

***The Right to Primary Education in Ethiopia: Progress,
Prospects and Challenges***



Written by Yodit Zenebe Mekuria

Supervisor: Asbjørn Eide

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UNIVERSITY OF OSLO

Faculty of Law

Acronyms

ABE	Alternative Basic Education
ACERWC	African Committee of Experts on the Rights & of Welfare of the Child
ACRWC	African Charter on the Rights and Welfare of the Child
ACHPR	African Charter on Human and Peoples' Rights
BEA	Basic Education Association in Ethiopia
CEDAW	Convention on Elimination of Discrimination against Women
CCPR	Convention on Civil and Political Rights
CESCR	Convention on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSA	Central Statistical Authority
CSO	Civil Society Organization
ECHR	European Court of Human Rights
EFA	Education for All
EHRCO	Ethiopian Human Rights Council
EPRDF	Ethiopian People's Revolutionary Democratic Front
ESDP	Educational Sector Development Program
ESCR	Economic, Social and Cultural Rights
ESR	Education Sector Review
ETP	Education and Training Policy
FDRE	Federal Democratic Republic of Ethiopia
GER	Gross Enrolment Ratio
HTP	Harmful Traditional Practices
ILO	International Labour Organization
MDGs	Millennium Development Goals
MOE	Ministry of Education

NER	Net Enrolment Ratio
NGO	Non governmental organization
NRS	National Regional State
PDRE	(The) Peoples Democratic Republic of Ethiopia
PMAC	Provisional Military Administrative Council
TGE	Transitional Government of Ethiopia)
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme
USAID	U.S. Agency for International Development
UNICEF	United Nations Children Fund

Glossary of Important Terms

Drop out Rate: Percentage of students who discontinue learning from a given grade (who do not show up in the next academic year) out of the total enrolment in the same grade in the previous year

Grade Repetition: Percentage of pupils repeating in a particular grade out of previous year's total enrolment in the same grade

People Teacher Ratio: The average number of pupils per teacher in a particular level. It is calculated by dividing the number of pupils in a given level by the number of teachers in the same level.

Repetition Rate: The average number of pupils per set of text books in a particular level. It is calculated by dividing the number of set of text books in the same level.

Basic Education: Comprises primary education (first stage of basic education) and lower secondary education (second stage). Basic Education often includes also pre-primary education and/or adult literacy programs particularly in some developing countries. Primary education is the most important component of basic education

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CHAPTER ONE: INTRODUCTION

1.1 Background to the Study

For nowhere in the world has sustained development been attained without a well-functioning education System, with out universal and sound primary education, without an effective higher education and research sector, without equality of educational opportunity¹

The improvement and expansion of primary education has been high on the agenda of governments and bilateral and multilateral organisations. An important step in this regard has clearly been the declaration made by the UN in making primary education a “universal human rights” as early as 1948, followed by the inclusion of a right to education in the International Covenant on Economic, Social and Cultural Rights and other legally binding treaties (and non binding documents) that are ratified voluntarily by a majority of States². Ever since, a number of standard-setting instruments adopted by UNESCO³ and the United Nations as well as those elaborated at regional level have incorporated a provision that provides a normative framework for the right to primary education. As a result, States party to these and similar covenants and treaties are bound to respect, protect, provide and facilitate the right to education to their respective populations⁴.

And later in 1990, during the world conference on Education for All that took place in Jometien, Thailand organized by UNESCO, UNICEF, UNDP, and the World Bank, the

¹ Presedent Thabo Mbeki, opening speech, conference on Education for African Renaissance in the Twenty-first Century. Johannesburg, 6 December, 1999

² Including Article 26 of the Universal Declarations of Human Rights and Article 13 and 14 of the International Convention on Social, Cultural and Economic Rights, the right to education forms part of both Covenants and, indeed, all core human rights treaties.

³ Including the UNESCO Convention Against Discrimination in Education, 1960.

⁴ As clearly stated in the General Comment 13, States’ activities with regards to the right to education are not only limited to respecting people’s right to education but they also must respect the availability and accessibility of education, fulfil (facilitate) the acceptability of education and fulfill (provide) the adaptability of education.

world's educational leaders proclaimed basic education as both necessary for an individual and a society to develop, and as a fundamental right. In no more than a decade, In April 2000, more than 1100 participants from 164 countries gathered in Dakar, Senegal, for the World Education Forum, that culminated with some very ambitious goals among which is the goal to ensure primary education for all children by 2015 with special emphasis on girls, children in difficult circumstances and those belonging to ethnic minorities. Few months after, the largest-ever gathering of heads of State ushered in the new millennium by adopting the Millennium Declaration that was then translated into a roadmap setting out goals to be reached by 2015⁵. Of the eight Millennium Development Goals (MDGs), two of them are related to education, namely Goal 2 of achieving universal primary education and Goal 3 of promoting gender equality and empower women as it concerns the elimination of gender disparity in primary and secondary education at all levels.

All these commitments made by Governments under international and regional instruments for providing education for all, especially free and compulsory primary education have had enormous significance in increasing the number of children going to school. Never-the-less, millions of children still remain deprived of educational opportunities, many of them on account of poverty. More over, despite increased access to education, the poor disproportionately women, socially disadvantageous groups, the physically disabled; persons in remote regions are often deprived of a basic education.

Recognising the right to education as a human right, Ethiopia has also been party to many of the international conventions and treaties, and has, therefore, shown efforts in harmonizing national legislation with the provisions of the various international treaties to fulfil its obligations in the education sector. Ethiopia is committed to achieve primary Education for All (EFA) by the year 2015⁶. This commitment implies the need for expanding access,

⁵ The Millennium Development Goals (MDGs) are a culmination of several consultations that have been made since the mid-1990s on several international forums regarding global poverty and human deprivation. The (MDGs) have been endorsed by the UN, world leaders, the World Bank, regional development banks, developing country governments and the IMF. They set minimum standards to combat poverty, hunger, disease, illiteracy, environmental degradation and discrimination against women.

⁶ The movement was launched at the World Conference on Education for All in 1990 by UNESCO, UNDP, UNFPA, UNICEF and the World Bank. UNESCO is the lead agency mandated to coordinate the international efforts to reach EFA.

minimizing wastage in education (efficiency), ensuring equity (sex, regional and other disparities are eliminated) and improving quality of education (enable students developed the required competence relevant to the grade level). In line with this, the government of Ethiopia has given top priority to achieving universal and good quality primary education for all school age population. Its determination is clearly stated in the Education and Training Policy and in the Education Sector Development Program strategies (ESDP)⁷ with a vision to see, among other things, "...all school-age children get access to quality primary education by the year 2015". The government has also committed itself to financing education at different levels.

During ESDP-I and II (1997-2005) a significant increase has been observed in enrolment in primary schools⁸. However, despite undergoing a major transition in its educational system and significant improvements in access and coverage of primary education during the last decade, Ethiopia still has one of the lowest primary enrolment and highest illiteracy rates in the world⁹. Various studies also state that there are still wide disparities among regions; there is difference in urban/rural enrolment the ratio of boys to girls is still high; there exists a significant urban/rural difference in enrolment; there are significant challenges to the quality of education and primary completion rate is lower than primary enrolment¹⁰.

Moreover, responding to the state report submitted by Ethiopia, the Committee on the Rights of the Child in its concluding observation dated 2001 showed its serious concern stating that "insufficient resources among education authorities, schools and parents are having a negative impact on children's enrolment"¹¹. Similarly, the committee's concluding observation dated 2006, also recommended that the government increases its public expenditure on Education¹². The hopes and aspirations to universalize basic primary education, thus, remains a matter of great concern at the dawn of the 21st century.

⁷ ESDP-II (2002)

⁸ Melesse (2005) p.10

⁹ Oxfam GB & BEA Ethiopia (2006), p.3

¹⁰ (ibid) & Young Lives (2005) p.iv

¹¹ Concluding Observation CRC/C/15/Add.144 (2001), paras.66-67

¹² Concluding Observation CRC/C/ETH/CO/3 (2006)

1.2 Objectives of the Study

Currently, the ESDP in Ethiopia is in its third phase, spanning the period 2005/06 to 2009/10, with strategic emphasis on the quality of education, increasing access to educational opportunities with enhanced equity, equality, and relevance¹³. The present study is therefore made with the objective of basically assessing and evaluating the right to primary education in the present Ethiopia. This is done by assessing the progress, prospect and challenge of realizing the right to primary education in the country with the help of relevant indicators of ESDP-III. More specifically, the study tried to:

- describe the political, economic and legal/policy reforms the Ethiopian Government have made in order to realize the right to primary education
- describe and analyze the achievement in expanding primary education in the country using the latest educational statistics.
- identify the existing challenges to realizing the availability, acceptability, adoptability and affordability of primary education in Ethiopia.
- identify the measures taken to pave the way for the realization of the right to primary education in the country

1.3 Research Questions

After academic reflections on the Right to Education and an overview of education in Ethiopia, the inquiry of this study adopts the following two preliminary questions.

1. How does Ethiopia's current educational performance look like in conformity with the various international and regional human rights instruments that that country is part to; and in terms of the objective of ESDP-III that runs from 2005/2006 -2009/10.
2. What kind of political, economic and legal/policy reforms have the Ethiopian government made in realizing the right to education in the country in conformity with the various international human rights instruments?
3. What are the current challenges to the realization of primary education in Ethiopia and how have these specific educational problems been appropriately addressed?

¹³ ESDP-III (2005)

1.4 Working Hypothesis

As a hypothesis, the study takes the following arguments that are guided by the research questions.

1. Although Ethiopia has shown a dramatic achievement in expanding primary education, improvement in mostly limited to access to primary education.
2. For Ethiopia to achieve primary education for all by 2015, the current primary education must aggressively target marginalized groups of the society including women, people in rural areas, pastoralist people and people with disabilities.

1.5 Scope and Limitation of the Study

Although a general discussions of education in Ethiopia is made whenever necessary (including pre-primary, secondary and tertiary level of education), this study will mainly focus on the realization of the right to primary education in Ethiopia.

Recently, the Ministry of Education in Ethiopia has recognized that the present mode of delivery of primary education is expensive compared to the resource needs of achieving universal primary education in the near future¹⁴. Hence, ESDP-II recognizes the importance of alternative modes of delivering basic education in remote parts of the country to complement the primary education offered in the formal system. Recognizing this a few NGOs in Ethiopia have also been engaged mainly in providing alternative basic (primary and junior secondary) education (ABE) for both children and adults in rural Ethiopia who are not enrolled in the formal school system. However, due to constraints of time and capacity, the current study will not exhaustively consider data from the various NGOs on ABE enrolment rate. Only formal schooling is broadly discussed in this study.

