucharest, 11(2), 2009, pp.647

¹⁷ *Ibid*

Rousseau, education is an outcome of three basic sources i.e. Nature, Human and Object.¹⁸ The instinctive development of our organs the knowledge is because of nature; and the day-to-day exploitation of these competences is education communicated to human by other human beings.¹⁹ Whereas the subjective exposure acquired from objects surrounding us is education provided by the objects in the universe.²⁰ Jacques Halleck articulated that education is a human right since it leads to individual creativity and increases participation in the economic, social and cultural spheres of society and it contributes to the ways of human development.²¹

2.3 Significance of Juvenile Education

Education for juveniles is useful for the treatment and rehabilitation of juveniles.²² Almost all juveniles are subject to change and growth that helps them to be law abiding and to be reintegrated in to the community.²³ The human rights activists' campaign against juvenile life imprisonment and death penalty is depending on the possibilities that juveniles can be easily rehabilitated and reintegrated and they have to be given opportunities to be constructive adults.²⁴

Juvenile education has significant impact in reducing recidivism.²⁵ In the United States of America, the research conducted on juvenile offenders showed that education rendered for juveniles reduced recidivism in 19.4%.²⁶

¹⁸ Cahn, Steven. *The Philosophical Foundations of Education*. New York: Harper and Row Publishers, 1970

¹⁹ Supra note

²⁰ Ibid

²¹ Hallak, J., *Investir dans l'avenir. Définir les priorités de l'éducation dans le monde en développement.*, Editions L'Harmattan. Paris, 1990

²² Supra note pp.12

²³ Supranote 25

²⁴ Ibid

²⁵ Ibid pp.14

²⁶ Drake, Aos, and Miller, Washington State Institute for Public Policy 2006, p. 187

Education and vocational training for juveniles brings competency, which is a precondition for employment and productivity.²⁷ Adolescents gain very indispensable knowledge that determines their future at the age of 16-24. Therefore, providing education for juveniles is just making children's futurity brighter. It is a period in which children's physical, intellectual, emotional, social capabilities are rapidly, and functional changed which is also subject to be influenced by family, peer, community and the school.²⁸

2.4 Challenges of CIWL Education

Educating CIWL is very important task. Nevertheless, it is not without difficulty that concerned bodies have to know and able to redress such problems. The following are some among the challenges of juvenile education.

- 1. Provision of Quality Educational Services:** In the United States of America, there is a significant disparity in providing quality education from one state to the other, or there is visible difference among local administrations in providing adequate and quality juveniles' education.²⁹
- 2. Student engagement and behavioral management³⁰:** Experiences of juveniles is commonly associated with school suspension, expulsion, poor academic record and disciplinary measurements records that is problematic to manage and bring about behavioral

²⁷Supra note 56

²⁸ Supra note pp.15

²⁹ U.S. Department of Education and U.S. Department of Justice, "Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings" (2014), <http://www2.ed.gov/policy/gen/guid/correctional-education/guiding-principles.pdf>.

³⁰Sedlak, A. J. & Bruce, C. (2010), Youth's characteristics and backgrounds: Findings from the survey of youth in residential placement. *Juvenile Justice Bulletin*, Office of Justice Programs, December 2010. Retrieved from <http://syrp.org/images/Youth%20Characteristics.pdf>.

changes on the students in JSCS. To shape and rehabilitate such behavioral setbacks requires complex and sustainable strategy, human capacity and organization.

3. **Access of highly qualified and effective teachers³¹**: Taking in to account the educational needs of juveniles teachers assigned in such facilities need to have an extensive skill not only imparting academic and cognitive needs but also to improve the health, social and emotional skill development.
4. **Diverse students educational needs and multi-level class room settings³²**
5. **Students' movement and re-entry³³**: many juveniles join the detention facilities and many others also released from without taking adequate education, this hindered the institution not to have stable program and delivery of education.
6. **Students' record exchange**: Teachers in SCF have little knowledge about the youths they teach based on which educational plan has to be arranged. Because of this barrier, the provided education for juveniles lacked effectiveness in rehabilitating and reforming juveniles.³⁴
7. **Security concerns and the access to technology**; like the internet access restrictions and the access to educational technology which enables to compute in the academic filed and standard in community schools (Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings, 2014).

Although the above challenges are the challenges in US CIWL in the US the same problems are also found in the education Children in conflict with the law in Lideta Rehabilitation Centre.

³¹ Supra note

³² US Departments of Education and Justice, Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings, Washington, D.C., 2014

³³ ibid

³⁴ Supra note

2.5 The difference between CIWL and Adult Offenders

Children in conflict with law have significant differences with adults that are why special attention and treatment particularly regarding with education is required. Taking in to account the differences with adult offenders, CIWL have to be educated and rehabilitated properly. According to the Colombian Human Rights Law Review Manual³⁵, the following are the differences between juveniles and adult offenders.

1. criminal system by its very history has punitive nature and aimed at punishment against individuals involved in breaking of criminal laws in order to keep the peace and security of the community while the juvenile system is traditionally and largely rehabilitative than being retaliatory or punitive.³⁶ Rather it gives an emphasis on how to cure the delinquent behavior of juveniles and on sustainable improvement of wellbeing of the child.
2. The criminal justice system is highly concerned not on the individual perpetrators of the crime.³⁷ If the individual is convicted he/she automatically is going to be punished. Nevertheless, in juvenile system the focus is not on the individual perpetrator of the act rather courts are worried why the individual performs such an act and what would be the sustainable remedies of preventing individuals from participating in criminal activities.³⁸
3. Juvenile offenders cannot exercise their constitutional rights like the adults such as the right to be heard, to litigate before courts of law and to council and employ a lawyer; this is

³⁵ Supra note pp.1

³⁶ Ibid pp.2

³⁷ Ibid

³⁸ Ibid

because of mental immaturity and unfamiliarity.³⁹ Because of this, juveniles can be victims of miscarriage of justice.

4. In the criminal system all proceedings are disclosed to the public unless the court orders to be conducted in a confidential way.⁴⁰ But juvenile trials are undertaken in unveiled circumstances. The juvenile offence cannot be taken in to consideration as a record by the time he/she become adult offender.
5. For adult offenders, sentence is passed according to the gravity of the crime and based on the fixed maximum and minimum periods provided by the law.⁴¹

2.6 Juvenile Delinquency and the Minimum Age Limits

There is no well-accepted definition of juvenile delinquency; every society, community and state in the world has their respective definition of juvenile delinquency.⁴² There is no an agreed chronological line of demarcation nor age between juvenile and adult wrong act.⁴³ Nevertheless, there are commonly shared and perceived concepts of the subject matter. The term *juvenile* is meant to a youth and whereas *delinquency* is criminal behavior or wrongdoing. Thus, Juvenile delinquency is referring to the criminal acts perpetrated by youths.⁴⁴ Juvenile delinquency is a

³⁹ Ibid pp.3

⁴⁰ See *Kent v. United States*, 383 U.S. 541, 554, 86 S. Ct. 1045, 1054, 16 L. Ed. 2d 84, 94 (1966); see also Enrico Paganelli, Note, *Children as Adults: The Transfer of Juveniles to Adult Courts and the Potential Impact of Roper V..Simmons*, 44 *Am. Crim. L. Rev.* 175, 175 (2005).

⁴¹ *Colombia Human Rights law Review, A Jail House Lawyers' Manual*, Chapter 38t; *Rights of Juveniles in Prison*, 2011

⁴² *Juvenile Delinquency, Crime and Justice in the Light of Socio-Economic Conditions in Africa*, Economic Commission for Africa/Organization of African Unity, Intergovernmental Expert Group Meeting in preparation of the Fifth Meeting of the Conference of African Ministers of Social Affairs, Arusha, Tanzania, 23-30 October 1989

⁴³ Ibid

⁴⁴ *Juvenile Delinquency: Its Magnitude and Impact at Gonder Town in Ethiopia*, **Bimal Kanta Nayak**, Associate Professor, Department of Social Work Faculty of Social Sciences and Humanities, University of Gondar, Gondar, Ethiopia, *International Journal of Management and Social Sciences Research (IJMSSR)* ISSN: 2319-4421 Volume 2, No. 9, September 2013

criminal action conducted by minors involving in awkward activities.⁴⁵ Juvenile delinquency is also known as *juvenile offending* which is the participation of minors in to illegal activities.⁴⁶

According to article 53 (1) of the CCFDRE, juvenile delinquent is a child whose age is between 9 to 15 years convicted of perpetrating a criminal act. Correspondingly, a youngster between the ranges of age 9-15 years and violating the criminal law is treated pursuant to articles 157 -178 that deal specifically on juvenile delinquents and treatment of the law against the criminal acts.

According to the Juvenile Act of Zambia, a juvenile is a person who has not attained the age of nineteen years.⁴⁷ Thus, juvenile delinquency refers to acts committed by a person whose age is under nineteen years contravening the specific laws of the country particularly criminal acts.⁴⁸

The definition of juvenile in Uganda is provided in section 5.2 of the approved Schools Act. Pursuant to this act juvenile delinquent is a person who has attained the age of seven years and under the age of fifteen years. Thus, an individual suspected or convicted of perpetrating prohibited act by the criminal law of Uganda is treated specially as juvenile delinquent different from adult suspects or convicted individuals.

In Kenya juvenile delinquent is a child whose age is between 7 to 16 years convicted or prosecuted of crimes.⁴⁹ According To Kenyan Criminal Law, a person is called an adult when he/she attains 19 years old.

⁴⁵ Ibid

⁴⁶ Siegel, Larry J.; Welsh Brandon (2011), *Juvenile Delinquency: The Core* (fourth edition). Belmont, CA: Wadsworth/engage Learning

⁴⁷ Supra note

⁴⁸ The Laws of Zambia, Government of the Republic of Zambia, the Juveniles Act, Chapter 53 the Juveniles Act, article 2 (1), 1964

⁴⁹ Routledge Tylor and Francis Group, *International Journal of Adolescence and Youth*, Patric Igbinoia, Nigeria, 2012

According to Section 15 of the Penal Code of Tanzania, a person under the age of 12 is not criminally responsible for an act or omission unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission.

A juvenile delinquent in the United States of America is a person who is typically under the age of 17 and commits an act that otherwise he/she is charged if he/she is an adult; depending on the type and severity of the offense committed, it is possible for people under 18 to be charged and treated as adults.⁵⁰

In most countries, the upper age limit for juvenile delinquents varies from sixteen to nineteen years; for instance in the United States of America it differs from one State to the other states.⁵¹

In the State of Wyoming, a boy is considered as adult beginning from 19 years while a girl attains her adulthood at 21 years old.⁵² In the State of Connecticut, the upper age limit of juveniles is 16 years.⁵³

According to article 4 of the Beijing Rules the beginning of minimum age for criminal responsibility shall not be fixed at too low an age level bearing in mind the facts of emotional, mental and intellectual maturity. The Committee of CRC recommended that state parties not to set a minimum age for criminal responsibility at a too level and to increase the existing law to an internationally accepted level.⁵⁴ Thus, the minimum age of criminal responsibility below the age

⁵⁰ Goode, Erica (December 19, 2011). ["Many in U.S. Are Arrested by Age 23, Study Finds"](#). *The New York Times*. Retrieved November 3, 2014.

⁵¹ UNESCO, *Juvenile Delinquency a Problem for the Modern World*, 1964, Paris

⁵² *Supra* note pp.15

⁵³ *Ibid*

⁵⁴ General Comment No. 10, *Children's rights in juvenile justice*, 2007

of 12 years is internationally unaccepted and state parties are encouraged to adhere.⁵⁵ However, the minimum age for criminal responsibility in Ethiopia does not comply with this it is nine years.⁵⁶

2.7 The Principles of CICWL Right to Education

The federal government of the United States has recommended the following principles to be adhered to enhance effective juvenile education.⁵⁷ These principles have similarity with core obligations of member states of the ICESCR elaborated in the general comment.⁵⁸ They also relevant in enhancing the right to education of children in conflict with the law. The following are some among the principles of right to education of CICWL.

- i.** Safe residing camp, having adequate health facilities with wide-climate that gives precedence to the conditions for learning and inspire all the necessary behavioral changes and social reintegration.
- ii.** Providing all the necessary funding to support the educational needs of the juvenile particularly addressing the language educational barrier of children; as far as possible providing education with the vernacular language of the children.

⁵⁵ Supra note

⁵⁶ Article 57 of FDRE Criminal Code, 2005

⁵⁷ See U.S. Departments of Education and Justice (2014), Correctional Education Guidance, December 8, 2014, <http://www.ojjdp.gov/correctionaled>

⁵⁸ Supra note 40

- iii. The recruitment and employment of qualified educational and related staffs having relevant skills to juvenile justice settings who can bring positive outcomes on the students by creating effective learning and teaching environment;
- iv. Demanding and relevant Curricula alignment with the state academic standards that utilize institutional methods, tools, materials and practices which makes the children to be ready for advanced and college education; and
- v. Formal processes and procedures that foster smooth social reintegration.

2.8 Children's in Conflict with the law Right to Education

Education is a right to which all individuals without discrimination have to access.⁵⁹ Remarkably, because of two fundamental reasons children have the right to education; firstly, when children accessed primary education they would be literate and would own fundamental social and life skills that help to secure employment opportunities, to be active member of the community and to have full-fledged life.⁶⁰ Secondly, although the UDHR and other international human rights treaties recognized the right to education boldly, more than 33 million children are deprived of their right to primary education that forces to decide that education must be recognized as human rights like the right to food and other rights.⁶¹ That is why the Millennium

⁵⁹ Education as Human Rights in the 21st Century, Sharon E. Lee, 2013

⁶⁰ Alkire, S. (2002). Valuing freedoms: Sen's capability approach and poverty reduction. Oxford, England: Oxford University Press

⁶¹ Supra note

Development Goal (MDG) of 2015 affirmed that to fight for the right for all children everywhere, regardless of gender, to a complete course of basic primary schooling.⁶²

However, instead of they are being reimbursed of getting sufficient and equitable provisions of education, juvenile offenders are also victims of poor educational services.⁶³ They face double victimization of human rights violation, one side because society's and state's lack of proper upbringing they become exposed to crimes and on the other hand while they are convicted and waited in rehabilitative centers they are denied of the right to education.⁶⁴ Hence, the desirability of education to juvenile offenders is the primary agenda of human rights.