Moreover, the fact that the use of English as medium of instruction from grade 7 (upper primary education) upwards was a much contested subject in the country¹⁵. However, this subject is enormous and makes a research topic on its own. Therefore, this study does not deal with the issue

¹⁴ ESDP-II (2002) p.30

¹⁵ For more on that, see Tekeste (2006)

of medium of instruction. The researcher, recognising the relevance, encourages others to study on the issue further.

One of the major limitations of the data is that its projections are based on a census conducted 12 years ago. Therefore, actual population estimates are likely to be somewhat inaccurate. The Ministry of education itself admitted this problem in its latest educational statistics (2006/7). What is more, while the research addresses as much as possible laws, policies and programs which are there for governing or affecting the right to primary education, it does not claim to be exhaustive in the sense of dealing with all such instruments. It was not easy for the researcher to get in touch with regional documents pertaining to the right, especially region specific strategies that have been adopted for the progressive realization of this right were not accessible.

1.6 Sources

The study is largely based on document analysis. Various sources will be put to use so as to maximize the quality of the discussion on the Right to Education in Ethiopia. As the researcher was not able to perform field observation or interview as main sources for the research, review of official documents will be primary resources of this study. The following official documents were thoroughly put to use:

- The Education Statistics Annual Abstract published by the Ministry of Education in Ethiopia (MOE) including the latest one (2006- 07)¹⁶.
- The Education Statistics Annual Abstract published by MOE including the latest one (2005- 06).
- Ethiopian Education and Training Policy 1994 and ESDP I, II and III.
- The Constitution of Ethiopia (1995)

¹⁶ The Ministry of Education (MoE) produces Education Statistics-Annual Abstract every year. The sources of information for the abstract are yearly school censuses carried out by regions through standard questionnaires designed to collect data from each school. Departments or units set-up in every Regional Education Bureaux, compile and send the data to MoE so that the national figures are produced at national level.

- Debt Relief, Development Aid and Financing Education (with special focus on Primary Education in Ethiopia published by Oxfam GB and Basic Education Association in Ethiopia.
- Reports to the various committees of international conventions (CRC, CEDAW etc) and concluding observations by the respective committees.

In addition, various secondary materials were employed whenever necessary. The materials included books in relation to the topic area, articles, reports by special rapporteurs in relation to the right to Education in Ethiopia, government reports, UN (UNESCO) and NGO publications, research materials, journals, theses and papers.

1.7 Organization of the Study

The study is divided into five chapters and several sections and sub sections, each addressing issues in line with the objectives and overall goal of the study. The first chapter provides an introduction to the study. It provides an overview of the study, its significance, the research questions and other preliminary issues. Chapter two seeks to delimit the meaning, content and the resultant obligations under the right to Education.

In order to analyze the state of primary education in the present Ethiopia, it is a necessary condition that one has some background information about education and more specifically primary education programs in the past. With a focus on primary education, the third Chapter, therefore, provides a comparative analysis of the condition of education in Ethiopia during the three regimes existed after the introduction of modern education, namely during Emperor Haile Selassie's regime (1930-1974), the military Derg¹⁷ regime (1974-1991) and the present regime (1991 onwards). Chapter four discusses the study site, the methodology used and the challenges encountered during data collection. Chapter five is the core of the study. It first examines policy expressions and relevant legislation pertaining to the right to education at the present situation, followed by relevant and reliable data/information and major findings specific to the right to

¹⁷ The word **derg** (also known as Dergue) means a committee or council. The Derg was the short name of a committee of military officers which ruled the country from 1974 until 1991.

primary education program in Ethiopia in terms of its availability, accessibility, affordability and adaptability. It also focuses on an in-depth analysis of key issues and concerns that are fundamental to the realization of the right to primary education in Ethiopia.

The sixth and final chapter of the study seeks to draw some conclusions and forward pertinent recommendations on how the study summarizes recent progresses and the remaining challenges ahead in realizing the right to primary education in Ethiopia.

CHAPTER TWO: THE RIGHT TO EDUCATION IN INTERNATIONAL HUMAN RIGHTS LAW

2.1 The Nature of Education

2.1.1 Education for human development: Education is Central for the advancement of technologies, development, economic growth and improved quality of life. It is therefore often described as a social good¹⁸. In the world conference on Education for All at Jomtien, Thailand in 1990, the participants identified basic education as a means of addressing major global challenges to development, including economic stagnation and decline, rapid population growth, war, preventive diseases and widespread of environmental degradation.¹⁹

Similarly, there is a substantial body of literature tracing the theory and evidence relating to the ways in which the material wealth or income of a population is connected to, among other things, the standards of education in the country they live in²⁰. The relationship between poverty and education could also be best seen in the World Bank study that was conducted in the 1990s with poor or marginalized societies around the world. The result of the study highlighted the fact that education is concern of the poor, as they believe it can provide them with opportunities to come out of the state of poverty they are in²¹.

2.1.2 Education as a means of realizing other rights: Education is more than a need to realize development. It is essential and indispensable for the full exercise of many other human rights. This enjoyment of rights categorized under civil and political rights including

¹⁸ Human Rights in Education Science and Culture: Legal Developments and Challenges (2007) p.185.

¹⁹ World Declaration on Education For All (1990)

²⁰ UNESCO report http://portal.unesco.org/education/en/ev.php-URL_ID=9019&URL_DO=DO_TOPIC&URL_SECTION=201.html. See also Sen, (1999) and Banik (2006).

²¹ Narayan (2000)

the right to vote, freedom of expression, information as well as economic and social rights such as the right to choose work and to take part in cultural life all depends very much on a minimum level of education²². In the Universal Declaration of Human Rights(UDHR) and CRC, it has been indicated that education leads to individual creativity, improved participation in the social, economic, cultural and political life of society, and hence, to more effective contribution to human development and transforming the society²³.

Moreover, education has also been stressed as a powerful instrument for understanding and respecting the rights of others, and empowering those who suffers from multiple disadvantages- women and marginalized groups of the society²⁴. The role education plays in empowering women and protecting children from exploitative and hazardous labour and sexual exploitation, safeguarding the environment and checking population growth is so vital that it is agreed that education is one of the basis for the development of societies and as such its importance is universally accepted.²⁵

2.1.3 Education as a human right: Education is not only indispensable for the realization of other rights. It is also considered as a fundamental human right on its own. The right to education is one of those internationally recognized human rights falling under the category of economic, social and cultural rights²⁶. An important step has clearly been the inclusion of a right to education in the UDHR as early as 1948, the International Covenant on Economic, Social and Cultural Rights (CESCR, 1966) and other legally binding treaties, ratified voluntarily by a majority of States²⁷. Following this, many countries have given a

²² Economic, Social and Cultural Rights (2001) p.245

²³ UDHR art. 26(2) & CRC art. 29

²⁴ CESCR General Comment number 13, p.1 para.1

²⁵ *ibid.*

²⁶ Economic, social and cultural rights are human rights governing the economic, social and cultural aspects of the life of human beings. They may be understood as individual entitlements and freedoms, concerning the community's resources, which all human beings hold as a matter of fundamental justice. In other words, they are claims on the state which shall ensure that no one in the society lives in abject poverty that is a hindrance to the development of ones personality

²⁷ The right to education is also guaranteed under all core human rights treaties and other relevant conventions including article 26 of the Universal Declarations of Human Rights, article 13 and 14 of the International Convention on Social, Cultural and Economic Rights, article 28 and 29 of the convention on the rights of the child (CRC), article 10 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), article 5 of the Convention on the Elimination of all Forms of Racial Discrimination (CERD), article 4 of UNESCO Convention against Discrimination in

constitutional right to 'free' and compulsory education for their citizens at primary level. Major global and regional conferences were carried out to 'engineer' a viable strategy to achieve universal primary education including the UNESCO sponsored regional meeting in the 1961²⁸. Later in the years Article 13 of CESCRC also declared that the state parties to the covenant recognize the right of every one to education.

2.2 Objectives and Aims of Education

Throughout the history of education, one can find a variety of aims and objectives that are usually associated with religious values and the needs of the then existing polities which led to the emergence of a myriad of theories of education²⁹. At present, however, it seems there exists a somewhat broad universal consensus on the major aims and objectives of the right to education: enabling a human being to freely develop his or her personality ,dignity and actively participate in a free society in the spirit of mutual tolerance and respect for other civilizations, culture and religions; developing respect for one's parents, the national values of one's country and for the natural environment ;and respect for human rights, fundamental freedoms and the maintenance of peace.³⁰

Objectives of education are recognized under international law, first under articles 1 and 2 of the UN Charter, and article 26(2) of the Universal Declaration of Human Rights and reiterated, without any change, in a number of binding international human rights treaties like article 5(1) (a) of the 1960 UNESCO Convention against Discrimination in Education. According to article 13 of CESCRC, all education (public or private, formal or non-formal) shall be directed towards the aims and objectives identified in article 13 (1). The Covenant provides that "education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms." and that it "shall enable all persons to participate effectively in a free society, promote

Education (1960), article 17 of the African Charter on Human and Peoples Rights (ACHPR) and article 11 of the African Charter on Rights and Welfare of the Child (ACRWC).

²⁸ Conference of African States on the Development of Education in Africa. Addis Ababa, 15-25 may 1961

²⁹ Economic, Social and Cultural Rights (2001) p.245

³⁰ *ibid.*

understanding, tolerance and friendship among all nations and all racial, ethnic, or religious groups, and further the activities of the United Nations for the maintenance of peace.”³¹ In its General Comment, the committee on ESCR also explains that “...a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence.”³²

Some of these common objectives are also reflected in the regional human rights instruments including the African Charter on the Rights and Welfare of the Child (ACRWC) which stipulates that education of the child shall be directed to, among other things, “...the development and development of the child’s personality, talents and mental and physical abilities to their fullest potential³³. The most detailed provision on the aims and objectives of the right to education in international law, however, can be found in Article 29(1) of CRC³⁴. According to CRC, the States party to this convention agreed that the education of the child shall be directed to:

- a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- e) The development of respect for the natural environment³⁵.

³¹ CESCR art. 13(1)

³² CESCR General Comment No. 13 (1) p.1 para. 1

³³ ACRWC art 11.2.a

³⁴ CRC is a child rights convention adopted in November 1989, as of December 2008, has been ratified by all states except Somalia and USA. This makes it to be the most universally accepted international human right treaty.