2.8.1 Core Elements of the Right to Education

According to the general comment No. 11 on article 13 of the ICESCR, the right to education comprises four core elements. These elements are; Accessibility, availability, acceptability and adaptability.

2.8.1.1 Accessibility

According to articles 13 (2) of the ICESCR, with the intention of realizing the right to education specifically to children, primary education shall be compulsory and accessible to all. With regard to the UN Committee on ICESCR, accessibility is about the access of educational programs and institutions to everyone; the right to accessibility of education encompasses three components; these are Non-discrimination, Physical and Economic accessibility.⁶⁵

⁶² Ibid

⁶³ Available at www.dignityinschools.org and accessed on January 15, 2016

⁶⁴ Ibid

⁶⁵ General Comment 13 on article 13 of ICESCR, 1999

- i. Non-Discrimination:** If juvenile offenders are denied of their right to education because of their prosecution or conviction of a crime, it is violation of human rights. Alternatively, if they are deprived of their right to access to curricula or extra curricula accesses owing to their association with a certain ethnic group or language, it is vivid violation of human rights.⁶⁶ The denial of right to education of girls is another violation of human rights.⁶⁷ For instance, pursuant to article 10 of CEDAW, it is violation of human rights if girls do not access sporting and recreational facilities equally as boys. The same is true if they do not get proper provision of hygienic materials, toilet and bathroom separately for girls.⁶⁸ The failure of providing other materials they demand because of natural or biological reason; it could be hygiene pad, oil for their hair and the like, is discrimination.⁶⁹
- ii. Physical accessibility** is providing safe place where the school is situated, non-disturbing surrounding environment, the access of toilet, bathrooms, water in the school compound, the cleanness of class rooms, and provision of all the necessary materials for education.⁷⁰
- iii. Economic accessibility;** juvenile should not be hampered of the right to education by the sole reason he/she cannot afford the educational fees; government is under obligation to provide education free of charge for primary school.⁷¹

2.8.1.2 Availability

Article 13 of the International Covenant on Economic, Social and Cultural Rights stated that primary education should be made compulsory and available freely to all. Availability corresponding to education is the right to enjoy free and compulsory education because of its

⁶⁶ Ibid

⁶⁷ Article 1(1) UNESCO Convention Against Discrimination in Education (1960) and Article 10 CEDAW

⁶⁸ UNESCO, 2014, Good Policy and Practice in Health Education Booklet 9; Puberty Education & Menstrual Hygiene Management, 2014, Paris, France

⁶⁹ Supra note

⁷⁰ General Comment of on article 13 of ICESCR, 1999

⁷¹ Supranote 36

essential significance it is associated with the right to life.⁷² Availability of the right to education encompasses allocation of resources, qualification of teachers in relation with academic level, field of disciplines, the training and recruitment processes of teachers.⁷³ According to the General Comment 13 on the right to education of article 13, the institution has to provide building, sanitation facilities and recreational facilities equally, safe drinking water, trained teachers having competitive salaries, the library and computer as well as ICT facilities. Availability of primary education includes delivery of basic education, in addition to the formal education, such as basic skills, arithmetic skills, skills relating to one's health, hygiene and personal care, and social skills such as oral expression and problem solving.⁷⁴ Pursuant to the above provision, it is also affirmed that primary education should appreciate the cultural identity and diversity of the students'.⁷⁵

As mentioned above, the difference between accessibility and availability is; the former's concern is about the accesses of educational programs and institutions to children, which is free of discriminations, physically and economically friendly. Whereas availability is referring to allocation of resources, qualification of teachers in relation with academic level, field of disciplines, the training and recruitment processes of teachers.⁷⁶

2.8.1.3 Adaptability

⁷² See The Decisions of Supreme Court of India, on the case of Unni Krishnan and Others v. State of A.P. and Others, 4 February. 1993, (1993) 1 SCC 645

⁷³ K.. Tomaševski Human rights obligations: making education available, accessible, acceptable and adaptable, 2001

⁷⁴ Identifying the Key Elements of the Right to Education: A Focus on Its Core Content, Fons Coomans, UNESCO Chair in Human Rights and Peace, Centre for Human Rights, University of Maastricht

⁷⁵ See about these aspects F.P.Dall, Children's Right to Education: Reaching the Unreached, in: J.R. Himes (ed.), Implementing the Convention on the Rights of the Child - Resource Mobilization in Low-Income Countries, Martinus Nijhoff & UNICEF, The Hague, 1995, p. 143-183, at 153, 158-163. See also p. 8 below.

⁷⁶ Supra note

Article 13 (1 and 2) of ICESCR ordered member states for the enhancement of human personality and dignity too, to strengthen human rights and fundamental freedoms; to create conducive environment of free society, to promote understanding, tolerance and friendship among the society, state parties are compelled to provide primary education. Adaptability, the core element of the right to education is satisfying the special needs of the children taking in to account their cultural and social upbringings.⁷⁷ The education provided by the state parties should be compliant with promotion of peace, tolerance and friendship in the society. Children deprived of their liberty need special treatment and attention. Significant number of juvenile came from works, street, poor family background and from different ethnic backgrounds. Due attention to accommodate and promote their languages and cultures is required. The adaptability of education is also associated with education supported by ICT to cope up with their peers in the community school.

2.8.1.4 Acceptability

According to articles 13 (1) of the ICESCR, education shall be delivered for the development of human personality and to build up the respect of human rights and democracy. Providing quality education is vital tool to ensure the execution of the above purpose.⁷⁸ Despite it is problematic to measure the quality of education as other elements; it is the fourth minimum obligation of state parties towards fulfilling the right to education, according to the General Comment of the Committee of ICESCR. However, according to professor Coomans who was the former chair person of UNESCO Peace and Human Rights, quality education can be measured taking in to account the learning outcome of students, the efforts and training level of teachers, sound and

⁷⁷ General Comment on article 13 of the ICESCR

⁷⁸ Supra note

safe school environment and education free of corporal punishment.⁷⁹ Accordingly, quality education, safe school environment, learning outcomes of students and education free of corporal punishment are the components of acceptability of the right to education.

2.9 CIWL and Core Elements of Juvenile Justice

According to the General Comment of No. 10 of ICRC regarding Children's Right to Juvenile Justice, the following are the core elements in Juvenile Justice.⁸⁰ These are important rules that have to be implemented in the justice administration Children's in conflict with law and should be carried out in rehabilitation programs. Some of the core elements are;

2.9.1 Prevention of Juvenile delinquency

2.9.2 Interventions

Member states can apply two kinds of interventions; these are measures without resorting to judicial proceedings and measures in the context of judicial proceedings.⁸¹ This is meant to CICWL can be tried either by the formal judicial proceedings or by the traditional means of dispute settlement mechanisms. Delinquents and recidivists shall be treated in a way to promote their reintegration and to play constructive role in the society and juvenile detention should be taken as the last resort.⁸² Guidance, counseling, supervision, probation, foster care and education shall be provided or juvenile delinquents.⁸³

2.9.3 Age and Children in Conflict with the law

⁷⁹ F. Coomans, Identifying the Key Elements of the Right to Education, , 2004

⁸⁰ CRC Committee, General Comment No.10, 2007

⁸¹ Supra note pp.8

⁸² Supra note pp.8

⁸³ ibid

Despite member states have differences in the demarcation of the Minimum and the Upper Ages for Criminal Responsibilities, the minimum age for juveniles responsibility is commendable to be from 14-16 years.⁸⁴ However, member states are not recommended to lower the minimum age of criminal responsibility below 12 years.⁸⁵ Whereas Ethiopian children whose age is above nine years old are criminally responsible that contradicts the international human rights' principles.⁸⁶ Every person under the age of 18 years at the time of the alleged commission of an offence must be treated in accordance with the rules of juvenile justice.⁸⁷

2.9.4 Guarantees for fair trial

According to article 40 (2) of CRC and article 14 of ICCPR, juveniles have the right not to retroactivity application of laws, the right to be considered as innocent before conviction, the right to be heard (art.12 (2) and the right to have effective participation in the judicial proceedings. The other rights of juveniles in relation to fair trial are right to get prompt and direct information of the charge, to get legal or other appropriate assistances, to get a decision immediately and with the involvement of parents, freedom from compulsory self-incrimination and the right to present and examine of witnesses.⁸⁸

2.9.5 Measures

According to article 37 (a) of CRC and article 6 (5) of ICCPR, death penalty cannot be imposed on the perpetrator of a crime whose age was below 18 years old during commission of the crime.

⁸⁴ Supra note pp.10

⁸⁵ Ibid

⁸⁶ Article 53 of the FDRE Criminal Code, 2005

⁸⁷ Supra note 40 pp.11

⁸⁸ CRC, General Comment No. 10 , Children's Rights in Juvenile Justice, 2007

To conclude, the above-explained elements of juvenile justice are the guiding rules of the rehabilitation and treatment of CIWL; and the right to education the other important tool in enhancing juvenile justice.

2.10 Comparative analysis of Some Countries on Juvenile Education

Different countries of the world may have different experiences in educating and rehabilitating CIWL. However, because unavailability of resources and its relativity only the following countries experiences in CIWL are incorporated. For comparison purpose two of the countries are from the Europe while the rest two from Africa.

2.10.1 Sweden

According to the Swedish Criminal law, criminal responsibility begins at the age of 15 years; but people participated in criminal acts whose age is below 21 years are juvenile offenders and lesser sentence is imposed against them in comparison with adult offenders.⁸⁹ When juveniles are convicted of crimes, they are referred to the department of Social Services and maximally they are expected to wait there for four years.⁹⁰ According to the revised Swedish Criminal Act of 2007, it stated 150-hour community service is included as a penalty.⁹¹

Juveniles' education is under the auspices of the Swedish National Agency for Education responsible for prisoners' education.⁹² There are competent 100 teachers who have specialize on

⁸⁹ Swedish Penal Code, Chapter 29, Section 7

⁹⁰ Addameer Prisoners Support and Human Rights Association, The Right of Child Prisoners to Education, Ramallah – Palestine, October 2010

⁹¹ Intervention with Young Offenders, Fact Sheet, Ministry of Justice Sweden, October 2006

⁹² Lindstrom, P and Leijonram, E "The Swedish Prison System", Ministry of justice Report 2008, pp.506

juvenile education and assigned to teach juveniles.⁹³ The educational qualities in children detention places are as equal as with the schools admitting non-juveniles.⁹⁴

*“The programs offered in both compulsory and secondary schools by the National Agency for Education includes art, business studies, physical education, health, music, industry textiles, wood and metal fabrication, the Swedish language, English, mathematics, geography, history, religion, biology, physics, chemistry, and technology”.*⁹⁵

The extracurricular programs include entertainment and other social and educational activities⁹⁶ that help them to be reintegrated with the community without difficulty. Other activities like construction, painting, electrical engineering, computer, technology, marine technology, art, design, dance, music, theater, automotive engineering, aviation, mechanics, engineering, business administration, travel and tourism, gastronomy, catering services, mass media, use of natural resources, social sciences and economics.⁹⁷ The state in Sweden has the obligation to provide quality education to effect juveniles’ reintegration and creating employment opportunities after their release and their academic credentials must be also recognized after release.⁹⁸

2.10.2 Canada

⁹³ Ibid

⁹⁴ Government Offices of Sweden, Prison and Probation Service, available at: <http://www.sweden.gov.se/sb/d/2708/a/15167>

⁹⁵ Supra note 93 pp.81

⁹⁶ Supra note

⁹⁷ Swedish National Agency for Education, available at: <http://www3.skolverket.se/ki03/front.aspxsprak=EN&ar=0910&skolform=21&infotyp=2&id=21> accessed on January 23/2016

⁹⁸ S10 of the Prison Treatment Act (entered into force ,1 January2007) Sweden, October 2006

Criminal responsibility in Canada started at 12 years old but people involved in criminal matters within the age ranges of 12-17 are treated as juveniles.⁹⁹ The maximum detention of juveniles is for two years.¹⁰⁰ Juveniles' one third of sentence is spent in community services and schools rather than imprisonment.¹⁰¹ Police warnings, a referral to community-service programs, or alternatively the opportunity for young offenders to apologize to the victims, by recognizing and repairing the devastation caused by their acts are the usual measures taken against juvenile offenders in Canada.¹⁰²

Despite criminal matters are within the jurisdiction of the federal government in Canada, regional states have also the responsibility to juveniles in providing educational facilities according to the requirements of the Ministry of Education.¹⁰³ According item 138 of (1) of (b) of the Youth Criminal Justice Act of Canada, children in custody should access participation in education, training and practical programs.¹⁰⁴ The educational programs for juveniles are designed based on rehabilitation to rejoin the community.¹⁰⁵

2.10.3 South Africa

In South Africa Juvenile Education involves much more than formal primary education and the curriculum for; the subjects focus on business and entrepreneurial skills.¹⁰⁶ (Gast, 2001). In

⁹⁹ Youth Justice in Canada, Justice Canada Monitor Canada, Fact Sheet

¹⁰⁰ Under the Youth Criminal Justice Act, only murder is punishable by a long sentence. Young offenders found guilty of first-degree murder are subject to a maximum sentence of 10 years, whereas those found guilty of a second-degree murder are subject to a seven-year maximum sentence, including a maximum custody period of 4 years and a period of conditional supervision in the community.

¹⁰¹ Ibid

¹⁰² Department of Justice Canada, The Evolution of Juvenile Justice in Canada, available at: <http://www.justice.gc.ca/eng/pi/icg-gci/jj2-jm2/jj2-jm2.pdf>

¹⁰³ Supra note 97

¹⁰⁴ Open Detention and Open Custody in Ontario, Office of the Child and Family Service Advocacy, January 2007

¹⁰⁵ Ibid

¹⁰⁶ G.O.K. (2002). *The manual for children's officers and volunteer children's officers* (revised version). Nairobi: Department of Children Services.

addition to the formal education the Juvenile Centers in South Africa offer extensive training courses in workshop classrooms such as metal, leather works, woodworking class and basket-making in poetry and sports are practiced according to the interest and tendency of the juveniles and there is also education via-radio transmission.¹⁰⁷ Professionals in various social disciplines like psychology and social work emphasizing on the treatment and development of juveniles are provided.¹⁰⁸

2.10.4 Kenya

There are 11 Rehabilitation Centers for juvenile offenders in Kenya that is ten for boys and one for girls and more than seven thousand juveniles are incarcerated there.¹⁰⁹ The Centers offer formal education to the juveniles and besides vocational training programs and guidance and counseling are also provided.¹¹⁰ There are two kinds of Centers in Kenya; the first one is those admit juveniles in need of care and protection and the second type, that receive children in need of protection and discipline.¹¹¹

Finally, being familiar with the experiences and legal frameworks of the above mentioned countries could be helpful to Ethiopian practice and system of educating and rehabilitating CICL.