³⁵ CRC art 29 (1) (a-e)

2.3 Obligation of States in Realizing the Right to Education

A mere ratification of a human rights treaty may be of little value to the domestic population. Hence, international human rights law defines governmental obligations relating to human rights, specifying obligations needed to be performed by the various actors, States being the major one. The general obligation of states towards the fulfilment of economic, social and cultural (ESC) rights is provided under article 2 of CESCR that stipulates that states are required to implement the right to education with all its constituent elements to the maximum of available resources³⁶. It is provided in the covenant that the right has to be implemented by all appropriate means. The CESCR notes that the undertaking “to take steps ...by all appropriate means “neither requires nor precludes any particular form of government or economic system being used as the vehicle for the steps in question, provided only that it is democratic and that all human rights are respected.”³⁷ In this regard the rights recognized under the covenant are susceptible of realization within the context of a wide variety of economic and political systems, provided only that the interdependence and indivisibility of the two sets of human rights, as affirmed in the preamble of the Covenant, is recognized and reflected in the system in question.³⁸

2.3.1 Immediate obligations

The right to education has some element of rights that requires immediate obligations, independent of their resources or development level. Generally elements of an immediate obligation should be present within a reasonably short period of time³⁹. When we examine the immediate obligations under the Covenant we find the following three features:

- **Obligation to “take steps”:** This obligation requires states to start taking steps, aimed at full realisation of the rights as soon as the Covenant comes into force, with respect to them. This would mean that states are expected to implement measures immediately which aim at the full realisation of the right in the future. Although the overall

³⁶ CESCR art. 2

³⁷ CESCR General Comment No. 2 p.1 para. 8

³⁸ *ibid*

³⁹ *ibid*, para. 2

realisation of the right is a progressive obligation taking the initial steps to arrive at this is an immediate obligation. This prevents the state from doing nothing and stating that the obligations are to be achieved through time.

- **Non-discrimination:** The principle of non-discrimination is an integral element of all ESC rights and conceptually the closest to development which aims at assisting those most disadvantaged. In Article 2 of both CCPR and CESCR, State parties undertake to guarantee all the rights stipulated therein without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status⁴⁰. Hence any unreasonable distinction based on the prohibited grounds relating to law and/or practice constitutes a violation of this principle and the principle of equality before the law. In the General Comment on the right to education the Committee expressly provided that the prohibition on discrimination is “subject to neither progressive realization nor the availability of resources”⁴¹.
- **Adopting national plan of action in respect of certain rights:** a national plan of action is plan prepared by a State party to ensure the fulfilment of certain right with in a certain time limit to be stipulated there under. The adoption of a national plan of action regarding a specific right of the covenant is one of the immediate obligations of the State parties to the Covenant.⁴² When we look at article 14 of the CESCR it requires states to formulate a plan of action for primary education within two years after the Covenant comes into force for them, and states have to do this irrespective of the availability of resources. The state has also the obligation to adopt and implement a national plan of action which includes provision for secondary, higher and fundamental education and to ensure free choice of education without any kind of interference.⁴³

⁴⁰ In principle non-discrimination does not make all differential treatment discriminatory. It has been confirmed time and again by the international community that a differentiation based on reasonable and objective criteria does not amount to prohibited discrimination. General Comment 2 of CESCR committee states that as long as the ‘discriminatory’ act is needed to correct inequalities that exist in reality, it will be regarded as a case of legitimate differentiation. Hence, the adoption of temporary special measures intended to bring about de facto equality are not a violation of the principle of non-discrimination.

⁴¹ CESCR General Comment No. 13, p. 8 para. 31

⁴² CESCR General Comment No1, p.1 para 4

⁴³ CESCR General Comment No 13, p. 12 para 57

2.3.2 Progressive Realization

Progressive realisation can be defined as an element of the Covenant that requires states to implement the right over time, to the maximum of available resources.⁴⁴ The right to education is one of the socio-economic rights that require large funds to arrive at full enjoyment of the right. Hence through this mechanism states are given the opportunity to arrive at full realisation by taking the necessary steps within the maximum level of available resources. This means that the level of realisation of the right to education would have to be weighed in light of the available resources. However, this comparison has to be made carefully. States have often resorted to stating that they do not have the resources to achieve the realisation of socio-economic rights⁴⁵. In this respect, a comparison between spending on education and other socio-economic rights and other expenditures is warranted to have a clear picture of the availability of resources.

2.3.3 International Obligation Regarding the Right to Education

The general obligation stipulated under Article 2 (1) of the ICESCR on states to take steps towards the fulfilment of the rights found under the Covenant are not limited to the use of one's own resources. This can be read from article 2 (1) which provides for the use of international assistance and co-operation in the realisation of the rights. This means that a state is not absolved of its duties under the Covenant where it has done its best for the fulfilment of the right to education within its boundaries. It also imposes a duty on states to seek international assistance and cooperation in cases where their own resources are insufficient to fulfil the implementation of the right to education.

The other international obligation regarding ESC rights and in particular the right to education is the presentation of initial and periodic reports to the UN Human Rights Treaty monitoring bodies, for our purpose the CESCR. A state has to submit an initial report containing the measures taken for the realization of the right and the progress achieved so far after five years

⁴⁴ CESCR General Comment No 3, p.1 para 9

⁴⁵ Tomasevski (2003) p.9

of the coming into force of the covenant and subsequent reports within a period to be determined by the monitoring bodies.⁴⁶

2.4 The Obligations to Respect, Protect and Fulfil

The three-tier typology of obligation, originally elaborated by Asbjørn Eide in the context of the right to food and also adopted by the ESCR Committee in its general comment⁴⁷, distinguishes between states obligation to respect, to protect and to fulfil. Similar to other ESC rights, the right to education imposes the obligations to respect, protect and fulfil the right on states.

- **The obligation to respect** imposes on the state the obligation to refrain from conducting itself in manners which adversely affect the enjoyment of the right to education⁴⁸. This means that individuals should be free to fulfil their needs without interference from the state. If, for instance, the state imposes restrictions on the choice of education, this would constitute a violation of the duty to respect the right to education.
- **The obligation to protect**, on the other hand, imposes on a state a regulatory or protective duty on a horizontal level. Here the state is required to protect individuals and organizations from infringements on their enjoyment of the right to education by other non-state actors. The non-state actors can in turn be individuals or organizations and can include learning institutions, parents, teachers, and students as well as individuals and organizations which are not directly related to education. For instance, discrimination between students based on race, sex or other grounds, exercised by a university in its admission procedures is a violation of one of the four essential elements of the right to education – accessibility.

⁴⁶ CESCR General Comment No. 1 p.1 para 2

⁴⁷ CESCR General Comment No.13 p. 11 Para 50

⁴⁸ *ibid* p.10 para. 47

- **The obligation to fulfil** requires the State to take positive measure that would make it possible to enjoy the right. The State is to take those specific measures which are necessary for the realization of the right.⁴⁹ This third level of the obligation of the State in turn consists of three interrelated obligations: the obligations to facilitate, provide and promote. The obligation to **facilitate** involves actions taken by the state directed towards laying the ground for the enjoyment of the right. An example of such an action would be the educational policy and laws of a state where, for instance, the involvement of the private sector in providing educational services is encouraged through incentives. The obligation *to provide* is the most important component of a state's obligation with respect to the right to education. This involves the actual provision of education and education related services to the community. This is especially true of primary education, which, as per article 13 (2) (a) of the Covenant, should be free and compulsory.

The third component under this obligation, the obligation *to promote*, requires the State to take measures for the creation, maintenance and replacement of the conditions necessary for the realization of the right to education. For instance the state has to make available information pertaining to the right to education.

2.5 The Four Essential Elements of the Right to Education

The right to education involves the government which has to guarantee the enjoyment of the right to education; the child as the right holder entitled to it and the parents who are the first educators and professional educators (teachers)⁵⁰. Therefore accepting education as a human right entails a price. International human rights law therefore. The following four interrelated features of the right to receive an education (4-A scheme) is very useful in analyzing the

⁴⁹ Human Rights in Education Science and Culture: Legal Developments and Challenges (2007) p. 206

⁵⁰ Tomasevisky (2006) p.18

content of the right to education and the obligation of States stemming from it; but also helps in measuring the level of implementation⁵¹.

2.5.1 Availability: Availability of education is the most visible element of the right to education. It refers to the state obligation to ensure primary schools and other basic education establishments and settings are available to all school-aged children and that it is to be made compulsory by law and policy enforcement mechanisms⁵². The major reason often mentioned for children's lack of schooling is the inability of their respective government to cover the cost of education⁵³. An important question that is needed to be asked here is what happens if parents/care takers can not afford the cost of compulsory education. Making primary education available to all school-aged children, according to Tomasevski, ensuring primary education presupposes the elimination of obstacles including financial⁵⁴. It requires that educational institutions and programmes be found in sufficient quantity. Availability as a minimum requires existence of buildings, sanitation facilities for both sexes, drinking water, and qualified teaching staff with domestically competitive salaries, teaching materials and other elements that an educational institution requires to be in good working order.

This element of the right to education embodies two different governmental obligations: first, the right to education as a civil and political right requires the government to permit the establishment of the educational institutions by non-state actors⁵⁵. But this does not mean that the government is not duty bound to ensure that the education is worthy of its name. Most countries thus operate some system of accreditation and/or licensing so as to ensure that schools are properly equipped and staffed and that their programmes conform to the definition of education. The other facet of the obligation to ensure available schooling safeguards against abuse of power by the government. The government should not close an educational institution arbitrarily, or else will constitute a violation⁵⁶.

⁵¹ Human Rights in Education Science and Culture: Legal Developments and Challenges (2007) p.189

⁵² *ibid.* p.21 and CESCR General Comment No. 13 p.1 para.(2) (a)

⁵³ Tomasevsky (2003) p.9

⁵⁴ *ibid.* p.16

⁵⁵ Tomasevsky (2006) p.20

⁵⁶ *ibid.* p.21

Secondly the right to education as a social and economic right requires the government to establish them, or use a combination of these and other means, for instance providing subsidies to diverse range of schools, so as to ensure that education is available.⁵⁷ This obligation requires the government to do whatever it reasonably can to ensure that education is available. It does not oblige it to do the impossible. In this regard much international jurisprudence has originated from demands upon states to finance alternatives to uniform public schooling and the principles resulted from it which emphasize on public funding to facilitate the exercise of freedom to establish and operate schools guaranteed under international human rights law has overcome a boundary between civil and political rights, which are often perceived as being costless, and, economic social and cultural rights, viewed as costly.⁵⁸

2.5.2 Accessibility: Accessibility pertains to the state's obligation to ensure that all children are effectively acceding to and attending basic learning institutions. This element of the right to education is defined differently for different levels of education. The government is obliged to secure access to education for all children in the primary education range age, but not for secondary and higher education. In general accessibility requires all educational institutes and programmes to be open to all, without discrimination and incorporates the following components:

- **Non-discrimination** – This requires accessibility of education to all without discriminating on prohibited grounds among students⁵⁹. The Committee in its general comment emphasised the need to protect the most vulnerable groups 'in law and in fact' including girls, minority groups etc.
- **Physical accessibility** – education has to be within the physical reach of students. In today's modern era this is not limited to close proximity of geographic location but it also can be accomplished through various modes of distance learning⁶⁰. This has been

⁵⁷ Tomasevisky (2006) p.31

⁵⁸ CESCR General Comment No. 13 p.1 para(2) (b)

⁵⁹ *ibid*

⁶⁰ *ibid*

greatly facilitated by the introduction of the internet, although it has not yet had wide access in the developing world.

- **Economic accessibility** – In general this element requires education to be affordable to all. This means that education has to consider the financial capacity of students and parents. As per article 13 (2) of the Covenant, affordability is distinct with respect to the different levels of education. Primary education ought to be free of charge. Even if primary education is free of "user-fee" charges, in reality, it is not free from indirect costs including stationary, exercise books, sports equipment, and transportation. With regards to this, the committee of ESCR explains that such indirect costs may be permissible, based on a case by case examination of the Committee to make sure they do not have adverse effect on the right to primary education of children in the context⁶¹.

For Secondary and higher education 'free' education is not absolutely required, and therefore if higher education institute charge tuition fees, it cannot be said that the education they provide is not accessible. However, if a state owned higher education institute and allows only a selected group of the society based on sex, race etc; or if it charges unreasonably high fees that in effect exclude a substantial number of students; or if the government doesn't make any attempt to progressively introduce free secondary and higher education; this practice would be in violation of this element of accessibility⁶².

2.5.3 Acceptability: This third element implies that even though educational infrastructure is available and accessible, it still does not guarantee that children will learn effectively or that what is taught will be useful to them and their society. This therefore requires education to be of an adequate or good quality and relevant. This element requires that education be acceptable to students and parents and revolves around the regulatory role of the state, which is to set and enforce educational standards and provide the necessary funding. The action taken by state to make education acceptable may vary in time and place according to the needs

⁶¹ CESCR General Comment No. 11 p.2 para.7

⁶² CESCR General Comment No. 13, p.2 para 6 (b)

and resources of the community and of individuals. It includes form and substance of education, including curricula and teaching methods.⁶³ Here, respect for parental freedom to have their children educated in conformity with their religious, moral or philosophical convictions which has been affirmed in all general human rights treaties should not be taken as entailing complete exemption from state regulation⁶⁴. However, the education has still to conform to the general aims and objectives of education, which have been stipulated universally, and it also has to conform to minimum standards developed by the concerned state.

2.5.4 Adaptability: Adaptability refers to the fact that education needs to be an evolutionary and not a static process. This element of the right to education has been best conceptualized through the many court cases addressing the right to education; many of them being in relation to education not being conveyed in an objective, critical or pluralistic manner⁶⁵. Adaptability means that education has to be flexible enough so that it can adapt to the changing needs and values of societies. In other words schools ought to adapt to the pupils, not the other way round, especially children. Children with disabilities, who are often segregated into separate schools or denied education altogether, should not be prevented from learning rather they should be helped to learn. Moreover, CRC requires that the best interest of the child be given priority⁶⁶. The choice in this convention to refer to the best interest of the individual child highlights the need for the educational system to become and remain adaptable.

⁶³ *ibid.* para. 6 (c)

⁶⁴ See the holding of the case *Ingrid Jordebo v. Sweden*. (ECHR, 1987)

⁶⁵ A lot of cases in relation to religion and curriculum of education could fall in this category. See an example case *Valsamis v. Greece* (ECHR 1996)

⁶⁶ 'The best interest of the child' is one of the four core principles of CRC art. 3

CHAPTER THREE: BACKGROUND TO EDUCATION IN ETHIOPIA

3.1 Introduction

Education is not a recent phenomenon in Ethiopia. Ethiopia's early Christian heritage represents an important element of Education in the country. Many explain that the pursuit for wisdom in the country dates back to ancient Ethiopia, the then Abyssinia, when the legendary Queen of Sheba went all the way across lands and deserts to the Biblical King Solomon in order to share in his wisdom for her own benefit and for that of her people.

Since the beginning of twentieth century, nevertheless, Ethiopia has experienced what is called a 'secular' or often referred as 'modern' type of education. This modern education is said to be more organised and institutionalized during the last three systems of political governance, each distinguished by its education policy. Employing all the relevant data available and with emphasis to primary education, this study attempts to analyze and discuss the condition of education in Ethiopia during the three regimes, namely during Emperor Haileselassie's regime (1930-1974), the military Derg regime (1974-1991) and the present regime (1991 onwards).

3.2 Education prior to the 20th Century

Until the beginning of the 20th century, education in Ethiopia was connected to churches and mosques⁶⁷. The objective was basically religious although some scribes that functioned as secretaries of the aristocracy were also the graduates of those schools. The Ethiopian Orthodox Church had almost a monopoly over education in Ethiopia. Church schools prepared individuals for the clergy and for other religious duties and positions. In the process, these

⁶⁷ Habtamu et al. (1999) p.83

schools also provided religious education to the children of the nobility and to the sons of limited numbers of tenant farmers and servants associated with elite families. Though limited in their scope, these institutions are said to continue operating in rural areas.

3.3 Secular Education in Ethiopia

The Ethiopian government made its entry into the field of secular education in 1908 when Emperor Menelik II⁶⁸ issued a declaration in 1893/4 to the effect that every child, male or female, should get education after the age of 6⁶⁹. This effort was eventually followed by the establishment of a modern school in 1908. However, the above declaration did not make a significant breakthrough in subsequent years. There was strong opposition to the establishment and running of secular types of schools. Central to the resistance was the clergy⁷⁰. The opposition partly emanated from the fear of possible negative consequences of Western education in eroding the social, cultural, and religious heritages and values of the Ethiopian people⁷¹. After all, these schools did not evolve from the traditional schools of the church or the mosque. Rather the schools were alien i.e. the curriculum, the teaching staff and books, and even the media of instruction were foreign to the Ethiopian situation. Therefore, with the predominance of religious education coupled with strong resistance from conservative segments of society, the beginning of modern education in Ethiopia had to face formidable obstacles. As a result, a school opened in 1908 remained to be the only government school until 1925.

3.3.1 Education during Emperor Haileselassie

Despite such strong resistance, the dedication and commitment of Emperor Haileselassie to modernize Ethiopia made possible the expansion of Western-type education because of his strong belief that education held the key role to Ethiopia's development⁷². This effort of introducing modern schools became more successful, particularly, when the Emperor opened

⁶⁸ Minilik was the Emperor of Ethiopia from 1889 to 1906

⁶⁹ Teshome (1978) p.29

⁷⁰ Many events and documents show that the Orthodox Church and the Imperial regime were two sides of a coin as they legitimized one another. For example, the 1955 revised constitution regards, though accepts the rights of people to follow any religion or creed, the Christian Orthodox Church as a state religion

⁷¹ Tekeste (1990)

⁷² *ibid*

the second modern school in the capital and also introduced the education tax act in 1926⁷³. Nevertheless, the promising progress was followed by what is known as ‘dark age’ in the history of Ethiopian education as there was no progress made in terms of education development during the Italian occupation of Ethiopia between 1936 and 1941. Rather, the time witnessed a great loss to the country that resulted in a shortage of schooled and skilled manpower to stuff the state machinery⁷⁴.

Many including Bahru Zewde, one of the leading Ethiopian historians, argue that the real growth of modern education in the country began in 1941, after the end of the Italian occupation⁷⁵. Bahru regards this time as the period that brought great expansion of educational facilities in Ethiopia. There were a lot of instances where the Emperor referred to the close link between education and progress, and his numerous statements on the subject indicate that modern education was to enrich Ethiopian civilisation⁷⁶. Tekeste argues that the period after 1941 was a time where the education sector was by far well staffed and financed. What is more, he states:

*Throughout the 1940s and 1950s there were far too many schools for students; and incentives such as clothing, school materials and boarding were quite common. Education was free and it appealed more to the poorer section of the population; the rich and the aristocracy were less enticed by the economic returns of education (emphasis added)*⁷⁷

However, when seen critically, it is quite difficult to sympathise with Tekeste on this. Quite to the contrary, the educational facilities at the time were said to be inadequate considering the needs of the country⁷⁸. To begin with, the educational foundation of the post 1941 almost began from scratch with the re-establishment of the Ministry of Education in 1942, and with the first post war schools. Moreover, as the government faced a major shortage of schooled and skilled manpower to replace the ones destroyed during the Italian occupation, the immediate objective of the post-independence education was to ‘prepare as quickly as possible

⁷³ ibid

⁷⁴ Bahru Zewde (1991) p.220 It was said that most of government and mission schools were closed (except catholic schools) and thousands of educated Ethiopians were massacred in retaliation of attempted murder of an Italian general

⁷⁵ Bahru Zewde (1991), Tekeste (2006). Ethiopia was invaded by Fascist Italy in late 1935, but was liberated in early 1941 by Haile Selassie's troops with the help of the British Army

⁷⁶ Tekeste (2006), p.12

⁷⁷ ibid. p.12-13

⁷⁸ Bahru Zewde (1991) p.221

corps of clerical, technical, administrative and professional personnel⁷⁹. Therefore, the expansion of secondary and tertiary education to meet this end led to resource constraints in education in general and in primary education in particular in the 1950's led to resource.

Moreover, during this period a very small section has individually benefited from the educational system as the few schools were founded in the urban areas⁸⁰. Modern education was therefore said to be urban based and was limited primarily to favoured sons/daughters of the nobility in the urban population as the whole as the vast majority had no access due to the inequitable distribution of wealth. Data from various researches also suggest that until the end of 1960, there were not more than 500,000 students in the whole country with no more than 15% female students⁸¹. Besides, there was a clear concentration of facilities in few favoured areas including Addis Ababa, Eritrea and Showa⁸². There were also school and teacher shortages reported, and a high dropout rate.

In later years of this regime, mainly in the 1960 and 1970's, the public started assuming the burden of construction of schools and more specifically primary schools⁸³. International organisations including the Swedish International Development Agency (SIDA) were carrying out an important role in the construction of schools, particularly elementary schools⁸⁴. Moreover, UNESCO, the World Bank and USAID were among the major partners of the government in their effort to contribute to the planning of Ethiopian education with UNESCO having the upper hand in its attempt to bring forward the role of education in economic development⁸⁵.

Among these efforts was the UNESCO-sponsored conference of African States on the development of education that was held in Ethiopia in May 1961, which highlighted the

⁷⁹ Teshome (1978) p.56

⁸⁰ *ibid*

⁸¹ Habtamu et. al.(1999) p.84 Bahru's data, however, suggests the number to be slightly higher (700,000) with the male-female student ratio overly biased towards the former Bahru Zewde (1991), p.221.