2.11 Normative Frameworks on the Educational Right of Juveniles

According to the Special Rapporteur on the Right to Education, Mr.Vernor Munoz who is concerned on the Right to Education of Persons in Detention, prisoners are disregarded part of

¹⁰⁷ Ibid

¹⁰⁸ Ibid

¹⁰⁹ UNICEF, 1999

¹¹⁰ Children's Act, 2002

¹¹¹ Ndirangu Joseph Mucemi, Educational Outcome of Reintegrated Child Offenders in Othaya, Rehabilitation School, Kenya, 2010

society confronting widespread infringements of their rights to education.¹¹² The report calls an attention of the member states, to intensify and redouble their efforts to respect the right to education of prisoners; juvenile delinquents are the primary victims of the violation of the right to education in rehabilitation centers.¹¹³

2.11.1 International Normative Frameworks

I. Universal Declaration of Human Rights (UDHR)

Article 26 of UDHR stated,

“Everyone has the right to education. Education in its primary and basic stages shall be free. Elementary education shall be free.” Accordingly, every individual has the inviolable right to education particularly children have the right to be educated freely.

Sub 2 of article 26 also enunciated that *education shall be directed to full development of human personality and freedoms. It shall promote understanding, tolerance and friendship among nations, ethnic or religious groups and shall be further the activities of the UN for the maintenance of peace.* This article is also applicable to juveniles’ right to education because of their underdeveloped mentality and poor cognitive knowledge; children may participate in criminal activities.¹¹⁴ Hence, states have the obligation in providing adequate education and other necessary supports that can help to advance the understanding, tolerance and friendship with the community and to be good citizens.

¹¹² Vernor Munoz, Promotion and Protection of Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development; **The Right to Education of Persons in Detention**, Report of the Special Rapporteur on the right to education, UN General Assembly, Human Rights Council, April 2009

¹¹³ Ibid

¹¹⁴ The right of Child Prisoners to Education, Addameer Prisoners Support and Human Rights Association, Ramallah – Palestine, October 2010

So that the society and the state at large should provide children with educational and other rehabilitative facilities and education is also important to enhance peace and stability among the current and future community. Beside although their rights to liberty and freedom of movement of juvenile delinquents are restricted articles 1 and 2 of the UDHR affirmed that their equality and freedom from discrimination rights which is another protection for the rights of juvenile to right of entry in to education.

II. International Convention on Civil and Political Rights (ICCPR)

Article 10 (1) of the ICCPR articulated that *all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person*. Irrespective their liberty, right is not deprived for juvenile offenders and should not be denied of treatment with humanity and the respect for their inherent dignities as human person. Among the human rights is the right to education, which the state and society ought to make available for juvenile children. Article 10 (2) also asserted that juvenile offenders shall be separately treated from adult offenders. It never derogated the right to education of juvenile offenders while their liberty is limited.

Significantly, article 10 (3) of the ICCPR has provided the penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.

III. International Convention on Economic, Social and Cultural Rights (ICESCR)

Pursuant to article 13 of the ICESCR, the state parties recognized that protecting the full exercise of the right to education requires *primary education shall be made compulsory and available free to all*. Similarly, with what is incorporated in the UDHR state parties are obliged to provide freely education for all children. Sub ‘d’ of this article also laid down that *fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education*. Most of the time, juvenile offenders’ background is of poor family or orphanages that have not gotten an access to education. Thus, it is quite common that juvenile offenders who have not enrolled would be among the delinquents for which the member state or other concerned organs should give due attention. The right to education stipulated in article 13 (2) of the ICESCR includes four basic elements; accessibility, availability, adaptability of education in order to realize such components state parties have to strive.¹¹⁵ Pursuant to article 14, state parties have the obligation to provide education

- ✚ Compulsory: neither the state nor the parents nor guardians should not take as an option children’s right to education as optional;¹¹⁶
- ✚ Free of Charge;
- ✚ Adoption of detailed plan of action;
- ✚ Obligation: all the necessary costs have to be assumed by the member state in preparing the plan of action and progressive implementing the plan of action are the core elements in realizing the right to education enshrined in article 14.¹¹⁷

IV. The Convention on the Rights of the Child (CRC)

¹¹⁵ Economic and Social Council, ICESCR Committee, General Comment 13 on the right to education (Art. 13 of the International Covenant on Economic, Social and Cultural Rights), 1999

¹¹⁶ ICESCR Committee, General Comment on Plans of action for primary education (article 14 of the International Covenant on Economic, Social and Cultural Rights), 1999, Geneva

¹¹⁷ Supra note pp.3

The CRC was signed on 20 December 1989, and entered in to force on 20 September 1990. It is among the pioneering human rights instruments encompassing important provisions on children's rights including juvenile delinquents right to education.

Pursuant to article 28 of CRC;

(1) The contracting parties to the convention recognize the right of the child to education. In order to achieve the full realization of this right progressively and on the basis of equal opportunity they shall in particular

(a) Make primary education compulsory and available free to all

(e) Take measures to encourage regular attendance at schools and to reduce school dropout rates.

According to sub 2 of article 28, member states have to make appropriate measures the administration of school discipline in accordance with the child's human dignity.

Likewise, article 29 also stated that child education should be directed to the development of the child's personality, talents, mental and physical abilities to the fullest potential. This stipulation is addressing the development to respect for human rights and fundamental freedom to apply the principles of human rights enshrined in the UN charter. It is also aimed to the preparation of the child for a responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes and friendship among all peoples, nations, ethnic, national and religious groups and persons of indigenous origin.

The fundamental principles of Juvenile justice enshrined in CRC are; non-discrimination, the best interest of the child, the right to life, survival and development, the right to be heard and

dignity.¹¹⁸ These are applicable to children whose liberty is deprived and children placed in institutions for the purposes of care, protection or treatment, including mental health, educational, drug treatment, child protection or immigration institutions.¹¹⁹

As per sub (d) of article 29, particularly the educational services provided for juvenile offenders should be enabling them to be productive and responsible citizens that contribute a positive role in peace building, fraternity among people and largely to promote and protect human rights.

V. UN Rules for the Protection of Juveniles Deprived of their Liberty

It was adopted and published in accordance with the UN General Assembly Resolution 45/113, which was passed on 14 December 1990. Since it is fitting for creating obligations on its targets, the resolution has binding legal effect especially resolutions of the GA regarding the external relations with member states.¹²⁰ Accordingly, the resolution of the GA on the Protection of Juveniles Deprived of their Liberty on the member states of UN and other respective international human rights instruments like CRC, ICESCR, CEDAW and other conventions. Pursuant to article 11 (a), a juvenile is every person under the age of 18 years old which is parallel with article 1 of CRC.

According to article 38 of this rule;

“every juvenile of compulsory school age has the right to education suited to his/her needs and abilities and designed to prepare him/her for return to society such education should be provided outside the detention facility in community schools wherever possible

¹¹⁸ Supra note

¹¹⁹ General Comment No. 10 (2007) Children’s rights in juvenile justice, pp.5

¹²⁰ A. Basak, *Decisions of the United Nations Organs in the Judgments and Opinions of the International Court of Justice* (1969); Thierry, ‘Les résolutions des organes internationaux dans la jurisprudence de la Cour Internationale de Justice’, 167 *Recueil des Cours* (1980) 385.

and in any case by qualified teachers through programs integrated with the education system of the country so that after release juveniles may continue their education without difficulty.”

Largely, special attention *shall be given for juveniles with particular cultures and ethnic needs and for illiterate juveniles or having cognitive or learning difficulties.* The right to quality education for juvenile offenders shall be in consistent with the values of human rights and human dignity.¹²¹

2.11.2 Ethiopian Normative Frameworks

According to article 36 (3) of the FDRE Constitution *juvenile offenders admitted to corrective or rehabilitative institutions and juveniles who become wards of the state or who are replaced in public or private orphanages shall be kept separately from adults.* Article 41 (3) of the FDRE Constitution which bounds government to provide all the necessary services to practice the right to education is another important provision for juvenile education.

Article 55 of the FDRE Criminal Code¹²² *stated in assessing the penalties or measures the court should take in to account the age, character, and degree of mental and moral development of the young criminal as well as the educational values of the penalties or measures to be applied.*

Correspondingly, this is referring that juvenile offenders are not treated same with adult

¹²¹ Addameer Prisoners Support and Human Rights Association, the Right of Child Prisoners to Education, October 2010, Ramallah - Palestine

¹²² Procl. No.414/2014, the Criminal Code of the Federal Democratic Republic of Ethiopia, 9th of May, 2005 Addis Ababa

offenders which is similar with article 157 that declared when young offenders of the ages between 9-15 years old are convicted the court shall order either of the following measures.

- Article 158: When the child requires treatment if he/she is feeble minded, abnormally arrested in his/her development, suffering from mental disease, epileptic or addicted, to drink, abuse of narcotic or psychotropic substances or other plants the court shall order an admission to a suitable institution for medical care and the treatment including education and instruction.
- Article 159: If the young criminal is morally abandoned or in need of care or protection or exposed to danger of corruption, he/she entrusted to relatives if not to a guardian for the education and protection of the child.
- Article 160: When such a course is deemed to be appropriate, the court may reprimand the juvenile offenders
- Article 161: The court may also order in case of small gravity to be kept at school or home during free hours and to perform specific task appropriate to age and other circumstances.
- Article 162: The court may also order admission to a corrective institution of juvenile offenders taking in to consideration the bad character of the criminal and the gravity of the crime and the circumstances of preparation of the crime.

Notably, according to article 165 of the Criminal Code, a juvenile offender about whom one of the previously mentioned curative, educative and corrective measures has been ordered shall not be regarded as having been sentenced under criminal law. When the aforementioned measures taken against juvenile offenders are not successful in bring the desired changes on the juveniles mentioned in articles 158-162 of the Criminal Code the court can pass following orders.

- **Fine:** If the child is able to pay a fine, he/she would be sentenced of a fine, if he/she intentionally failed to perform the fine within a reasonable time the fine would be changed in to school or home arrest.
- **Imprisonment:** when a young criminal has committed a serious crime which is punishable of rigorous imprisonment of ten years or more or death penalty, the court may order the juveniles to be sent to either to corrective institution where special measures for safety, segregation or discipline can be applied or to a prison institution if the offender is a cause of trouble.

Both the Ethiopian and international normative frameworks protect children's right to education and rehabilitation especially for CIWL. Specifically the FDRE Criminal Code has set educative and rehabilitative criminal justice for CIWL unlike the adult offenders.

CHAPTER THREE

FINDINGS, DISCUSSION AND ANALYSIS

CIWL AND THEIR RIGHT TO EDUCATION IN ADDIS ABABA

REHABILITATION CENTRE

3.1 Introduction

This part of the chapter firstly introduces about LJORC in which the research is conducted. Mainly it describes experiences and observation of juveniles regarding their human rights to education exclusively related with accessibility, availability, adaptability and acceptability of education as enshrined under the General Comment of the Committee of ICESCR on article 13 of the Covenant. It delivers the findings analogizing with international and national human rights norms. Since the research is using qualitative methodology, the actual number of respondents is less relevant that means, figuratively it may not be representative but the opinion of the juveniles reflects their experiences, views and practices in regards with the protection of their right to

education. In the data collection, 23 juvenile offenders; overall 7 girls and 16 boys participated as a target group. 16 other key informants like teachers and school management as well as the staffs of LJORC were involved.

The second part of the finding discusses the role of stakeholders in enhancing and supporting the right to education of CIWL in LJORC. Five key informants of stakeholder institutions have also participated in depth interview. The School in the Centre has facilities of classrooms, toilets, libraries, teachers and textbooks as the researcher observed despite it lacked quality.

3.2 Lideta Juvenile Offenders' Rehabilitation Centre (LJORC)

LJORC is established in 1936 under the Ministry of Interior; originally, it was established to care for abandoned and orphan children after the war and withdrawal with Italian colonial rule.¹²³ Primary School and vocational training facility were operated in 1957 that was responsible to the Ministry of Labor and Social Affairs.¹²⁴ After the implementation of the Basic Re-Engineering Process (BPR) in Addis Ababa City Government, in 2009, the Centre became accountable to Women and Children Affairs Bureau (WCAB).¹²⁵ A manager who reports to the WCAB administer is assigned the Centre.¹²⁶ The Centre is the only institution to rehabilitate Juvenile Offenders in Ethiopia.

During the data collection period, the Centre contained 122 juvenile offenders; out of whom 42 are convicted and the rest were under prosecution; and 21 of the total population are girls.¹²⁷ The School in the Centre delivers only primary education having eight classrooms and sixteen

¹²³ General Manifesto of Juvenile Offenders Rehabilitation Centre, Addis Ababa Juvenile Offenders Rehabilitation Centre, 2014

¹²⁴ Interview, *Andualem Tafesse*, Manager of the Centre, March 2016, Addis Ababa

¹²⁵ Ibid

¹²⁶ Ibid

¹²⁷ Data taken on 25 March 2016 from the Centre's recording officer

teachers including the principals, are in the School. According to the researcher's testimony, all the seven rooms for grade two-eight have three -four meter width; the classroom for grade one is wider since it holds large number of students.

The Centre is established with the following objectives;¹²⁸

1. To provide basic needs and services for juvenile detainees;
2. To provide recreational, counseling and medical services;
3. To provide first and second cycle primary education;
4. To offer training on metal, carpentry, tailoring, weaving and other necessary trainings;
5. To reintegrate juveniles with their families when they completed their terms of rehabilitation;
6. To follow up on the behavioral changes and progresses of Juveniles that are released on bail and completed their terms of detention;
7. To facilitate visit of education providing institutions for juveniles in the Centre in order to gain knowledge and have interest in jobs; and
8. To help juveniles in generation of income and to be self-reliant.