⁸² At the time, Eritrea was one of the regions in Ethiopia

⁸³ *ibid*

⁸⁴ *ibid*. Bahru (1991:221) also explains that in addition to schools opened by the government, there were a significant number of schools opened and run by missionaries and private individuals

⁸⁵ Tekeste (2006) p.16

educational deficiencies of many African countries⁸⁶. It was reported during the conference that Ethiopia had the lowest achievement in expanding access to primary education among African countries. As the report indicated in 1958-59, there were only 158,005 students attending the primary education in Ethiopia out of 5,338,000 children between the ages 5-14⁸⁷. The conference also adopted a resolution that affirms the commitment of African states to achieving universal primary education by 1980⁸⁸.

However, despite continuous efforts, majority of the Ethiopian children were illiterate. As the failures of the urban-biased policy of formal education became clear, the education system of the country was ranked below most other African countries after the 2nd world war, many decades after the initial attempt at its modernization⁸⁹. What is more, the education system and policy was more focused on expanding secondary education and the great majority of the school age population had no access to primary education⁹⁰.

Embarrassed by this record, and realizing that the sector was experiencing a delicate crisis, the first Ethiopian education sector review was formed that took place in 1971–2 and was made up of an international group of experts (51 Ethiopians and 31 international experts). Among other things, the Education Sector Review (ESR) criticised the government's lack of focus in spreading education into the rural areas of the country. The experts who framed the sector review explained that every citizen has the right to get basic education of a minimum of four years. The ESR, which was completed in 1992, recommended attaining universal primary education as quickly and inexpensively as possible, and the year 2000 was set as the year when Ethiopia would extend universal primary education to all its citizens⁹¹.

⁸⁶ Conference of African States on the Development of Education in Africa. Addis Ababa, 15-25 may 1961.

⁸⁷ *ibid* p.7

⁸⁸ *ibid* p.18

⁸⁹ State Report on the Development of Education in Ethiopia to the UNESCO 44th Session of the International Conference on Education 8-11 Sept 2004; Geneva, Switzerland

http://www.ibe.unesco.org/International/ICE47/English/Natreps/reports/ethiopia_scan.pdf

⁹⁰ Tekeste (2006) p.16

⁹¹ *ibid* p.17

The education sector review was not published until February 1974. It came at a time when the Imperial system was accused of denying the existence of a serious famine in the northern parts of the country that might have claimed the lives of over 100,000 people. With the eruption of the 1974 revolution of Ethiopia, and a gradual coup that began in February 1974, the imperial government was overthrown.

3.3.2 Education during the Military Regime

On February 1974, following the socialist revolution in the country, Haileselassie's regime and his institutions were overthrown and the military regime came to power. The military leadership set up the Provisional Military Administrative Council (PMAC), known as the Derg to govern the country. Ethiopia was declared a republic and ruled by a socialist/communist workers party. The Derg has been referred as one of the most doctrinaire Marxist regimes of the twentieth century⁹².

Literacy Campaigns: With regards to education, one of the nation wide implementation that the regime is known for was literacy campaigns. Immediately after coming to power, the military government issued a proclamation known as "*Development in Cooperation-Campaign for Knowledge and Work*". This Campaign had literacy as one of its nine programs for nation-wide implementation with heavy emphasis on the rural areas including those that were very remote and neglected. According to a socialist revolutionary strategy, mass education through formal schooling and national adult literacy campaigns became priority concern of the Ethiopian government. The military government carried out a series of national literacy campaigns that were said to be one of the best achievements of the regime and led to an immense numerical growth of literacy⁹³.

Primary Education: During this time primary education expanded at much faster rate in the late 70's and 80's. In fact, as can be seen from the table below, the expansion is faster during this regime than at any time in history. Gross enrolment ratio increased from 15.8% in 1974 to

⁹² Bahru Zewde (1991) p.243

⁹³ Balsvik (2005) p.45

36.2% in 1988-89⁹⁴. Various methods were employed to intensify the expansion of education. One method that was prominent mainly during 1974-1991 was the use of the shift system (where students follow all their studies either in the morning or in the afternoon) so as to maximise the utilization of school premises⁹⁵. There were also changes in the distribution and number of schools and the size and composition of the student body. The military regime worked toward a more even distribution of schools by concentrating its efforts on small towns and rural areas that had been neglected during the imperial regime. This attempt of expanding elementary education in rural areas had managed to get some support from donor countries. More than 50% of all schools built in the country between 1975 -1990 were primarily financed by Sweden⁹⁶.

Despite such assistance, the education sector was, however, stretched to the limit with no enough available resources, and, as a result, the quality of education was compromised, rendering the education provided of limited relevance⁹⁷. Moreover, the socialist government got preoccupied with civil war and economic crisis during the latter period of 1980 which eventually led to a decline in enrolment, equity and quality at all levels of the education system⁹⁸.

3.3.3 Education during the Present Government

After a long and devastating civil war, the Derg regime, which ruled Ethiopia for more than seventeen years, was finally overthrown in May 1991 by the present regime, the Ethiopian People's Revolutionary Democratic Front (EPRDF). Thus, the country declared its transition from a one-party system to a parliamentary democracy at the beginning of the 1990's.

After its victory, The EPRDF held a national conference and established the Transitional Government of Ethiopia (TGE). A transitional charter was adopted by a multiparty conference and was to remain in force until the general election scheduled for 1993. The recognition of

⁹⁴ Tekeste (2006) p.19

⁹⁵ *ibid*

⁹⁶ *ibid* p.22

⁹⁷ *ibid* p.21

⁹⁸ Habtamu et al. (1999) p.85

Ethiopians ethnic diversity became the central principle of the new regime's policy. And this is immediately reflected in this Transitional Period Charter of 1991 and in subsequent proclamations and subsidiary laws. In July 1991, Ethiopia was organized into 12 autonomous regions and two chartered cities⁹⁹. A new constitution adopted in December 1994 created a federation of nine National Regional States, delineated mostly according to the major language groups, with borders generally determined in a way designed to give particular ethnic groups control over areas they claimed as historic homelands¹⁰⁰. The nine regional states are, Afar; Amhara; Benishangul/Gumuz; Gambela; Harar; Oromiya; Somali; Southern Nations, Nationalities and People's states, and Tigray. Addis Ababa is a federal capital district; and from 1998, Dire Dawa became a chartered city.

This action, often mentioned as a process of decentralization, gives regional governments more power devolving governmental powers. Article 1 of the Constitution of the Federal Democratic Republic of Ethiopia (FDRE Constitution) makes this quite explicit by establishing a federal and democratic state structure. This Constitution confirmed the new approach towards ethnic diversity and stipulates ethno-linguistic line to be the primary basis of the new federal state structure.

The nine autonomous regional state councils are given substantial autonomy to develop their own state constitution and laws. States have a great deal of responsibility, including collecting certain taxes; keeping regional level security forces; and most importantly working with the Zones and Woredas underneath them to develop the state-wide budget, and through that instrument, allocating federal block grants. This power given to each to decide on budgets is defined by law under the Proclamation No.7/1992¹⁰¹, Proclamation No. 33/1992 and the 1994 Constitution of the Ethiopian Federal Democratic Republic. Each state has a number of sectoral bureaus including Finance, Planning, Agriculture, Education, Health, Roads, and

⁹⁹ Addis Ababa (the capital) and Harar were the chartered cities, the autonomous regions were: Afar, Agew, Amhara, Benishangul, Gambela, Gurage-Hadiya-Kambata, Kefa, Omo, Oromo, Sidamo, Somali, and Tigray. Aseb and Eritrea would also have been regions, but Eritrea had been de facto independent since 29 May 1991 and formally from 24 May 1993.

¹⁰⁰ Tronvoll (2000) p.18-19

¹⁰¹ Proclamation No. 7/1992 of the Transitional Government of Ethiopia defined regions as established self-governments and councils. This proclamation gives the mandate to National/regional council to issue laws relating to the sources of the National/Regional Transitional Government: and to approve its own budget

Women's Bureau. Accordingly, the educational system, which was previously highly centralized, has been replaced by a decentralized educational management system. Whereas secondary education remained the responsibility of the federal government, federal states took on the responsibility of implementing primary education¹⁰².

EPRDF embarked on the overall rebuilding of the country generally and on the formation of a new Educational and Training Policy (ETP)¹⁰³. The main reasons for redesigning the policy in 1994 were limited access to education, inequitable distribution of school services, lack of quality and relevance, problem of efficiency and undemocratic nature of the previous regime's policy¹⁰⁴. What is more, the political education during the military regime was used as a means of indoctrinating people the Marxism Leninism Philosophy¹⁰⁵. The introduction of a new educational policy thus has brought a new light to education in the country. Primary education was singled out as a priority area in education policy documents of EPRDF, focusing on increasing access to educational opportunities with enhanced equity, quality and relevance. According to ETP (1994), primary education is composed of basic education (grades 1 – 4) and general education (grades 5 – 8). And the objective of basic education (i.e. grades 1 – 4) is stated as providing functional literacy, numeracy and life-skills¹⁰⁶.

This 1994 policy was in turn the basis for the multi-year Educational Sector Development Program (ESDP) that was started in 1997/98 with the long-term goal of achieving universal primary education by the year 2015. Since the launching of ESDP-I and II in 1997/78-2001/02 and 2002/03- 2004/5, there has been a substantial expansion of primary education and as a result a significant increase has been observed in the area of enrolment, number of schools, teacher training etc. The country, however, still remains to have one of the worlds least educated people¹⁰⁷. A critical examination of the present situation of education in Ethiopia during the launching of ESDP-III in the light of the international set up will provided in the fifth chapter.

¹⁰² Tekeste (2006) p. 36

¹⁰³ Kinfe Abraham (2001) p. 47

¹⁰⁴ Yodit Z. Mekuria (2006) p. 31 Interview with Ato Girma Alemayehu, Head of Civic and Ethical Education Department

¹⁰⁵ *ibid*

¹⁰⁶ TGE (1994) art. 3.2

¹⁰⁷ Young Lives (2005) p. iv

3.4 Conclusion

The policy-related weaknesses that can be cited from past governments are that during the imperial period, the education system gave emphasis to modernisation and focused on expanding secondary and higher education. In addition, expansion of both primary and secondary education was limited to a few eligible populations residing mainly in urban areas. Females were also underrepresented in education. The socialist regime aimed at expanding primary education to the rural areas by constructing schools in every kebele. However, the education sector was stretched to the limit with no additional available resources, and, as a result, the quality of education was compromised, rendering the education provided of limited relevance. The present regime reorganised the country into a federation on the basis of ethnicity and language, which put the responsibility of implementing primary education on federal states. Primary education was singled out as a priority area in education policy documents of EPRDF, focusing on increasing access to educational opportunities with enhanced equity, quality and relevance. Ever since the launching of ESDP-I and II, the country has observed a significant improvement in primary school enrolment rate and school facilities. However, Ethiopia's achievement in education is still low.