However, the researcher noticed that in observation objectives stated in list number 4, 6 and 7 are not currently practiced because of various external reasons.

3.3 CIWL Right to Education in LJORC

The analysis part of the research deals about the right to education of CIWL in LJORC comparing with the core obligation of the right education of member states enshrined in the general comment no. 13 on article 13 of ICESCR. The core obligations of the right to education

¹²⁸ Supra note 101

stated in the general comment are; accessibility, availability, acceptability and adaptability of education.

3.3.1 Accessibility

Accessibility refers to the access of educational institutions and programmes to everyone.¹²⁹

Accessibility has three basic measurements i.e. Non-discrimination, Physical and Economic accessibility.¹³⁰

Children deprived of their liberty or JO have the right to access education on non-discriminatory basis and to get physically and economically accessible facilities.¹³¹ LJORC has primary school, an institution that provides formal primary education to juveniles which is a good effort in enforcing rights of juveniles. Juvenile Offenders in the Centre are learning according to the state curriculum. These are the good practices of juvenile education in the Centre.

Regardless of this, data collected from juvenile offenders in the Centre denoted that the accessibility of the right to education connected with the non-discriminatory, physical and economic accessibility of education of juveniles in the Centre is inadequate as regards to the

¹²⁹ ICESCR Committee General Comment on article 13 of ICESCR, 1999

¹³⁰ Ibid

¹³¹The Right of Child Prisoners to Education, Addameer Prisoners Support and Human Rights Association, Ramallah-Palestine, October 2010

practicability of the principles of the accessibility of the right to education such as non-discrimination, physical and economic accessibility.

3.3.1.1 Non-Discrimination

Education must be accessible to all people especially to the vulnerable groups.¹³² The principle of non-discrimination stipulated in article 2 (2) of CRC has to include the right to education of children of school age regardless of nationality and their legal status.¹³³ Hence, being convicted or suspected of crimes, does not amount to be deprived of the right to education. The principle of Non-discrimination can be viewed pertaining to the discrimination committed based on legal status of the children and gender based discriminations.¹³⁴ Hence, access to education for JO shall be guided by non-discrimination.

LJORC has shown good effort in providing formal education for juveniles since it opened primary school. There is a school in the camp with having classrooms, boards, benches, permanently assigned teachers and the like amenities provided to address juvenile offenders right to education that is noticeable effort in striving to provide educational rights. However, the poor provision of facilities and accesses in general performance of education in the Centre is still visible. Thus, the researcher come across the educational discrimination inflicted up on JO in analogizing with the education provided for non-offenders' and boys educational and related opportunities.

I. Non-discrimination compared with Non-offenders

¹³² Supra note 29

¹³³ ICESCR Committee General Comment on article 13

¹³⁴ Juvenile Offender interviewed in March 14, 2016, in LJORC, Addis Ababa

Juvenile offenders have the right to access education on equal basis with non-offender students. An informant I¹³⁵ describes provision of education in relation to the principle of non-discrimination. He said,

“Despite I am eighth grade and a candidate of Regional (Ministry) Examination, I cannot get necessary reference books and; teachers do not teach properly and cover all the portions of subjects. We have no mini-media, radio and student clubs. Teachers said that since you are criminal, it is enough for you. I fear of competing with grade eight students and passing the regional exam. Unlike other students, the theoretical part we learn is not supported by practice due to the absence of laboratory materials. We also learn for a half-day only. The library is without adequate reference books and it is not allowed to borrow books from as we were doing in our previous schools.”

As noted by the informant, as other students in the community, JO in LJORC cannot properly access books, radio educational programs and other relevant materials; and teachers cannot teach and cover the required portion, which is a blockage to compete and pass the regional examination for grade eight. Mini-media and club activities, which are the important extra-curricular activities in schools, is not provided in the Centre particularly which is essential for juveniles’ offenders since they are prone to depressions; it relax them. Further, despite primary education is given for the whole day in public schools; juveniles in the Centre learn only for a half day that is another discriminatory practice and they need to be equally treated as other students. The researcher has also observed that juvenile offenders learn only for a half-day and the absence of laboratory, mini-media and club activities services in the Centre. Thus, such practices in the primary education of the Centre are violating the right to education of juveniles

¹³⁵ Grade eight boy juvenile suspect interviewed in March 13, 2016 in LJORC, Addis Ababa

that should be accessible based on the principle of non-discrimination irrespective of the legal status that is being criminal or suspect and to be treated equally with other primary school students.

Another informant II ¹³⁶ also said,

“Since I joined the Centre, I did not access adequate educational materials like text books, sporting activities as I was getting in my previous public school; there is no sufficient sporting and field to play. The school in the detention Centre is too narrow to move and relax. We have no uniform clothes as other elementary school students have. We do not make gathering ceremonies and sing national anthem in the morning as practiced in my previous school when national flag is placed. I do not feel as I am in school. We cannot get education via radio transmission. Teachers insult us pronouncing as criminal and unwanted citizen.”

As said by the informant; textbooks, recreational and sporting facilities are not properly delivered as provided to other primary schools and the camp is difficult to relax. The researcher has asserted that despite there is small football field it is dusty and unsuitable to play and he did not observe that the ceremony and gathering for national flag placing ceremony, which is discrimination of the access to education; and students in the Centre are without uniforms. By the sole reason, they are criminals juveniles are being vulnerable to the discriminatory and mockery speeches of teachers that darken their prospects and violate the human rights to be treated equally as any other student.

II. Non-Discrimination Related with Equal Opportunities for Girls

¹³⁶ Grade eight boy juvenile interviewed in March 14, 2016

The other facet of non-discrimination is accessibility of education to girls; education should not be given with lower standard to girls compared with boys.¹³⁷ Juvenile girls should access education with juvenile boys. Juvenile girls in the Centre are accessing their right to education equally with boys which is good achievement. Girl juveniles have their own living premises with the necessary bathroom and toilets that ought to be appreciated. Comparing to boys, their toilets and bathrooms in their dormitories are clean. However, girl juveniles explained that there are other contradictory practices and violating the principle of non-discrimination of access to education.

Informant III¹³⁸ described the problems corresponding to the discriminatory accesses to girls. She said,

“Female juveniles are more prone to the deprivation of necessary access to education as boy juveniles have. For instance, we are restricted not to wear trousers. Special attention and support is not given for girls students and there is no girls’ club as we were doing in our previous schools. We cannot participate in sporting activities as males enjoy. In both of our rooms, we do not have access of TV but males have. We do not get adequate hygienic pad, soft and soap as we have biological forcing factors unlike males but we equally share one soft and soap per a month with male juveniles. Hygienic pad is given one per a month; it is preferable to say as not given.”

Since the non-discriminatory principle of the right to access of education need to be interpreted in line with the principles enshrined in CEDAW¹³⁹; according to article 10 (g) of CEDAW girls

¹³⁷ Article 1(1) UNESCO Convention Against Discrimination in Education (1960) and Article 10 CEDAW

¹³⁸ Female juvenile and grade 7 student interviewed in March 15, 2016

¹³⁹ General Comment of ICESCR on article 13

have the right to enjoy same opportunities to participate actively in sports and physical education as boys do. However, the practice in LJORC does not fit with this provision, girls are not encouraged to participate in sporting, and recreational activities as boys do. The other significant issue is since girls are subjected to menstruation that has a more pronounced effect on the quality and enjoyment of education, government is expected to provide the necessary materials and facilities that help juvenile girls.¹⁴⁰ This includes, access to menstrual hygiene materials, latrines and places to change, safe water and sanitation, and good hygiene practices like hand washing with soap.¹⁴¹ Juvenile girls do not criticized regarding the availability of safe water and places to change clothes. However, juvenile girls with adolescence do not have ab access of hygienic materials in LJORC, which is contradicting to their human rights and educational rights too.

Informant IV ¹⁴² also expressed about the discriminations saying,

“Girls in the School of the Centre do not get adequate services of hair-oil the Oil provided by the Centre is expired and has devastated our hair. All the day except in times of education we are enclosed in dormitories we cannot go out, relax, and play with boys. Adolescent girls with puberty have problems of hygienic materials, soap and soft, especially those whose parents are not in Addis Ababa, no one can provide them with access to menstrual hygienic materials. During menstrual period, I don’t go to school to attend class because of lack of hygiene materials. In addition, we do not have freedom to wear any cloth like trouser. We cannot be beneficiaries of special educational support as we were getting in previous schools.”

¹⁴⁰ UNESCO; Good Policy and Practice in Health Education; Puberty Education & Menstrual Hygiene Management, booklet 9, 2014

¹⁴¹ ibid

¹⁴² Grade seven gir juvenile offender, interview conducted in March 17, 2016

As strength, the Centre is trying to provide all basic services to juveniles; for instance, hygiene pad is given as the researcher observed, however, girl juveniles have serious complains regarding the adequacy of the number of hygienic pad, soft and soap that impede them not to attend properly their education. Such discriminatory practices based on gender have a negative impact on the right to access education of girl juveniles. The other problem of juvenile girls is that they are not beneficiaries of special educational supports that are practiced in other public schools. According to article 35 (3) of the FDRE Constitution, due to the historical legacies and discriminations inflicted on girls have the right to affirmative action or special educational supports. Conversely, juvenile girls cannot access special educational supports as other girls are getting. Thus, the Centre is not performing its constitutional human rights obligations of supporting girls by providing additional and tutorial services.

Despite not recognizing as a serious right violation and problem, a key informant I¹⁴³ asserted the presence of the problem saying,

“Monthly, the Centre provides one hygiene pad, soap and soft to girl juveniles. I believe it is adequate since menstrual period is once a month, one hygiene material for one girl is enough.”

From this, it is clear to construe that the management of the Centre is not sensitive on the provision of menstrual materials and as a result, girl juveniles are not properly getting the materials or it is discriminating girl juveniles because of their gender or biological attributes.

Key informant II¹⁴⁴ also suggested,

¹⁴³ Manager of LJORC, interviewed in March 25, 2016, in LJORC, Addis Ababa

“In the school in which I taught for eight years we had special tutorial programs for girl students and in each semester we provide different encouraging awards for female students who scored excellent grade in addition to the tutorial programs. There was also girls’ club that helps them to share educational experiences and knowledge. Consequently, many female students have improved their educational performance. However, the situation in LJORC is different; there is neither supportive education nor girls club. In general, there is no special support for girls despite they need too, since they are from poor social background. Both the Centre and the school are inexperienced in providing special support for girls.”

As can be inferred from the above information, despite girls in the community schools access special educational support and participate in girls’ club, the juvenile girls in LJORC are deprived of such opportunities. Affirmative action provided for vulnerable groups like girls that is not violating the principle of non-discrimination with regard to education, rather it is empowering them for which state parties have obligations.¹⁴⁵ Therefore, neither the Centre nor the Primary School in the Centre does carrying out their duties to provide special educational supports and girls’ club as practiced in other schools.

The above-mentioned discriminatory practices in relation to access to education inflicted on juveniles not providing facilities and services equally as those students in the community and restricting girl juveniles not to access education and related rights as boys have, are violations of

¹⁴⁴ Women teacher in the Centre, interviewed in March 17, 2016 in LJORC, Addis Ababa

¹⁴⁵ General Comment of ICESCR on article 13, paragraph 32

juveniles' right to education provided in the General Comment of article 13 of ICESCR. So the Centre did not properly perform its international and constitutional¹⁴⁶ obligations.

The discriminations inflicted against female juvenile offenders is contravening articles 13 (1) of ICESCR, 1 and 10 of CEDAW that condemns discrimination inflicted on girls by the mere fact of their sex and girls should not be deprived the participation in sporting and recreational activities during education. Article 35 (1) of the FDRE Constitution asserts that the enjoyment of rights equally with men. Therefore, the juvenile girls are overlooked. Further, such disrespectful acts to the girls are contravening the right to access education free of discrimination.

To sum up, the principle of non-discrimination in providing access to education is violated in LJORC because of gender-based discrimination and their legal status, being convicted or suspect of crime, juveniles did not access education on a non-discriminatory basis as other students in the community have.

3.3.1.2 **Physical Accessibility**

Physical accessibility denotes that education has to be accessible in a safe place that is physically reachable for children.¹⁴⁷ The researcher observed that the Primary School built in the camp of the Centre is reachable to all juveniles; it is nearby and juveniles cannot be impeded from accessing the school. However, according to the observation of the researcher, the qualities and setting of classrooms as well as the compound of the Centre in which the school is situated are problematic. Moreover, classrooms are unclean, narrow (three to four meters width), and do not hold more than 15-20 students, overcrowded and full of suffocations.

¹⁴⁶ Article 41 (3) "*Every Ethiopian national has the right to equal access to publicly funded social services*".

¹⁴⁷ *Supra* note 117 pp.6

Key informant III ¹⁴⁸ said,

“I believe it is a good measure to have primary school for juveniles that is physically reachable but the classrooms are too narrow and dirty; obsolete without reconstruction for long years. The school should not be together with the living rooms of the juveniles, which may have negative psychological impression. Juveniles are not interested to learn in the narrow and dark classroom.”

However, another key informant¹⁴⁹ responded that the Centre is on the way to have new building, which comprises classrooms and other important amenities, now it is under construction of 65 million expenditures after the completion of which all the problems regarding physical accessibility of the facilities would be solved. The researcher has also asserted the building is under construction of two stairs. As noted by the researcher for two months, the speed of the construction is lagging. In this regard, the Centre deserves appreciation for its commitments of a huge project. The City administration and WCAB played their significant role in allocating huge budget for the construction and in coordinating the tiresome process of building construction. However, the construction is very slow and little laborers are working there and significant growth is not visible from the day to day construction activities of the building.

3.3.1.3 Economic Accessibility

Economic accessibility indicates that primary education has to be affordable to all and education should free of charge.¹⁵⁰ As to Katarina Tomaševski, economic accessibility includes enjoyment

¹⁴⁸ Teacher having 19 years experience in teaching, interviewed on 23 March, 2016, in LJORC, Addis Ababa

¹⁴⁹ Supra note 121

¹⁵⁰ Supra note

of the right to education without tuition payment or free of charges.¹⁵¹ According to article 41 (3) of the FDRE Constitution, *every Ethiopian national has the right to equal access to publicly funded social services*. Similarly, since Ethiopia is member state of CRC, as per articles 28 and 29 of the Convention, the government is obligated to fund all the necessary resources to realize right to primary education. In order to make education affordable to all, government is expected to allot budget and materials pursuant to article 13 (2) of the ICESCR. LJORC is providing services and allocating budgets for educational materials and living expenditures of juveniles having an impact on juveniles' education such as delivery of foods, clothes and other essential services.

However, including juveniles, the community in the Centre as well as in the School complained regarding the adequacy of budget and provision of educational materials for both students and teachers.

Informant V¹⁵² illustrated,

“Although the Centre provides monthly one pencil and pen for us; it is not sufficient; and when some juveniles steal pens and pencils, most of the time some of us are without educational materials and teachers also reject us from classes. When we request pens and pencils, the Centre does not provide at the desired time. Juveniles joining the Centre latter do not get exercise books and other educational materials.”

Key informant III¹⁵³ expressed the shortages concerning lack of educational materials and budget allocation problems as follow,

¹⁵¹ Katarina Tomaševski, Right to education Premiers No.3 Human rights obligations making education available, accessible, acceptable and adaptable, 2001, pp. 13

¹⁵² Boy juvenile and grade six student, interviewed on 18 March, 2016

¹⁵³ Deputy principal of the school, interviewed on March 21, 2016, in LJORC, Addis Ababa

“The primary school in the Centre is without budget and necessary materials. Despite other public primary schools have budgets to perform their activities, the school in the Centre does not have. We are facing problems to duplicate students’ examination papers and to print other necessary documents. We have no computer and printer because of budgetary problems. The Centre does not help the school in providing educational materials. Some students come to class without educational materials and they cannot properly attend classes.”

Similarly, another key informant¹⁵⁴ said,

“Despite the budget allocated for the Centre is increasing in the past years it does not have sufficient budget comparing with its huge mandate of rehabilitation and providing juveniles with the necessary facilities as a result, we cannot deliver for juveniles the necessary services. Frequently, we have reported to the WCAB but remained unresolved yet. Moreover, government-purchasing system is another hurdle to access the desired materials on time. For instance, for more than 4-6 months juveniles are without soap and soft because of the delay of purchase undertaken by the City Administration. Because of budgetary problems and poor salaries, the Centre cannot hire competent and qualified personnel. For this reason, juveniles are not properly treated and corrected.”

From the aforementioned testimonies of the informants, notwithstanding that LJORC allocation of budgets for juveniles in the Centre, its adequacy and accessibility is disputed. Consequently, juveniles in the Centre are not getting economic access to educational materials and relevant services either because of inflexible administration or in sufficiency of budget. The visible problem here is, since the School is responsible to the Bureau of Education, both LJORC and

¹⁵⁴ Supra note 121

WCAB do not provide materials and budget. Startlingly, the Primary School in the Centre is without budget except for teachers' salary unlike other schools.

In the presence of these problems, it is incredible to say one of the components of accessibility of education that is economic accessibility is being respected. Therefore, despite there is allocated budget for juveniles, the Centre in particular and the government in general do not properly accomplishing their international and constitutional responsibilities specifically in providing economically accessible education to juveniles.

Accessibility regarding its constituent elements of non-discrimination, physical and economic accessibility as one core element of the right to education specifically for juvenile offenders, is not respected in LJORC and juveniles' right to education is violated.

3.2.2 Availability

Pursuant to article 13 (2) of ICESCR children have the right to receive an available education. Availability as the core element of right to education denotes sanitation facilities, the presence trained teachers having domestically competitive salaries, the readiness of teaching materials and library, availability of computers and information technology.¹⁵⁵ Undisputedly, the Primary School in LJORC has sanitation facilities for both sexes, it has also 16 teachers having different qualifications and experiences despite their salaries competitiveness is problematic, and there is library in the Centre designed to serve the primary school students. However, the observation of the researcher revealed that there is no availability of computers and ICT services.

The respondents testified about the problems they have regarding the availability of trained (qualified) teachers, teaching materials, service delivery of the library and the non-availability of ICT services.

¹⁵⁵ Grade seven boy juvenile interviewed in March 15, 2016

Informant VI¹⁵⁶ said,

“In both the school and the dormitories we have toilets, bathrooms and facilities to wash our clothes but these are usually unclean; among the six bathrooms we have only one or two working, the rest are destructed since long time yet not repaired. Despite I knew we had some period allotted for ICT while I was in my previous public school, such facilities are not available in the Centre. The library was not giving service for months due to the absence of staff and it does not have sufficient and relevant materials. I do not enter in to and read there.”

Another informant ¹⁵⁷ described the availability of trained teachers in LJORC saying,

“In my previous school beginning from grade six to eight teachers having bachelor degree are assigned and they are qualified and can teach properly. Few teachers only have first degree and teach properly; others are with diploma or certificate award and we observe their incapability. There is no laboratory and mini-media service that is very important for our educational improvement. Most of the time teachers do not present in classes and they seem uninterested to work with us.”

Along with the problems of availability of education mentioned by the juveniles, the researcher have also witnessed that for frequent days, students were out of classes telling that their teachers were absent. The bathrooms in the dormitories as well the toilets both in the school and in the Centre are too dirty and remained unclean for continuous days. He also observed the absence of laboratory, ICT, computer and mini-media services.

Further, another key informant ¹⁵⁸ stated,

¹⁵⁶ Grade seven boy Juvenile interviewed in March 14, 2016

¹⁵⁷ Supra note 152

¹⁵⁸ Supra note 153

“As I have told you the school in the Centre is without budget in the absence of which even we cannot have computers to write and print students’ examination papers, no duplication machines and no adequate office facilities like table and chair. Yes indeed, there is no laboratory, mini-media and ICT services as other primary schools in Lideta Sub-city can access. Education is not supported by ICT. Even we are in problems to provide papers and pens to teachers; usually we borrow from other primary schools. Many of the teachers do not fit to teach in grade seven and eight having diploma award which is not practiced in other primary schools of the City. Including me, many of the teachers in the school are less interested to work here because, we are transferred here as down grading. I am assigned here when I disagree with the heads in the woreda and Sub-city education offices as retaliation. There is no enough training given for juvenile teachers. Thus, in the presence of these facts, the school cannot have qualified and well-trained teachers. Teachers in the Centre are the most disadvantaged comparing with other teachers owing to those other teachers can teach at evening and being beneficiaries of night education par time fees but not in the Centre. That is why, not to be beneficiary from I and my colleagues are relegated here.”

Both of the informants’ view as well as continuous observation of the researcher exposed that the non-availability of trained teachers having competitive salary and they do not access trainings and many of the teachers academic credential do not fit to teach in the second cycle primary school level. For the same reason, the school in the Centre is devoid of important educational materials and facilities like laboratory, mini-media, ICT and other educational materials like computer and photocopy machine. The researcher also watched that the offices of both the principal and deputy principals of the school are without the necessary materials such as

computer and printer. The library in the Centre is functional and has a librarian but the researcher noticed that the books there are not relevant and adequate for juveniles. Significantly, the researcher checked that other, two public primary schools in the City Administration have budgets amounting 80,000-100,000 ETB and availability of computers and ICT services, amazingly the school in the Centre does not have.¹⁵⁹

Therefore, the verdict in relation to the availability of education; proper sanitation facilities, educational materials, having trained and spirited teachers is problematic. There are no proper educational materials and the library is not delivering services, as it should be and ICT is unavailable. The availability of educational materials as an important of the right to education in LJORC is not offered in the primary school. For this reason, government is not releasing its obligation enshrined under the international human rights instrument of ICESCR.

3.2.3 Acceptability

Acceptability as the core element of the right to education is defined as the form and substance of education delivered to children including the curriculum and method of teaching which is relevant, culturally appropriate and of good excellence.¹⁶⁰ Katarina explained that the acceptability of education consisting of the curriculum, respecting diversity of the students, the instructional language of education in native languages which is pertinent to the social ethnic background of the learners, the school discipline and respecting the rights of students.¹⁶¹

3.2.3.1 Curriculum

¹⁵⁹ Visit is made and information gained from *Agazian* elementary School around Mexico in Lideta Sub-City

¹⁶⁰ Supra note 123

¹⁶¹ Supra note 129

The JO are learning in primary school practicing the curriculum approved and recognized by the government which fits what article 13 (3) of the ICESCR that orders member states to adhere.

Another key informant¹⁶² suggested,

“Since I am expert in special education I strongly believe that the curriculum for JO education should not be peculiar and they have to learn by the curriculum designed for other primary students. However, the experience and qualification of teachers being assigned in the Centre have to be cautiously considered but not worked effectively.”

Thus, deciding JO to be taught by the curriculum designed for other students have to be recognized as good achievement. Nevertheless, the assignment of teachers that does not take in to account the special profile of JO is another obstacle for juvenile education. The education schedule for JO since they join the Centre in different times and seasons should be different and accommodative the special condition of JO. However, they are equally taught and treated equally with the students in the community who attend their formal education from September up to June. The term of semester, have to be considered unlike the other formal elementary schools.

3.2.3.2 Respecting diversity

Respecting diversity is about while education is provided it has to take in to consideration the social diversity of juveniles.¹⁶³ Since LJORC is the only Centre in Ethiopia, it contains juvenile offenders from the different parts of the country having cultural, religious and ethnic diversities. The researcher noted that the educational acceptability in relation with respecting and enhancing the diversity of juvenile offenders is not of good performance.

¹⁶² Supra note 131

¹⁶³ Supra note 153

An informant 7¹⁶⁴ said,

*“During holydays there is dancing and song ceremony presents by juveniles. But it is not adequate. There is no culture day (yebeher behereseboch ken) as we were celebrating in my previous school in which different cultural and ethnic dances, songs and wearing styles are presented. Some of the wards discriminate juveniles who **are** not fluent speakers of Amharic language. Because of the absence of mini-media services, I cannot listen wolaitegna music and music that I like too. I want to participate in dancing competition but not such an opportunity in the school.”*

Another key informant¹⁶⁵ attested that neither the Centre nor the primary school encourage teachers and juveniles to promote diversity, he said,

“Since I am music and art teacher, I continuously strive to exploit and promote the cultural diversity but the management of the school and the Centre do not support. I tried to bring different CD songs that depict cultural songs and dances of different ethnic groups in Ethiopia it remained fruit less because of lack of facilities and commitments.”

Alike that the key informant VII¹⁶⁶ described that despite we have designed program to celebrate holydays with juvenile offenders in the Centre bringing music and dance bands it cannot be successful because of the non-cooperativeness of the Centre and the School management.

Therefore, in light of respecting the diversity of students and promoting cultural variety of juveniles as constituent element of acceptability of education, the Centre and the School did not work as expected that fosters educational performance and interest of juvenile offenders.

¹⁶⁴ Grade five juvenile boy, interviewed in March 15, 2016

¹⁶⁵ Teacher who served for the last two years in the Centre and interviewed in March 2016

¹⁶⁶ Male teacher served for one year in the Centre, interviewed on March 22, 2016

3.2.3.3 Language of instruction

Instructional language is vital tool in imparting knowledge to students; it is preferable to be delivered in the learners' mother tongue.¹⁶⁷ The educational instructional language in Addis Ababa is Primary schools is *Amharic* language. On the other hand, many of the juvenile offenders came from regional states whose instructional language in primary schools and mother tongue is different, is another obstacle to be successful in education.

An informant VIII¹⁶⁸ described,

"I have been taught in hadiyagna in the former school of my locality. While I join the Centre, I am in difficulty to attend the classes in which the formal education is given in Amharic except in English language as one subject. Thus, I scored poor result and teachers decided me to be lowered to grade three. Even in grade three, I am not properly understanding the subjects given in Amharic I only perform good in English subject. My classmates hate me while I answer questions and actively participate in English classes. Then I am now getting to keep silent because of my friends influence. If it were given in my mother tongue, in hadiyagna, I would perform well. It is also difficult for me; after I release from detention I would go to my parents and continue learning in the local language. Thus, the purpose of class attendance for me is meaningless since I would not continue from grade five where I stopped."

Another informant IX¹⁶⁹ also said,

¹⁶⁷ Supra note 136

¹⁶⁸ A boy and grade 5 juvenile offender interviewed in march 14, 2016

¹⁶⁹ Grade 5 juvenile girl interviewed on March 20, 2016, in LJORC, Addis Ababa

“I have been learning in Tigrigna before I join the Centre but when I start to attend education I am in a difficulty of the language and the grade I score in the last semester was poor. Now I am learning Amharic trying to avoid the language barrier. Neither the staffs in the Centre nor the teachers helped me to resist the language barrier. I personally try to cope up and my dorm mates helped me too. The other problem is there are not books written in Tigrigna which I can read.”

The above stated experiences and opinions of the juveniles are disclosing the problems of Amharic language instruction that discourage and impede juveniles who are non-Amharic speakers to attend classes and to be effective in education since it is not delivered in their mother tongue languages. As the other informant said, learning for these juveniles is just meaningless subsequently they cannot continue after release from the grade they left in the Centre.

Key informant VII¹⁷⁰ admitted the existence of such problems saying,

“Among the core reasons for students to score poor grade unlike other schools is language barrier. Half of the juveniles are from out of Addis whose mother tongue is not Amharic and they cannot understand the subjects given in the instructional language of primary school in Addis Ababa, most of the time we order them to attend in the lower grades. We reported such problems and discuss on with the responsible bodies of the Centre but not brought a solution.”

The researcher also met and discussed with the students who cannot write, read, speak and listen in Amharic who are native speakers of *Afaan Oromo, Wolayitegna, Hadiyagna* and *Tigrigna*. The number of students is considerable. Despite education is one of the significant instruments to

¹⁷⁰ Expert in education, interviewed in March 19, 2016, in LJORC, Addis Ababa

develop once language and again it is a right to learn using native language the practice in LJORC is contradictory. Therefore, students in the Centre with different native languages are in a difficulty to attend education, which is given with unfamiliar Amharic language. Despite JO have constitutional right to learn in their native languages LJORC cannot provide in accordance with the right to education.¹⁷¹

3.2.3.4 Corporal Punishment

Corporal punishment is an intentional application of physical pain on children for the purpose of behavioral Change includes wide types of methods such as hitting, slapping, punching, use of objects like belts, sticks, wires and the like and prevention of urine and stool which is prohibited by the international human rights instruments.¹⁷² In relation to such practices, juveniles complained as they are being victims of corporal punishment usually perpetrated by wards and caregivers in the Centre using different objects like stick and wire; and by punching the juveniles. Commonly, such problems are inflicted against the juvenile boys as told to the researcher and he also observed scars on the body of some students.