CHAPTER FOUR: METHODOLOGY AND DATA ANALYSIS

4.1 Introduction

As explained previously in chapter one, this study attempts to analyze the prospects, progress and challenges of realizing the right to primary education in Ethiopia. This methodology chapter will describe the research process, give an explanation of procedures, methodological limitations, and finally describe how the data was analyzed. The first section of this chapter discusses the study site: Ethiopia. It attempts to give some key background information about the country and lays out relevant information in relation to the condition of education in Ethiopia. The second section will discuss the data collection and analysis method applied in the study, and the last section deals with the challenges during data collection and the different techniques used to overcome these challenges.

4.2 The Study Site: Ethiopia

The present study is conducted in Ethiopia. Situated in the Horn of Africa, Ethiopia is an ancient country with a rich diversity of people and cultures. Ethiopia is one of the least urbanized countries in the world¹⁰⁸, and its population reaching over 73 million, makes it the second most populous country in Africa¹⁰⁹. With a total area of 1.1 million sq. kilometres, it is a country with a great geographical diversity. Yet, it is one of the poorest and most turbulent countries in Africa, and therefore, remains a place where the rights of citizens are often violated. Internal factors such as poverty, increasing population, scarce resources, frequent draughts, ethnic and border conflicts have made tremendous contribution to human rights

¹⁰⁸ Out of the total population of the country, 15% is urban and 85% is rural

¹⁰⁹ CSA (2004)

violation in the country. Apart from famine and civil strife, wrong policies and incompetent administrations have caused a tremendous delay in development¹¹⁰.

The country has had three radically different political regimes involving, in each case, economical, legal and administrative and educational reorganization. And with the take over of the current government in 1991, a decentralized government structure and a relatively liberalized economic policy were introduced¹¹¹. The government launched a New Education and Training Policy in 1994 which, by the early 2000s, had already shown remarkable results in improving the coverage of basic education in a short period of time. Moreover, based on the Education and Training Policy, an Education Sector Development Program (ESDP with various phases) was launched in 1997/98 which focused on providing good quality primary education with an ultimate aim of achieving universal primary education by year 2015. Significant improvement in enrolment rate in primary school has been recorded with an increase in budget allocation for education as well as improved collection of statistics regarding school attendance¹¹².

Recognising that access to education is a human right, Ethiopia has also been party to many of the international conventions and treaties, and has, therefore, shown efforts in harmonizing national legislation with the provisions of the various international treaties to fulfil its obligations in the education sector. The 1995 Constitution stipulates that “every Ethiopian national has the right to equal access to publicly funded social services”. It further stipulates that “the State has the obligation to allocate ever increasing resources to provide to the public health, education and other social services”.

A major means of measuring the extent to which the Ethiopian government (and the various agencies working in the area) has committed itself into education, especially primary education is through the analysis of how much of the national resources are allocated to the

¹¹⁰ Van Beurden (1998) p. 9

¹¹¹ Despite the political and economic stability gained after the down fall of the military regime in 1991, the country was affected by Ethio-Eriteria boarder conflict and recurrent draught which adversely affected the economic status of the people

¹¹² CRC Concluding Observations to Ethiopia. CRC/C/ETH/CO/3, 2006

promotion and provision of education¹¹³. The government of Ethiopia has given top priority to provide access to basic education for all school age population. Its determination is clearly stated in the Education and Training Policy and in the Education Sector Development Program strategies. The government has committed itself to financing education at different levels and has also stated that education is one of its key sub-sectors. Education as a priority sector to the government has been receiving the highest share out of the total countrywide government budget since 2001/ 2002¹¹⁴. A decentralisation process has also been undertaken during 2002, which devolved more authority and resources to the woreda (district) structure. However, the Committee on the Rights of the Child, in its concluding observation, showed its serious concern stating that “insufficient resources among education authorities, schools and parents are having a negative impact on children’s enrolment”.¹¹⁵

Moreover, despite major improvement in the rate of primary school enrolment during the last decade, Ethiopia still has one of the lowest primary enrolment and highest illiteracy rates in the world. Various studies state that there are still wide disparities among regions; the ratio of boys to girls is still high; the urban/ rural difference is not narrowing, the quality of education is not improving and primary completion rate is lower than primary enrolment. The hopes and aspirations to universalize basic primary education, therefore, remains a matter of great concern at the dawn of the 21st century.

4.3 Data Collection and Analysis

This study employs a methodological approach that allows combined application and use of qualitative and quantitative research methods. The study utilized both primary and secondary data gathered from a variety of sources. Apart from this, relevant information search was compiled through literature searches and reviews and examinations of official documents.

¹¹³ Oxfam GB & BEA Ethiopia (2006) p.1

¹¹⁴ *ibid.*

¹¹⁵ CRC Concluding Observation CRC/C/15/Add.144 (2001) para. 66-67.

4.3.1 Data Collection: Both qualitative and quantitative data was collected in response to the major research questions that attempted to analyse the condition of the right to education in Ethiopia.

- Quantitative approach - to collect and analyze data related to access, quality indicators (like student-text & teacher - student ratios), ratio of text books per student magnitude of dropout and repetition rates, equity in educational access, financial utilization, etc.
- Qualitative approach – to collect and analyze data related not only to factors that affect the realization of primary education in Ethiopia, but also the various political, economic and legal/policy reforms the government has made pertaining to the right to primary education;

The combination of both helps to arrive at more reliable data for making rational decisions. Whenever necessary, the data is disaggregated by sex, region, urban/rural in order to allow the reader to see regional, urban/rural and gender disparities.

Several very relevant indicators were used in analyzing the data for this study. These indicators were similar to the ones employed by the Ministry of Education in its latest Educational Abstract Statistics Manual (2006/07). It was also inline with the indicators employed for the ESDP-III. These include:

- A. Access indicators:** include gross enrollment rate (GER), net enrollment rate (NER), gender parity, regional parity, urban–rural enrollment and enrollment of children with special educational needs. In regards to this the study, whenever relevant, employed NER because this is the best way of measuring organized, on time school participation and is more refined indicator of school enrollment coverage.
- B. Quality indicators:** include qualified teachers, students/textbook ratio, student-teacher ratio and school facilities
- C. Efficiency indicators:** include drop out rates, school completion rates and student/section ratio.
- D. Budget indicators**

In addition, the study further investigated and discussed the various challenges at stake for the realization of the right to education in Ethiopia. The quantitative and qualitative analyses are merged and discussed together.

4.3.2 Data Analysis: The Methodology I am planning to employ for this study is a two fold. First, I would like to employ Professor Tomasevski's¹¹⁶ 4-A Scheme and break down the obligation of Ethiopian government on the right to education into four parts, namely the obligation to make education available, accessible, acceptable and adaptable. This allows me to clearly describe what is meant by the right to education in the context of Ethiopia when using the various educational indicators. This will be supported by the concept of an obligation typology which was elaborated by Professor Asbjorn Eide who distinguished between the obligation to "respect", "protect" and "fulfill" that state parties to the CESCR have towards individuals under their jurisdiction. This allows me to clearly describe the obligation of the state realizing the right to education in the context of Ethiopia and what is expected from the state.

Second, the above analysis will be supported by a descriptive method to discuss the political, economic and legal/policy reforms that the Ethiopian Government has made in realizing the right to education in the country in conformity with the various international human rights instruments. The study also attempts to describe the specific educational challenges existing in the country and how the Ethiopian government has tried to address these challenges. Based on the conclusions of the investigation, I will finally attempt to suggest possible ways of improving the realization of the right to primary education in Ethiopia.

4.4 Challenges during Data Collection

Initially, I was planning to use the Educational Statistics Annual Abstract (2005/06) released by the Ministry of Education as a main quantitative data provider for this study (When this study commenced, this was the latest educational statistics in the country). However, the Ethiopian

¹¹⁶ Katarina Tomasevski was the former UN Special Rapporteur on the right to education

Ministry of Education recently released the latest education statistics for 2006/07. This education statistics is exhaustive of some indicators that were left out in the previous education statistics, and appears to be more comprehensive. Therefore I decided to base my data for the study on the latest education statistics, which meant that I had to change most of the data I have already collected and organized.

Another challenge when collecting data for this study was the fact that accessing updated documents on education from websites of government organization in Ethiopia was really difficult. And when they are made available online, they could not be opened.

CHAPTER FIVE: CRITICAL EXAMINATION OF THE RIGHT TO PRIMARY EDUCATION IN THE PRESENT ETHIOPIA

5.1 Introduction

The education sector has evidenced a huge structural transformation in Ethiopia in the past 17 years. When the current government came into power, the Ethiopian education system was suffering from multifaceted problems. As explained in chapter three, the main problems were related to the issues of relevance, quality, equity and access. As a result of previous neglect, Ethiopia' education sector was characterized at all levels by extremely low overall participation rates (30% at primary, 13% at secondary and less than 1% at tertiary levels). Its gross enrolment rate was one of the lowest in the world and even less than half of the average for Sub-Saharan African countries. Girls' participation rates were much lower than those of boys, especially in rural areas. In addition, there were severe regional differences in access to education, ranging from 7% in Afar region to 87% in Addis Ababa City Administrative region. The quality of education was poor with inadequately trained and poorly motivated teachers and lack of instructional materials. The system was inefficient and one third of students drop out of school in the first year. Physical facilities were disrepair because of war damage and absence of preventive maintenance; and the education sector was seriously underfinanced. With a focus mainly on ESDP-III, this chapter, therefore, attempts to investigate the extent to which the Ethiopian Government has lived up to its expectation on the road towards realizing children's rights to primary education what has been achieved recently, the plans and tasks ahead, the constraints met or are likely to be met and possible recommendations for averting them.

5.2 Ethiopia's Commitments and Supportive Actions to the Right to Education

By ratifying various international/national human rights instruments including the CESC, CCPR, CRC, CEDAW, UNESCO, ACHPR, ACRWC, ILO Convention on the Worst Forms of Labour and the Minimum Age Convention, the present government has taken up on itself the obligation to implement the right to education specified in these international instruments, with special emphasis on universalizing primary education¹¹⁷. The country however is not yet party to the UNESCO Convention against Discrimination in Education that entered into force in May 1962.

The Current government has been practicing its reporting obligation to the various committees of the respective treaty bodies that it has signed and ratified¹¹⁸. This includes state reports submitted to the CRC, CEDAW and CERD¹¹⁹. For example, there have been 3 periodic reports submitted to the Committee of the CRC: the initial report in September 1995, the second report in March 2000, and the third one in October 2005. The content of reports to the various committees varies from discussing the measures taken to promote the rights of women and protect girls and children from violations against their equal rights to primary education¹²⁰; to ensuring that ethnic and language minorities have equal access to quality and relevant education¹²¹. Some of these reports have specific portions where the government discusses its relevant policies and practices pertaining to primary education in the country in conformity with the human rights obligations enshrined in the respective conventions

However the reporting duty of the state has often been met by overdue reports. The Committee on Elimination of Racial Discrimination (CERD) in its last concluding observation to the state

¹¹⁷ Ethiopia has ratified the following conventions and charters with provisions on the right to education CERD (ratified in 1976), ICCPR (1993), ICECSR (1993), CEDAW (1981), CAT (1994), CRC (1991), CRPD (2007), ILO Minimum age Convention (1999), ILO Convention No.182 on the Worst Forms of Labour (2003), ACPHR (1998), and ACRWC (2002).