An informant X¹⁷³ said,

“For frequent instances, I have been victim of corporal punishment for unknown reasons by the wards and the male caregivers. Usually we are beaten at night and in weekends in the absence of teachers, the manager and councilors of the Centre. Even though we submit our complains against them, we are not listened and the beating men are in the

¹⁷¹ Article 39 (2) “Every Nation, Nationality and People in Ethiopia has the right to speak, to write and to develop its own language; to express, to develop and to promote its culture; and to preserve its history”.

¹⁷² Shukla Jyoti & Singh Neetu, Journal of Humanities and Social Science, Volume 15 Issue 6, accessed at www.Iosrjournals.Org in April 23, 2016

¹⁷³ Grade four and Juvenile offender sentenced for one year, interviewed in March 13, 2016, in LJORC, Addis Ababa

camp. In the last week, I was seriously beaten by the ward on my legs and I was bleeding but not taken to clinic, as a result, I have not attended classes for three days. Now, I am recovering.”

The researcher has observed the physical injury of the juvenile that has scars and wounds. Another informant XI¹⁷⁴ also described that despite he is not a victim fortunately, he said,

“Wards and caregivers hit with different objects including through stone. If someone is seriously harmed of the beatings they do not brought to clinic, they ordered him to sleep in dorms no to be shown by the councilors and their wrongs are not reported. Before I join the Centre, I never have seen such humiliating beatings. We reported the practice of beatings to the manager of the Centre, but did not take any measure against the wards and caregivers.”

The key informant¹⁷⁵ also admitted the presence of such problems and said,

“We are on the way of investigation to take measures against such acts. We have also another problem to take immediate measure; if we dismiss or take measure against the wards and caregivers, we would be in difficulty to hire and get other employees since the salary of the post is too low, no one want to be either a caregiver or ward in the Centre. Such threats deter us not to take effective measures.”

Likewise, the other key informant VIII¹⁷⁶ gave evidence on the practice of corporal punishment saying,

¹⁷⁴ Supra note

¹⁷⁵ Manager of the Centre, interview conducted in LJORC, Addis Ababa

¹⁷⁶ Male teacher interviewed in March 17, 2016, in LJORC, Addis Ababa

“Once up on a time when I started to teach and ask questions for students in the class, no one replied. I asked them saying why they are kept silent and they told me many of them were seriously beaten at night by the wards and show me their scars because of that, nine students have escaped from the Centre. They told me that The wards were beating them in the night saying that tell us where they are and we do not know their whereabouts. Then, I stopped teaching and reported to the principal of the school and manager of the Centre. However, I am not sure what the measures taken by. I think many of the juveniles escaping from the Centre are fear of beatings and they told me after they come back as a recidivist while I ask why they tried to escape.”

Hence, the right of juvenile offender to be free from corporal punishment in LJORC is not respected and corporal punishment has serious negative effects to attend and to be effective in educational performance. Despite the management of the Centre’ has a threat not to take measure against the staff who perpetrated corporal punishment because of the fear that they would left the job it sounds in some circumstances but not acceptable and cannot prevail against human rights which is inflicted on the body and mind of children. Government is duty bound to allot equitable salary for the wards and caregivers and they have to be accountable against their malpractices and should be held legally responsible of their wrong doings. Since they are not free from corporal punishment, juvenile offenders cannot attend education properly and their interest for education is degraded. On the other hand, they would not have mental readiness to receive the formal education or they cannot accept. Therefore, government and LJORC are not discharging their responsibilities to effect the acceptability of education, which has to be free of corporal punishment.

3.2.3.5 Respecting learners' Rights or Psychological punishment

From the above stated facts and experiences it is impossible to say the rights of juvenile offenders are respected while they are in education and in the Centre. On this regard an informant XII¹⁷⁷ said,

“Teachers insult us using offensive and desperate words. A certain teacher insult me while I was making a side talk with other classmates; he said since you are criminal you are unwanted and rude. You would be tomorrow’s gangster and you are cursed. At that time I went out of the class, I was irritated and planning to hang myself. There are some teachers who uttered humiliating words even the councilor also use such practices. Thus, our rights are not respected both in the Centre and in the school.”

Informant XIII¹⁷⁸ testified that more than the physical beating juveniles in the Centre are victims of painful and disturbing insults and mockery words because of which juveniles are depressed and escaped from the Centre. The management of the Centre disclosed that the presence of the disgracing practices inflicted by both the staffs of the Centre and the teachers in the School. But he also mentioned the difficulty to take measures against the staff and the teachers. Therefore, the rights of learners (juveniles) in LJORC is not respected which violate their human rights to get acceptable education that respects learners' right.

¹⁷⁷ Girl juvenile interviewed in March 15, 2016

¹⁷⁸ Boy juvenile interviewed on March 18, 2016

To sum up, in LJORC juveniles education is not provided respecting the acceptability of education which is one among the core obligations of member states in providing education stated in the General Comment of article 13 (2) of ICESCR.

3.2.4 Adaptability

The core element of the right to education, adaptability refers to education has to be responsive to the needs of changing societies and approachable to the special needs of learners taking in to account the social and cultural background.¹⁷⁹ More importantly, adaptability has to be interpreted in relation to addressing the special needs of children with disability, working Children, refugee children and children deprived of their liberty.¹⁸⁰

Of the above-mentioned constituent components of the core element of the right to educational adaptability, the concern of the research is more related with the adaptability of education considering the special needs of juvenile offenders since they are deprived of their liberty. When the researcher was collecting data, there were not juveniles with disability because of which he did not emphasis on JO with disability's right to education.

3.2.4.1 Adaptability of education to Children Deprived of Liberty (Juvenile Offenders)

The adaptability of juvenile education is measured with respect to the behavioral progresses JO have shown; the location of the primary school and its nearby and safety environment for education; the provision of extracurricular activities; the delivery of recreational and sporting facilities; and the adequacy and workability of vocational trainings.

¹⁷⁹ General Comment of ICESCR on article 13

¹⁸⁰ Supra note 129

I. Behavioral Progresses of JO

As stated under article 13 (2) of ICESCR, education is instrumental to promote understanding and tolerance, and friendship among citizens of the nation. Consequently, juveniles' learning in is anticipated to bring behavioral changes since they are considered as deviant from society's norms. Despite juveniles in LJORC are forestalled to develop their manners, the data collected from the juveniles and their experiences in the Centre does not signify behavioral improvements of the juveniles.

An informant XIII¹⁸¹ described the problems regarding behavioral progresses saying,

"I came from rural localities. Before I join the Centre, I never smoke cigarette. Unfortunately, after I came here I adopt such habit. Many of the boys are familiar with drugs and alcohol; their friends who are in street brought cigarette, alcohol and other drugs when they come to visit them. High school students nearby our Centre throw cigarettes enclosing it by a paper. At night, boys narrate to us how to steal and rob a property. Many of the boys released from the Centre completing their sentence are coming again to the Centre committing another crime. When I release from detention, I would not back to my family because of my addiction they would strongly condemn me. Thus, I have adopted bad behavior during my stay in the Centre and I want to stop it if anyone can help me."

Informant XV¹⁸² also said,

¹⁸¹ Grade three boy juvenile interviewed in March 19, 2016

¹⁸² A boy juvenile offender interviewed in March 12, 2016

“After I came here, I learn lots of bad actions such as how to steal a mobile phone and escape from people; the stealing method of people’s money and phone, waiting taxi especially for women. I am being convicted of theft for two times and being sentenced of one year and six months for two different crimes of theft. I do not fear the police because he only brought me to the Centre and I will not wait here more than a year. I do not want to learn because no one is benefited from learning. I am desperate of the people in the Centre, and the school since they do not show us bright and fatherly faces. When I am grown, I would beat others and I am hateful against people.”

From the above statements of the respondents, the researcher realized that neither the formal education nor the counseling services does not help juvenile offenders to improve their inclination to perpetrate crimes and LJORC is not properly carrying out its responsibilities in bringing behavioral changes of JO. The Centre is not working effectively in identifying addicted JO and helping them to be free from addiction. It is violating their right to education and to be good citizen having bright future and they are not educated to be tolerant and democratic citizens.

Another key informant X¹⁸³ said,

“Juvenile offenders are not bringing behavioral changes because proper effort is not exerted. First, the juveniles convicted and prosecuted of different crimes are placed in one room from which many of them learn bad behavior rather than bringing behavioral progresses. More than 50 juveniles are living in one room. We reported to WCAB of such problems but they have not responded. Secondly, the Centre requires a number of

¹⁸³ Psycho-social counselor served for 6 years in the Centre, interviewed in March 24, 2016

psychosocial professionals but not yet. Thirdly, there are no enough places to provide counseling services to each juvenile. Fourthly, the nearby high school has a significant negative influence on the behavioral changes of JO; the students insult them saying the killer or thief and JO feel badly. We tried to discuss on such problems with management of that high school but not successful. Fifthly, we cannot identify the addicted from non-addicted JO. The other problem is, the teachers in the school are not showing good behavior to JO that impedes them not to behave in a good manner. Many of the JO are recidivists. The combination of these factors resulted the substantial hurdle to advance the manner of juveniles.”

Therefore, the behavioral progress of the JO in the Centre is problematic for which the Centre and the School have to be primarily responsible since they are closely following the overall lives of the JO and they are not exhaustively discharging their responsibility. For this reason, JO being rehabilitated and educated in the Centre is unsuccessful since it does not meet the goal and purpose of education stated in ICESCR.

II. School location and the surrounding environmental safety

The other challenge for JO to attend properly their formal education and other rehabilitative activities is the location of Centre, which is surrounded by villages, high school and other government institution. JO experienced bad and travesty behavior from the nearby high school students and the environment is not safe to correct and provide education.

Another key informant X¹⁸⁴ said,

¹⁸⁴ Female Psychosocial Councilor in the Centre, interviewed in March 23, 2016, in LJORC, Addis Ababa

“We know the surrounding environment of the Centre is not suitable for JO to learn and to be corrected properly. The camp of the Centre is narrow; JO cannot move freely and play rather they feel depression and want to go out of the Centre. But such problems would be recently solved since the Centre would have adequate camp with all facilities which is under construction.”

The researcher observed for frequent days that the nearby high school students at their break time were calling the JO and joke against them and the JO were reacting by insulting them with offensive words. Such kinds of bad dialogue obstructed children not to attend properly the education and they are being disturbed psychologically. However, it is good achievement because the Centre is constructing another all rounded premises somewhat far away from the neighboring high school which may minimize the problems regarding safe place to learn though its slow construction could be another headache.

III. Extracurricular activities and vocational training

Another helpful tool to effect educational adaptation is extracurricular activities; it helps students to score higher grade, to participate actively in classes and to associate the theory with the practical education.¹⁸⁵ There are extracurricular activities in which the JO participates such as traditional tailoring, which they called *segaja sefet* the researcher observed. Juvenile offenders have enough number of handballs and footballs and they play in the camp despite the field is not suitable which is dusty and narrow. LJORC is providing utmost sporting materials, which is

¹⁸⁵ Nikki Wilson, Impact of Extracurricular activities on Students, A Research Paper Submitted in Partial Fulfillment of the Requirements for the Master of Science Degree School Counseling, The Graduate School University of Wisconsin-Stout, May, 2009

something to be appreciated. However, the School and the Centre do not effectively providing extra-curricular activities such student clubs, trips and other vocational trainings.

An informant XVI¹⁸⁶ said,

“One of my reasons to hate the Centre is there is no student clubs such as girls club, civics club, drama and music club and other students club as we used to in our previous school. That is why I am not interested to learn. The training given on segaja sefet (tailoring) is not enough; there is only one trainer and only 3 or 4 juveniles only got such a chance to train once a week which is not adequate. Since I join the Centre, it is five months but did not train yet. In addition, there are not varieties of training disciplines.”

Another key informant XI¹⁸⁷ also said,

“We should not blame the juveniles in the Centre for their poor educational performance. Because, the Centre and the primary school do not provide them with necessary facilities such as extracurricular activities like our children learning in the community. There are no club activities as other schools do. Since I am professional in hairstyle and beautification I requested the Centre to train without remuneration understanding that the JO are highly interested and eager. However, for unknown reasons the Centre remained passive. Other volunteers have also asked to provide different skill based trainings but not permitted except for sporting and art volunteer trainers. The Centre was providing metal and wood works training some years ago because of lack of trainer the machines are in a store. Thus, if the Centre was positive and committed, lots of things

¹⁸⁶ Female juvenile interviewed in March 15, 2014

¹⁸⁷ Female caregiver working for the last two years, interviewed in March 18, 2016

can be done in providing extracurricular activities and vocational trainings for juvenile offenders.”

It is noted that from the experiences of the JO and the testimony of the key informants, LJORC is not delivering extracurricular activities and vocational training for juvenile that can help them to be effective in education and to be self-reliant; because of the skill they adopt to generate income. However, the researcher observed some good beginnings like gardening in the camp despite not adequate, it is good start and JO are interested in; they water every morning. There is also another volunteer trainer who comes in weekends and trains JO in arts, sporting and related matters in which the JO offenders participated effectively which is good effort the Centre shows working with volunteer.

Despite the aforementioned good beginnings are observed, there is noticeable gap in providing extracurricular activities such as clubs and team study and the Centre is not providing significant vocational trainings for JO. The absence of such facilities is deterring JO to be interested to learn and to be skillful and self-reliant after their release and to have positive contribution to the themselves, the society and the nation at large.

IV. Recreational and sporting facilities

The researcher noticed that the Centre is trying to provide sports materials like balls and for boy juveniles there is TV with satellite dish that should be strengthened beyond. However, an informant XIII¹⁸⁸ said,

¹⁸⁸ Boy juvenile interviewed in March 16, 2016

“The recreation facility is poor; for instance despite we have TV with satellite dish; we do not access to watch European and other African soccer games because there are no DSTV services. There are not variety of sporting disciplines’ training. I want to be an athlete and train in athletics. I was trying in my previous school but not here. We are not invited to attend or participate in sporting festivals conducted between primary schools. We have not sporting clothes that we can use when we play foot ball.”

In the same way, another key informant XII¹⁸⁹ also shared the views of the above respondent saying,

“Juveniles do not properly getting training and facilities in sport. As a sport teacher I requested the Centre to buy some materials and allow JO to attend sporting festivals held out of the Centre but the prohibited for security reasons. If DSTV service were available in their dormitories JO would focus on sport and not being depressed; they would be refreshed. But the Centre considers it as a luxury.”

Therefore, despite the above mentioned efforts are made regarding the provision of recreational and sporting activities, it is not adequate. The Centre should have to expand the delivery of such facilities. Having DSTV services that protects JO from depression and anxiety should not be taken as something luxurious. Hence, since the provision of recreational and sporting facilities is part of the right to education LJORC is not performing, as it should be.

V. The Possibility of Post Release Educational Continuity

¹⁸⁹ Male caregiver interviewed in March 21, 2016

In order to continue their education from where they stopped LJORC gives clearance and other informative document to children when they complete their sentence and released from the Centre, which is the strong side of the Centre's performance. The Centre also covers their transport cost until they arrive to their parents' places. In spite of this, there is no system where the Centre follows the educational fate of JO post release. An informant XIII¹⁹⁰ expressed,

“The Centre did not help us to continue our education post release, since many of us are without parents, from street and working children. When I am released I cannot continue to learn because I am working in shoeshine and help my mother. Other friends who were learning here have stopped since they have no supporter.”

However, the key informant¹⁹¹ said,

“The Centre is trying to address such problems by working in cooperation with a certain NGO engaged in supporting JO after release called Bosco Children Centre. Representatives of the NGO come every Friday and aware students about the after release to continue either formal education or vocational training or back to their family. JO offenders who are interested decide and join them. We have sent a number of children through this mechanism.”

Thus, LJORC is trying to work together in cooperation with an NGO involved in supporting ex-JO. However, by the time the researcher went to discuss with representatives of the NGO only two students were attending one in formal education and the other in vocational education. The

¹⁹⁰ Grade four boy juvenile offender, interviewed in March 17, 2016, in LJORC, Addis Ababa

¹⁹¹ Supra note 156

experts of that NGO told me despite many of them left the camp of the NGO and back to streets; the other two juveniles are functioning effectively.

Appreciating the good efforts both the Centre and *Bosco Children's Village* are working together, the researcher wants to notify that such kinds of efforts have to be expanded and meaningful and government should support.

Generally, JO in LJORC in relation with the so called four A's, the four core elements of the right to education such as accessibility, availability, acceptability and adaptability, their right to education is not respected by Addis Ababa City Government for whom responsibility is given.

3.3 The Responses of Government and Non-Government Organs in Enhancing Juveniles Right to Education

3.3.1 Responses of Government Organs

LJORC is under the management of Addis Ababa WCAB whereas Addis Ababa Education Bureau administers the School. By their essential mandate, other stakeholders like the Ministry of Education have responsibilities in relation to the right to education of juveniles in *LJORC*.

Addis Ababa City Administration Bureau of Women and Children Affairs

LJORC is accountable to WCAB. The respondent is team leader of institutional monitoring in the Bureau and served in the Centre for five years and it has been two years since she joined the Bureau. She¹⁹² said,

¹⁹² Team leader in WCAB, interview conducted in April 03, 2016 at Addis Ababa WCAB

“Budget of the Centre is administered and allocated by the WCAB; annual budget of 2008 E.C is 9 million birr. It is not sufficient based on the interest of the juveniles. Since I worked for several years in the Centre, allocation of the budget is not fair comparing with the other two institutions administered by the Bureau; Kibebe-Tsehay and Kolfe Children’s homes. Bureau of Finance and Economic Development of the City administration when it makes budgetary allocation it pays little attention to LJORC. They says, ‘the children in the Centre have families who provide them clothes, food and other necessary support’ which is wrongful and unlawful justification. In addition to that, the allocated resource is not properly used; due to the inflexible purchase administration, the juveniles in the Centre face delay of the necessary goods like soap, soft and the like cannot be available. The Centre’s administration does not control the distribution and usage of materials; there is too much wastage and misuse. For instance, few girls among the juveniles require hygiene-pad at times of menstruation; monthly we provide ten hygiene-pad per a girl but only one hygiene-pad is given for few girls in the Centre per a month the rest nine is not provided. The other problem in relation to quality of food; 18 ETB is allocated per day for one juvenile in the Centre; if the Centre properly managed the allocation of price and the cost breakdown, the juveniles would not face problems of food quality problem.”

The pertinent body, FEDB is ignoring juveniles’ right when it affords budget that is discriminating juvenile offenders. The WCAB does not exhaustively discharge its responsibilities in dealing with the FEDB to increase the attention and budget for juveniles. Besides, according to the FDRE Criminal Code juveniles in Rehabilitation Centre under the custody of government irrespective of family support, the government has the obligation to

provide all the necessary services. Education is the important tool for juveniles to be rehabilitated and integrated to which government works. Further, many of the juveniles are from regional states whose families cannot visit and support, and many others are orphanages and from streets. Ignoring this group of people and paying little attention when budget is allocated is violation of human rights.

She¹⁹³ also said,

“Although experts supervise the Centre and report regarding educational problems, the inadequacy of resources, and management problems as well as the qualification and ethical problems of the staff there, they remained unresponsive. Unlike other institutions within the Bureau, little attention is given to the Centre for Juvenile Offenders; staff having disciplinary problem is assigned to the Centre on the contrary others who have good performance are transferred and assigned to the other Children’s institutions. We did nothing on girl juveniles. LJORC is not treated equally with other institutions.”

Since WCAB is instituted to enhance and enforce human rights of Children, due attention shall be given to juvenile offenders. Unlike other Children, juveniles require special attention due to their bad exposure and complex level of maturity and they are prone to various psychological predicaments and violations of human rights. However, juveniles are denied attention from the government. Thus, the Bureau/government is not properly performing its international and constitutional human rights obligation. More importantly, any support is not given to girl juveniles neither on education nor on related matters. Such and related failures of the

¹⁹³ Supra note

government are directly violating the human rights to education of children protected in FDRE Constitution and the international human rights instruments like ICESCR, CRC and CEDAW.

She¹⁹⁴ said regarding the staff recruitment, employment and training,

“Primarily, the staffs in the Centre are not professionally and in experience capable and fit for such responsibilities. The maximum educational qualification of caregivers is grade eight closely working with the day-to-day activities of children and responsible to bring behavioral changes in the manners of the juveniles. Caregivers and wards are involved in beating juveniles instead. Similarly, the psychosocial councilors are not perceptive in both qualification and personal manner. There is also high staff attrition because of low salary and no training for staff.”

The above view is a testimony that this is asserting that government is not undertaking its duties to respect the human rights to education of juveniles contravening the Constitution, Criminal Code and the international human rights instruments.

As regard to the formal education of juveniles, the respondent said that despite we try a lot to communicate and discuss with the Bureau of Education on the primary education of juveniles, Bureau of Education cannot be fully interested and resolve the problems. When the researcher went to the head office of Bureau of Education the vice head of the Bureau concluded that nothing is done in relation to juveniles so far and we have no such programs and plans in the GTP. Similarly, the Ministry of Education does nothing on juveniles’ education. Therefore, Addis Ababa WCAB and the other respective government bodies are not properly discharging its

¹⁹⁴ Supra note

responsibilities in addressing the right to education of JO particularly in relation with accessibility, availability, acceptability and adaptability of the right to education of JO.

Lideta Sub-City Education Administration Offices

The two tiers of Bureau of Education of the City Administration closely responsible for the School in Lideta Rehabilitation Centre, Lideta Sub-City and *woreda* 10 of Lideta Sub-City Education offices expressed their respective views regarding the education of juveniles.

The head of *woreda* education office said,

“Since I joined the office the most challenging school to administer is the School in the Centre. Students are challenging; many students released in a week and new comers are plenty and we have to admit them to school. The students are not interested to learn. Teachers do not want to work there. The school management is also poor; the principal is unethical and he is assigned as a demotion. The School does not have budget except as teachers’ salary. We reported such problems to the Sub-City Education office yet it is unsolved. Hence, when we make evaluation on all private and public primary schools we preclude the School in the Centre as long as it does not fit the standards of qualification.”

As inferred from views stated above, the education office of that *woreda* is not working properly; it does not resolve problems and listen complains of juveniles on the ground. It cannot take measures against the unprincipled management of the School. It totally do not accomplish and its role in facilitate accessible, available, adaptable and acceptable right to education of juveniles is in existent. Therefore, it is accountable against violating juveniles’ right to education. As far as it

is government body, it should be answerable against violating the principles of the right to education of JO stated in ICESCR.

Head of the Education Office of Lideta Sub-City said,

“We know that the School in the Centre is not as active as other primary Schools because of the weaknesses of the woreda and the School management. They have to solve the problems exhaustively then they can report to us. Nevertheless, such steps are not undertaken. I have not heard that the School in the Centre is that much indulged in serious problems. In terms of budget allocation, it is allocated based on the number of students and the students in the Centre are few, we do not want to waste budget for few juvenile offender students since we have multiple development projects. Teachers do not want to work in the School of the Centre thus we sent teachers having less performance and behavior problems and new comers. The Rehabilitation Centre has also problems in providing foods and uniform; and the staff in the Centre beat students. These and other problems make the performance of the School to be poor.”

Of both *woreda* and Sub-City Education Offices’ heads have described that government has overlooked the right to education of juveniles. They accused each other rather than working together to address the problems related to juveniles’ education. Juveniles are not considered equally as other students in the community schools; in budget allocation, resource distribution, and teachers’ assignment and generally, they are out of government’s sight. Instead of giving priority emphasis to the juveniles in the Centre since they are vulnerable to various violations of human rights and social problems and need special attention, the government has neglected them. Even education offices of both *woreda* and Sub-City do not supervise the condition of

juveniles' education. This entirely shows government set-asides the Constitutional and International human rights responsibilities in providing education for juveniles of LJORC. Amazingly, the government officials are ignorant on the rights of juveniles to get education as any other human. In terms of resource, the School has not a budget at least to purchase pens and papers. Juveniles are not learning equally as other students. Teachers are not interested to work and they are not assigned according to their qualification and experience. Instead of recruiting and employing teachers having special qualifications and relevant experiences in working with juveniles, inefficient, unethical, less experienced and fresh teachers are sent to the School.

In addition to violating juveniles' right to education, it is also rehabilitating juveniles and making them a better citizen by learning from their past wrong doings. Rather than delivering its responsibility that is making accessible, available, adaptable and acceptable education to juveniles as enshrined in article 41 of the FDRE Constitution and articles 13 of ICESCR and 29 of CRC respectively, they are discouraged to be good citizens and have a role in building democracy, human rights and tolerance. The local governments (*woreda* and sub-city) are accountable to deliver accessible, available, adaptable and acceptable education for juveniles in LJORC. Therefore, the above bodies of Bureau of Education are responsible for the violation of JO right to education particularly not to be respected Juvenile Offenders' rights to accessible, available, acceptable and adaptable education.

3.3.2 Responses of Non-Governmental Organs ; *Bosco* Children's Village

Bosco Children' Village is Civil Society organization administered by Ethiopia Catholic Church, which is working on street children; recently it also starts working on orphanage children

released from detention centers. The expert of the project¹⁹⁵ for vocational and formal education of street children said,

“Our organization receive juvenile offenders after they are released from detention especially those who do not have family and their families cannot support them. We go every Friday to Lideta Rehabilitation Centre and aware them about our project and inform them that they can join us if they are interested and have no family or their family cannot help them to learn. We begun receiving children from the Centre before 4 years. To date we have received more than 72 children. Currently we have only three children; two of them are attending education in Dombosco Elementary School effectively and their rank is good; the one is taking vocation training in effective way. With the exception of the three children, the rest cannot live with us and learn after waiting here for few days they left us and went back to the street. Despite comparing with the number of juveniles we received plan is not successful we are happy even working on the personality of a single child gives pleasure to us. One of their problems during their waiting in the Rehabilitation Centre is they are not getting education as they should be. When we examine them according to their certificate given by the School of the Centre they cannot fit and pass the exam. Hence, we examine and admit them in lower grades and they became effective. They also complained that they were beaten in the Centre we have also observed scars of beating. In general, they need special provision of education and treatment but cannot seemingly get such access as we observe.”

As stated from the above testimony juveniles who are without family or supporter are sent to *Bosco children Centre* but they cannot reintegrate there and attend the educational and

¹⁹⁵ Interview conducted in April 4, 2016, in *Bosco Children’s Village*, Addis Ababa

vocational trainings effectively. Most of them turned back to the life in the streets and it is not guaranteed that they won't commit crimes and join the Rehabilitation Centre again. Even though Bosco Children's Centre has shown its best endeavor as the only institution trying to work on juveniles' post detention reintegration comparing with the need and the number of children its effort is not addressing properly the problem. It is also testified that corporal punishment and poor deliver of education is conducted in the School of the Centre as a result students cannot compete with the students in the community. This is demonstrative evidence against failure of the Rehabilitation Centre, the School and the education offices in *woreda* and sub-city who are not discharging their responsibilities and respecting the right to education of children enshrined in Ethiopian Constitution and under the international human rights instruments Ethiopia is party to.¹⁹⁶

CHAPTER FOUR: CONCLUSION AND RECOMMENDATIONS

4.1 Conclusion

Like others, juvenile offenders have right to enjoy accessible, available, adaptable and acceptable education as per the ICESCR, CRC, CEDAW and the FDRE Constitution. To this effect, government has the obligation to provide primary education. LJORC is under the government of Addis Ababa WCAB and the Primary School in the Centre is under the administration of Bureau of Education. Protecting, fulfilling and respecting the right to education of juveniles in equivalent terms with non-offender children are government's obligation. However, the facts, experiences, conditions and observations of the right to education in LJORC reveals juveniles

¹⁹⁶ ICESCR is accessed on 11 June, 1993 and CRC on 14 May, 1991

have not the access to non-discriminatory and physically and economically accessible education. Particularly girl juveniles are discriminated in accessing supportive education, they are discriminated against the enjoyment and involvement in sports, and they have no access of TV. Shockingly they cannot get adequate hygienic services like soap, soft and hygienic pad and they are living in overcrowded rooms. The classroom settings, compound of the campus, absence of mini-media, laboratory, absence of adequate books and educational materials, students' club activities are other important facilities disregarded in the School. The absence of teachers from classes and poor management of the School, assignment of unqualified teachers and ill treatment to juveniles are the other problems of delivery of education in relation with the physical and economic accessibility of education. Juveniles are not provided with adequate health services, food provisions, psychological and social services.