¹¹⁸ Although the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified in September 1981 i.e. during the last regime, the required periodic reports on the implementation of the convention were submitted only during the present regime in 1995 and the last one in 2002.

¹¹⁹ For an overview on that, please visit www.humanrightsindex.org

¹²⁰ State Report to CEDAW committee 2002. CEDAW/C/ETH/4-5, State report to CRC Committee CRC - Ethiopia - CRC/C/129/Add.8 (2005)

¹²¹ Stat report to CRC committee CRC - Ethiopia - CRC/C/129/Add.8 (2005)

of Ethiopia, dated 20 June 2007, stated with regrets that Committee regrets that the state party has not reported to the committee since it submitted its sixth periodic report in 1990¹²². What is more, reports to many of the international and regional treaties including to the committee of ICESCR and ICCPR has not been done at all. With regards to regional human rights instruments, the Ethiopian government ratified ACRWC in December 2002 and the National Action Plan for Children has been prepared for its implementation. What is more, the government has signed the Protocol on the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in June 2004 and the ratification process is underway. The country, however, has not submitted its initial report as of yet¹²³.

What is more, the present govt came to power just one year after the global commitment during the 1990 World Conference on Education for All (EFA) that reaffirmed the right to education and highlighted a global commitment of the world states to provide, among other things, access to a free and compulsory primary education of good quality to all children by 2015, with particular attention to the gender imbalance, children in difficult circumstances and those belonging to ethnic minorities. Ethiopia, along with the world, renewed this commitment in the World Education Forum in April 2000 in Dakar.

5.2.1 Reforming Domestic Legislation

The Constitution: One of the distinguishing characters of The Federal Democratic Republic of Ethiopia constitution¹²⁴ from its predecessors is the emphasis given to internationally recognized human rights norms. This fundamental principle is stipulated in Art.10 of the FDRE Constitution which articulates “Human rights and freedoms, emanating from the nature of mankind, are inviolable and inalienable”¹²⁵. The Constitution which was adopted in 1995 -a few years after the ratification of most of these international norms- makes strong commitments on behalf of human rights bringing to the fore not only the civil and political

¹²² CERD Concluding Observation CERD/C/ETH/CO/15

¹²³ http://www.achpr.org/english/_info/statereport_considered_en.html

¹²⁴ According to the constitution, international agreements ratified by Ethiopia are an integral part of the law of the land

¹²⁵ The Ethiopian Constitution (1995)

rights but also economic, social and cultural rights of the diverse “nations, nationalities and peoples” of Ethiopia. According to Article 13 of Chapter Three, dealing with "Fundamental Rights and Freedoms," The Constitution says:

The fundamental rights and liberties contained in this Chapter shall be interpreted in conformity with the Universal Declaration of Human Rights, international human rights covenants, humanitarian conventions and with the principles of other relevant international instruments which Ethiopia has accepted or ratified¹²⁶.

The constitution also carries specific provisions on education. It stipulates that “the State has the obligation to allocate ever increasing resources to provide all Ethiopians access to the public health, education and other social services”. Other provisions in the constitution pertaining to Education include: Article 27.5 in relation to freedom of religion, opinion and belief; Article 41 on equality right i.e. on the right of every Ethiopian national to equal access to publicly funded social services (including education). Too, the imposition of all forms of corporal and humiliating punishment on children in schools and institutions has been legally prohibited in Ethiopia since the adoption of the Constitution¹²⁷. The same article also states the right of the child not to be subjected to exploitation or work of any kind that may cause harm to the child’s education health or well-being¹²⁸. What is more, the government formulated several laws and policies within the constitution to promote gender equality. Particularly Article 35 of the Constitution clearly stipulates the rights of women. The government has also been promoting the mainstreaming of gender in all its development policies and strategies to address gender inequality.

However, the constitution fails to guarantee free and compulsory primary education that is to be ensured, according to international human rights law, immediately or at least progressively¹²⁹. Therefore, there is no constitutional guarantee of free primary education in Ethiopia. It only states that “every Ethiopian national has the right to equal access to publicly

¹²⁶ *ibid.*

¹²⁷ The Constitution (1995) art.36(1) (e)

¹²⁸ *ibid.*

¹²⁹ Tomaseveski (2006). Among 46 countries in Sub-Saharan Africa only three- Mauritius, Sao Tome and Principe, and Seychelles –guarantee free primary education and in the majority primary education should be made free immediately or progressively as the constitutions mandate..

funded social services”¹³⁰. The choice of access rather than right to education points to an underlying decision not to recognize education as a human right. This great concern was reflected to the government of Ethiopia by the Committee of the Rights of the Child in its concluding observations given in September 2006¹³¹, after having considered the third periodic report of Ethiopia. The statement reflected that the Committee continues to be seriously concerned that primary education is still neither free nor compulsory. This disregards the General Comment no. 1 published by the committee which states that “primary education is free and compulsory and take the necessary measures to ensure that all children are enrolled in primary education.” The committee, therefore, recommended that the Ethiopian government, taking into consideration the Committee’s general comment No. 1 (2001)¹³² should make primary education free and compulsory; and take all the necessary measures to make sure children are enrolled in primary education.

Other important legislative achievements that may have direct or indirect effect in realizing the right to primary education in Ethiopia include a couple of national policy instruments issued since the ratification of the CRC that mainly focus on fighting against harmful traditional practices (HTP). These include the 1993 National Policy on Women, the 1993 Health Policy, the 1994 Population Policy, the Cultural Policy of 1997, and the Revised Family Code of 2000 (RFC). For instance, one of the objectives of the 1997 Cultural Policy was:

Warding off all cultural activities that could negatively affect the physical, ,mental, psychological and moral well being of the youth as well as the dignity and democratic rights of citizens (content No. 13)¹³³.

One cannot also fail to mention the labour law that has relevance to the major issue of child Labour. The Labour Code¹³⁴ was possible following Ethiopia’s ratification of two of the

¹³⁰ The Ethiopian constitution (1995) art. 91

¹³¹ CRC Concluding Observation CRC/C/ETH/CO/3 (2006)

¹³² CRC General Comment No. 1

¹³³ FDRE Cultural Policy (1997)

¹³⁴ The Ethiopian Labor Proclamation No 377/2003

International Labour Organisation (ILO) conventions in the year 2003¹³⁵. This proclamation (42/93) sets the minimum age for work as 14 categorizes workers of ages 14-18 as young workers. Therefore primary school age children, according to the law, must not engage in any kind of work for wage. The revised penal law has also made many positive changes in relation to infanticide, sexual violence, abduction, maltreatment, neglect and negligent treatment, sexual exploitation of children, as well as trafficking.

5.2.2 National Plan of Action

The New Education and Training Policy (ETP): With an attempt to systematically and gradually alleviate the educational problems in the country, and also address the education for all and achieve a long term development strategy, the government of Ethiopia, along with donors and NGOs, has undertaken a set of political, economic and social reforms and formulated a New Education Policy and strategy documents in 1994 to effect the EFA goals and strategies operational¹³⁶. The educational policy of the new government is thus the third policy in the history of the country since 1945. The main goal of the policy is to increase access to educational opportunities with enhanced equity, quality and relevance.

The policy further envisages that “basic education” will be the right of all individuals of the country and the education system will ensure that the provision and spread of education will be equitable in the different parts of the country, with particular reference to girls. The major feature of the new educational policy is the introduction of ethnic languages as mediums of education for primary education. The new policy aims to recognize the rights of nations/nationalities to learn in their language¹³⁷. It also envisages to bring up citizens who not only identify harmful traditional practices among the useful one’s but also stand for a wellbeing of people as well as for equality, justice and peace endowed with democratic culture

¹³⁵ These ILO Convention on the Worst Forms of Child Labor and ILO Convention of the Minimum Age. The Convention of the Minimum Age sets the minimum age for labor work not be less than the age of completion of compulsory schooling (Art2. (3)).

¹³⁶ This was accomplished before the new constitution was adopted.

¹³⁷ At the same time, recognizes the importance of the use of one language for national and another one for international communication.

and discipline¹³⁸. With regards to people with special needs, the new policy aims to, "...enable both the handicapped and the gifted learn in accordance with their potential and needs."

The current curriculum is offering 10 years of general education consisting of 8 years of primary education and 2 years of general secondary education (9-10) with the second cycle of secondary education (11-12) which prepares students for continuing to higher education. Primary education is divided into two cycles comprising grades 1 through 4 of basic education and second cycle of grades 5 through 8 of general primary education¹³⁹. According to the New ETP, there will also be a system of technical vocational training which will be offered to the graduates of each cycle; and facilities special education and training for people with special needs.

In order to implement the ETP, the multi-year Education Sector Development Program (ESDP) was launched in 1997/98 on the basis of the "Education for All" (EFA) initiative formulated at the Jomtien (Thailand) World Conference. ESDP-I was developed through an intense consultative process between the Federal and Regional governments and members of the donor community¹⁴⁰. The main objective of ESDP-I that run up to 2001/02 was to improve both access and educational quality of primary education, with a special emphasis on rural areas and girls' education, and to achieve basic universal education by 2015. Although the launching of ESDP came a few years before, it was in line with the MDG no. 2 (that aims to achieve universal primary education by the same year) as well as the Dakar Framework for Action, in reaffirming its commitment to, along other things, to the right to education.

In terms of access, the ESDP-I aimed at helping families afford school mainly by guaranteeing primary education (and pre-school and the first cycle (grade 9-10) of secondary education) free of charge. Another method to help families afford school was by making school days shorter so that children could still have time to help their family when they return

¹³⁸ ETP (1994) art. 2.1.3 & 2.1.4

¹³⁹ The education curriculum prior to the Education Reform of 1994 divided general education into primary (1-6), junior secondary (7-8) and senior secondary (9-12) with national examinations given on completion of each level.

¹⁴⁰ The donors also committed themselves to reducing the implementation burden on the Federal and Regional governments by coordinating and harmonizing their planning, implementation, and monitoring requirements.

home. Other aims reflected in the ESDP I include building new schools; encouraging efficient use of teachers, using Local languages in schools, introducing a new and improved books and materials and making it widely available to students, reaching nomadic population and encouraging communities to educate their girls,

Up on the completion of ESDP-I, ESDP-II was initiated for the three years starting from 2002/03 to 2004/05. The main objective of the ESDP I and II was to improve both access and educational quality of primary education, with a special emphasis on rural areas and girls' education, and to achieve basic universal education by 2015. This was in line with the six major components of the EFA, as they were given prominence and considerable attention throughout the proposed program.