The education is not adaptable to the special need of juveniles. Instead of treating them carefully and enabling them to bring behavioral changes, juveniles and other key informants testified, teachers as well as the other staff in the Centre insult them and they are becoming psychologically depressed. Besides, juveniles are becoming victims of addiction of drugs. Juveniles are also beaten by caregivers and wards in the Centre which impeded them not to be interested to learn. *Woreda* and Sub-City education offices do not give much attention to and do not assign qualified teachers. They do not monitor the condition of educational deliver to juveniles in the Centre and do not include the School in the Centre in the ranking standards of Primary Schools in the Sub-City. Correspondingly, Addis Ababa City Administration Bureau of Education who is responsible of the overall educational charges in the City and WCAB do not carried out their respective responsibilities The same is true that the Bureau of Finance and Economic Development of the City Administration when it allocates budget gives little attention

to juveniles. Fascinatingly, the head of education office in Addis Ababa and the Federal Ministry of Education have not set a structure or assigned expert or focal personnel who are responsible for juvenile education. This is proving that the government is not properly discharging its responsibilities enshrined in the FDRE Constitution and the international human rights instruments like ICESCR, CRC and CEDAW to which Ethiopia is member state. Therefore, the right to education of juveniles in Lideta Rehabilitation Centre is not respected. They are discriminated and denied of accesses to education despite they require enormous attention unlike other children. They are not properly rehabilitated and corrected from their wrong deeds and many of them are becoming recidivists. Government is not meeting its obligations provided in FDRE Criminal Code in educating and rehabilitating juveniles.

4.2 Recommendations

Based on the findings of the research and the concluding remarks stated earlier, with regard to juveniles' right to education in LJORC, the following recommendations are put forward to the concerned bodies.

- Both the federal and Addis Ababa City's Governments have to pay due attention and reorganize their structures to integrate and formulate programs and packages to address juveniles' right to education. Particularly, in assigning and training teachers that specialized in Special Needs Education, extracurricular activities have to be given proper attention to be implemented in the school and they do not have to relegate juvenile education.

- WCAB, Finance, and Economic Development Bureau of the City Administration have to give proper attention in budget allocation and they have to monitor the distribution of resources to juveniles.
- The City government has to decide in order to properly realize educational rights of juveniles to whom should be accountable since it is becoming of overlapped jurisdiction.
- The staffs in the Centre have to be qualified and well trained in handling juveniles and special attention should be given for street, rural and girl juveniles having backlogs of education.
- LJORC has to endeavor to know the whereabouts of the ex-juvenile offenders, make follow up as to their situation and work to reintegrate juveniles with the community.
- LJORC has to be active to provide machineries and trainers for juveniles interested to engage in basic education with different vocational skills.
- The federal government has to work in cooperation with regional states in order to operate other juveniles' rehabilitation centers within their respective regions since juveniles coming from regions are not visited by families and the only Centre and is the only Centre in the country. LJORC cannot accommodate all the JO in the country and it would also add another burden for Addis Ababa City Government to allot budget.
- Generally, government requested to pay attention on the condition of Juvenile Offenders specifically to their right to education.
- Civil Societies that is working in juvenile education like *Bosco* Children's Centre have to work closely with LJORC especially to reintegrate and reunify juveniles with the society and family.

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II. Appendix

1. Interview guideline for Juvenile Offenders in Lideta Rehabilitation Centre Questions on the Educational Rights of Juveniles

1.1 Were you able to continue from the grade you dropped out last before you joined the Center?

1.2 How the Center determined the level of your last grade?

1.3 Are you required to produce grade reports?

1.4 If so, does the Center facilitate or assist you in getting the grade reports either from your previous school or from your parents/guardian?

- Adequacy of text and reference books
- Facilities like laboratory, mini-media and students' clubs

1.5 Is there any additional training given in addition to formal education

1.6 Adequacy and proficiency of teachers

- Class attendance
- Number of teachers
- Qualifications
- Ethical standard
- Encouraging to bring behavioral changes

1.7 Facilities

- Adequacy of counseling services
- The involvement and access to recreational and sporting facilities
- Comfort of the School environment

1.8 Is there any Special support and affirmative action given for female students?

- In providing hygiene materials
- Supporting in education and other skill development facilities
- Discriminations imposed on

1.9 Discriminations based on

- Criminal prosecution or conviction
- Ethnic
- Gender
- Other grounds

1.10 Education promoting culture and language diversities

- Language as barrier to education
- Culture as barrier to education

- 1.11 Comparing with their schools the conditions and facilities of the School in the Centre
- 1.12 Hygiene, food, clothing and water accesses
- 1.13 Medical provisions and medicines
- 1.14 Complain handling mechanisms
- 1.15 Corporeal and related punishments in the School and the Centre
 - Health and wellbeing
 - Physical harm
 - Psychological harm
- 1.16 Follow ups post rehabilitation
 - On the behavioral changes of juveniles
 - On the academic performance of juveniles
 - The role stakeholders in assisting ex-juvenile offenders
- 1.17 Challenges in the Centre

2. Interview Guidelines for Key informants in the Centre

2.1 For social workers and caregivers

- 2.1.1 How many years are since you begun serving in the center?
- 2.1.2 How do you feel the job with juveniles?
- 2.1.3 Did you have taken additional trainings in relation to juveniles?, If yes, how many times a year or since your employment in the center?
- 2.1.4 If yes, what is your opinion on the academic performance of juvenile students?
- 2.1.5 Do the juvenile students have an interest to learn?
- 2.1.6 Do the juveniles feel as discriminated because of they are separated from the regular students or students in the community?

- 2.1.7 Do you make follow-ups on students' progress?
- 2.1.8 What are the educational barriers on behalf of the learners?
- 2.1.9 What about the external factors of education barriers?
- 2.1.10 How do you rate the centre's achievement in reforming juveniles and building human capacity?
- 2.1.11 Do they treated equally as students in the community?
- 2.1.12 What is the status of behavioral change of juveniles?
- 2.1.13 Are there unique disciplinary measures provided for juveniles related with rehabilitation?
- 2.1.14 If your answer for the above question is yes, what is /are the disciplinary measurements?
- 2.1.15 What necessary conditions are fulfilled to address the best interest of the Child in the Centre?
- 2.1.16 Do students participate in education related platforms in and out of the camp?
- 2.1.17 What about the participation in cultural activities?
- 2.1.18 Do you think that students have all the necessary educational facilities?
- 2.1.19 Are there professionals who support the Juveniles?
- 2.1.20 Is there any opportunity where you evaluate or being evaluated the performance of staff & teachers in relation to their services provided to Juveniles? If yes in what ways you evaluate or being evaluated?
- 2.1.21 How is your communication with the juveniles?
- 2.1.22 What are the challenges in the center?

2.2 For Centre Administrator

- 2.2.1 How much is your annual budget? How does is the budget allocation per one juvenile?
What about the allocated budget for education?

- 2.2.2 How many juveniles are currently in the center?
- 2.2.3 What are your criteria of admitting juveniles?
- 2.2.4 Have you permanent schedule to visit and discuss with the juveniles?
- 2.2.5 Is there any allocated budget for juvenile school? If yes, is it sufficient to cover all the educational costs?
- 2.2.6 Do you provide additional trainings for teachers, councilors, proctors and security officers?
- 2.2.7 What significant measures have you taken to address the educational facility problems?
- 2.2.8 Is there any financial/technical/material educational support given by other bodies?
- 2.2.9 Is there technological availability i.e. internet, ICT? What about provision of pedagogical materials?
- 2.2.10 Do you have special communication with the ministry of education or Addis Ababa Bureau of Education to improve the juvenile education? If your answer for the above question is yes, in what circumstances or programs are you working in cooperation with?
- 2.2.11 Is there any special support given to girl juveniles? What are the supports?
- 2.2.12 What challenges you face while you work with Juveniles particularly related with rehabilitation?

2.3 School Principal and Teachers

- 2.3.1 Field of study, age and your experience in the centre or out? Did you observe progresses or regresses in the centre?
- 2.3.2 How do you rate the performance of your school and the reason?
- 2.3.3 What measures are taken to improve the academic performance of students?
- 2.3.4 How do you measure the behavioral changes of the juveniles?

2.3.5 Do you follow the behavioral changes and educational performance of students?

2.3.6 Are the classroom settings and other facilities properly provided?

2.3.7 Is there sufficient number of teachers? What about the

- Grounds and qualification of assignment
- academic qualifications and credentials
- Evaluation for the performance of teachers
- Measures taken when teachers have shown unmannered behaviors
- Capacity building for teachers
- Facilities for teaching and learning purposes
- Salary and packages for teachers

2.3.8 Is there any instance where you discuss with students about the learning and teaching process?

2.3.9 Is campus condition suitable for education

- standardized library
- availability of books
- providing proper services
- Service hours
- Number and qualification of librarian
- ICT services

2.2.3.10 Observation of teachers on

- Clothing, food and sanitation conditions of juveniles

2.2.3.11 What is the effect of teaching juveniles separately?

2.2.3.12 The current status of the school

2.2.3.13 Challenges and prospects of the Centre

3. Observation Checklists

3.1 Facilities in the Centre and the School

3.1.2 School compound facilities

3.1.3 Classroom settings

3.1.4 Library and adequacy and relevancy of books there

3.1.5 Clinics

3.1.6 Feeding room; food, water and materials for

3.1.7 Toilets and bathrooms

3.1.8 Dormitories of boy and girl juveniles

3.2 Physical condition of the Juveniles

4. List of Juvenile Offenders (Convicted and Prosecuted)

SR	Name of Informant	Age	Gender	Level of Education	Place of Birth/Growth	Term of Imprisonment (for Convicted)	Conviction or Prosecution type of Crime
1	Informant I	15	M	Grade 8	Addis Ababa	Under Prosecution	Rape
2	Informant II	15	M	Grade 8	Addis Ababa	One Year	Quarrel

3	Informant III	14	M	Grade 7	<i>Amhara</i> Region	One Year	Theft
4	Informant IV	13	M	Grade 7	Addis Ababa	One Year	Quarrel
5	Informant V	15	M	Grade 6	<i>Amahara</i> Region	Under Prosecution	Theft
6	Informant VI	13	M	Grade 6	Addis Ababa	One Year	Theft
7	Informant VII	15	M	Grade 5	<i>SNNPR</i>	Under Prosecution	Theft
8	Informant VIII	15	M	Grade 5	Addis Ababa	Under Prosecution	Quarrel
9	Informant IX	14	M	Grade 4	<i>SNNPR</i>	Under Prosecution	Disturbance
10	Informant X	15	M	Grade 4	<i>SNNPR</i>	Under Prosecution	Theft

11	Informant XI	15	M	Grade 3	<i>SNNPR</i>	Under Prosecution	Theft
12	Informant XII	12	M	Grade 3	<i>SNNPR</i>	Under Prosecution	Theft
13	Informant XII	13	M	Grade 2	<i>Amhara</i> Region	10 months	Theft
14	Informant XIII	11	M	Grade 2	SNNPR	Under Prosecution	Theft
15	Informant XV	13	M	Grade 1	<i>Oromiya</i> Region	Under Prosecution	Theft
16	Informant XVI	13	M	Grade 1	SNNPR	Under Prosecution	Theft
17	Informant XVII	15	F	Grade 8	Addis Ababa	One Year & Six months	Robbery
18	XVII	14	F	Grade 7	Addis Ababa	One Year	Theft

19	Informant XIX	15	F	Grade 6	<i>Amahara</i> Region	One Year & Six months	Robbery
20	Informant XX	15	F	Grade 5	<i>Tigray</i> Region	Seven Years	Homicide
21	Informant XXI	14	F	Grade 4	Addis Ababa	One Year	Theft
22	Informant XXII	14	F	Grade 3	SNNPR	One Year	Theft
23	Informant XXIII		F	Grade 1	<i>Amhara</i> Region	Under Prosecution	Theft

4. List of Key Informants

SR	Name of the Informants	Position	Educational level	Experience	Gender	Age
1	Key Informant I	Manager of the Centre	BA in Psychology	7 Years	M	34
2	Key Informant II	Councilor	BA in Psychology	5 Years	M	30

3	Key Informant III	Councilor	MA in Clinical Psychology	3 Years	F	32
4	Key Informant IV	School Principal	BA in Special Needs	5 years	M	30
5	Key Informant V	Teacher	Diploma	6 months	M	31
6	Key Informant VI	Teacher	Diploma	19 Years	M	46
7	Key informant VII	Teacher	Diploma	2 years	F	
8	Key Informant VII	Teacher	Certificate	23 Years	F	59
9	Key Informant IX	Caregiver	Grade 12	9 Years	M	34
10	Key Informant X	Caregiver	Grade 8	3 Years	M	40
11	Key Informant XI	Caregiver	Grade 12	2 Years	F	39
12	Key Informant XII	Caregiver	Grade 8	12 Years	F	49
13	Key Informant XIII	Education Expert	BA in Civic & Ethical	1 Year	F	28

			Edu.			
14	Key Informant XIV	Clinical Nurse	Bsc. Degree In clinical nursing	6 years	F	42
15	Key Informant XV	Librarian	Diploma in Store keeping	Six months	F	28
16	Key informant XVI	Human resource Head	Diploma in human resource management	5 years	M	51

5. List of Stakeholders Key informants

SR	Name of Key informants	Position	Organization
1	Key Informant I	Team leader	Addis Ababa Women and Children's Affairs Bureau
2	Key Informant II	Office Head	Lideta Sub City <i>Woreda</i> 10 Education Office
3	Key Informant III	Office Head	Lideta Sub-City Education Office

4	Key Informant IV	Expert	Lideta Sub City <i>Woreda</i> 10 Education Office
5	Key informant V	Project Expert	<i>Bosco</i> Children's Centre