ESDP-II paid special attention to the question of equity. Strategies for improving gender equity were also given special focus and integrated in the planning process to improve the intake of girls into primary schools, teacher education programs, community participation strategies, curriculum development, etc. Attention was also paid to improving access to education for the children of highly marginalized and pastoralist communities, to narrowing the urban rural gap in access to education, and to reducing the regional disparities¹⁴¹.

The government has launched ESDP-III that runs from 2005/2006 -2009/10 with the overall goals that are in line with the priorities of the millennium Development Goals i.e. achieving good quality universal primary education by 2015, and meeting qualitative and quantitative demand for qualified human resources. More specifically, it states that:

Ensuring that all children are able to enrol in schools opens up new Opportunities for disadvantaged children including girls, children with special needs, and children from pastoralist, semi-agriculturalist and in isolated rural areas where access has been limited¹⁴².

Similar to ESDP-II, ESDP-III also pays special attention to the question of equity. Special attention is also paid to improving access to education for the children of highly marginalized

¹⁴¹ However, programs for achieving quality and equity are not only confined to primary education alone, but they also influence the programs and investment in secondary and tertiary education. Adult and non-formal education is also treated in ESDP-II,

¹⁴² ESDP-III (2005) p.39

and pastoralist communities, to narrowing the urban-rural gap in access to education, and to reducing the regional disparities. The goal is now to reach 112.6% of primary education enrolment rate by the end of the programme period (2009/10). Another similar, rather ambitious, objective has been that of reducing drop out and repetition rates by targeting at reducing pupil/section ratio to 50 and pupil/teacher ratio to 50 and 45 for the first and second cycle respectively. The program envisages on reaching not only children at the appropriate admission age, but also out-of-school children, who have not got access to school at their appropriate age.

In order to realize its these objectives, the government has envisioned constructing 194,748 classrooms, training a total of 294,760 teachers and printing over 3.7 million set of textbooks for primary schools and alternative basic education (ABE). By the end of the program period (2009/10), ESDP aspires that GER will reach 109.7%, the pupil/section ratio will be reduced to 50 and pupil/teacher ratios will be 54 and 45 for first cycle and second cycle primary respectively.

5.3 Major Achievement in Primary Education

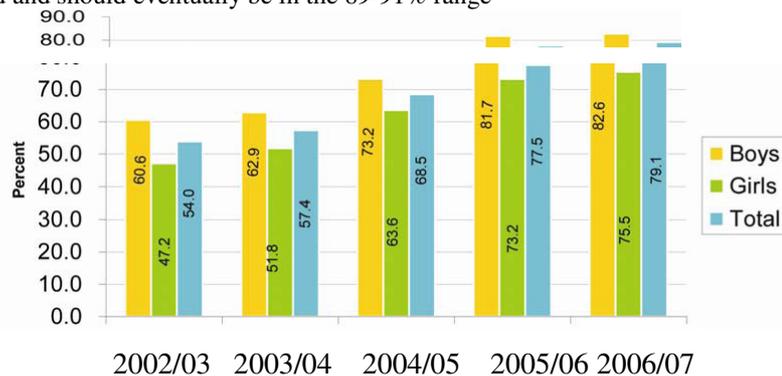
5.3.1 Enrolment in Primary Schools: Access and Coverage

Enrolment is one of the indicators for measuring the progressive realization of the right to free and compulsory primary education. The increase from year-to-year of the rate of enrolment is indicative of the fact that the government is doing its level best to ensure accessibility of free and compulsory education for citizens. More than a decade after launching the New Education and Training policy, the Ethiopian government has made a lot of progress in making sure that primary education is accessible to all school-age children.

Prior to the launching of the multi-year Education Sector Development Program in 1997/98, the net enrolment rate (GER) of primary education for the whole country was as low as 22.9% in 1994, and reached 30.1% in 1996 (2 283634 and 3 380680 respectively). However, the substantial expansion of primary level education and as a result a significant increase has been observed in the area of enrolment, number of schools since the launching of ESDP-I and II in

1997/8- 2001/02 and 2002/03- 2004/05 respectively. The primary school net enrolment rate more than doubled itself in 2004/2005 (than it was in 1996) as it reached 77.5%. In the year 2006/2007 this number grew by more than 10%.

Chart 1: Net enrolment rate for Primary Education, showing the steady increase in NER from 25% in 2002- 03 to 79.1% in 2006- 07. While the rate of increase of NER has slowed in the last year, the trend is clearly upward and should eventually be in the 89-91% range



Source: MOE Statistical Annual Abstract 2006/07

5.3.2 Equity

5.3.2.1 Gender Disparity: Eliminating gender disparities in primary education by 2005 and achieving gender equality in education by 2015 is one of EFA goals. In line with this, women's access to education has been recognized as a fundamental right, and increasing their access to education is among the educational goals of Ethiopia. Cognizant of the important role women have to play, the Government of Ethiopia has put into place a variety of strategies designed to increase female participation rates in education and consequently in the overall development process. There is a consensus of opinion that the development targets in the country cannot be achieved with the continued marginalization of women as a group.

Therefore, improving education access to girls, retaining them in school, reducing drop out and repetition and thereby closing the gender gap was a major concern during the implementation of ESDP-I & II. As a consequence, the gross enrolment rate (GER) at primary education has been increasing for boys and girls since 1997/1998. And according to the latest education statistics of the Ministry of Education, the GER for girls more than doubled from 40.7% in 1999/2000 to 85.1% in 2006/07. As a result, the female primary school participation rate has grown at the rate of 44.4% over the last 7 years. Although lesser in percentage, the net

enrolment rate (NER) of school age girls in primary education has also shown a tremendous increment. It amounts to 75.5% of the overall school age girls in the country. In other words of the 7, 555,631 school age girls in the country, about 5 700 935 are enrolled in primary schools. This is a dramatic achievement to the country and it should be celebrated. The UNESCO Global Monitoring Report (GMR) released in 2008, which tracks global progress in meeting international education commitments, also declared that Ethiopia, along with Burkina Faso and India is making dramatic gains towards gender parity at the primary universal enrolment in school enrolments¹⁴³.

When we look at the gender disparity between different regions in the country, we can infer that the NER of Girls in primary education in Addis Ababa and Gambella were well above the national average, while figures in Afar and Somali regions were much lower than the national average.

Table 1: Net enrolment rate for selected regions (2006/07)

Region	Boys	%	Girls	%	Total	%	Gender Gap	%
Afar	17.9		14.6		16.4		3.3	
Gambella	142.7		100.9		122.4		41.8	
Oromiya	83.7		72.5		78.2		13.2	
Somali	39.6		29.3		34.0		10.3	
Benishangul-Gumuz	107.7		89.8		98.9		17.9	
Addis Ababa	92.0		105.3		98.7		-13.3	
Diredawa	66.3		58.1%		62.3		8.2	
National	82.6		75.5		79.1		7.1	

Source: MOE Education Statistics Annual Abstract 2006/2007

In Addis and Ababa and Gambella, the NER has reached more than 100% which was unrealistic (105.3%, and 100.9% respectively). This is because net enrolment rate (NER) could not be more than 100 percent. This could possibly be due to error in the projection of the female school age population. Many explanations could be possible in these situations. One could be that female children for a near by areas were attending schools in Addis Ababa and

¹⁴³ UNESCO (2008) P.14

they were not registered when the counting of school age children was made in the area they were attending school. Another could be the population census for that area (in 2006/07) was projected to be lower than it actually is¹⁴⁴. What is more, the gender gap was significant in that in some regions reached as high as 41.8% in favour of boys in Gambella followed by Benishangul- Gumuz (17.9%). The gap seem to narrow down in Afar and Diredawa (3.3% & 8.2% respectively in favour of girls) although these two regions projected the lowest primary school NER in the country (14.6% & 29.3% respectively). Interesting enough Addis Ababa had a gender gap of 13.3%points in favour of girls.

5.3.2.2 Regional Disparity: As can be seen from table 2, there has been a huge difference in the net enrolment rate (NER) of primary education in the various regions of the country. In 2006/07 this ranged from as low as 16.4% in Afar region and 34.0%in Somali to a NER as high as 122.4% in Gambella and 98.7% in Addis Ababa. In other words, Addis Ababa has the highest participation rate followed by Gambella; while Afar and Somali regions have the lowest. This shows that a lot has to be done to narrow down this gap not only by prioritising primary education in Afar and Somali region but also in identifying the obstacles for children in these regions to get enrolled and stay enrolled in primary education. Some discussion on this will come at the end of this chapter

5.3.2.3 Urban –Rural Disparity: In a country like Ethiopia where around 85% of the population reside in the rural area, investigating the state of primary education in the country is very crucial in determining how far the country has gone towards universalizing primary education. Therefore, urban-rural enrolment is very important. As stated earlier, narrowing the urban-rural gap was among the focus of ESDP-III. Efforts made by the current government to increase enrolment in rural areas have brought significant changes.

The Urban rural comparison of enrolment rate taken from the education statistics for 2006/07 indicates that rural areas accounted to nearly 78% of the primary enrolment in the country whereas 22% was accounted for by urban. Comparing it to the percentage of the entire

¹⁴⁴ Its important to note here that the latest population census in the country was done in 1994 and for the years there after, CSA is making projection based on that and MOE making projection of school age children based on CSA projection.

population living in rural areas of the country, its possible to say that there is a high enrolment rate in urban areas than in rural. The data also showed more than 2% increase in enrolment rates in rural areas from what it was in the year 2005/06 which means that the primary school enrolment rate in rural areas is faster than in urban areas. But when one considers the size of the rural population of the country (85%), fair distribution has not yet been attained.

Table 2: Urban/ Rural Enrolment by Level

Level	Urban Enrollment					Rural Enrollment				
	Male	Female	%Male	%Female	% Urban	Male	Female	%Male	%Female	% Rural
Primary (1-8)	1,575,201	1,505,813	51.1	48.9	22.0	6,008,224	4,925,038	55.0	45.0	78.0
Secondary (9-10)	688,613	426,295	61.8	38.2	91.1	72,061	36,693	66.3	33.7	8.9
Secondary (11-12)	112,408	56,364	66.6	33.4	96.3	4,592	1,855	71.2	28.8	3.7

Source: MOE Education Statistics Annual Abstract 2006/2007

In addition to the rural/urban disparity, The EFA report 2009 depicts based on data from 2006 that inequality of education achievement within the country remains high in the country. According to the report, Ethiopia is among the bottom four countries where disparities between urban and rural enrolment rate for all school level is wide¹⁴⁵.

5.3.3 Quality and Efficiency

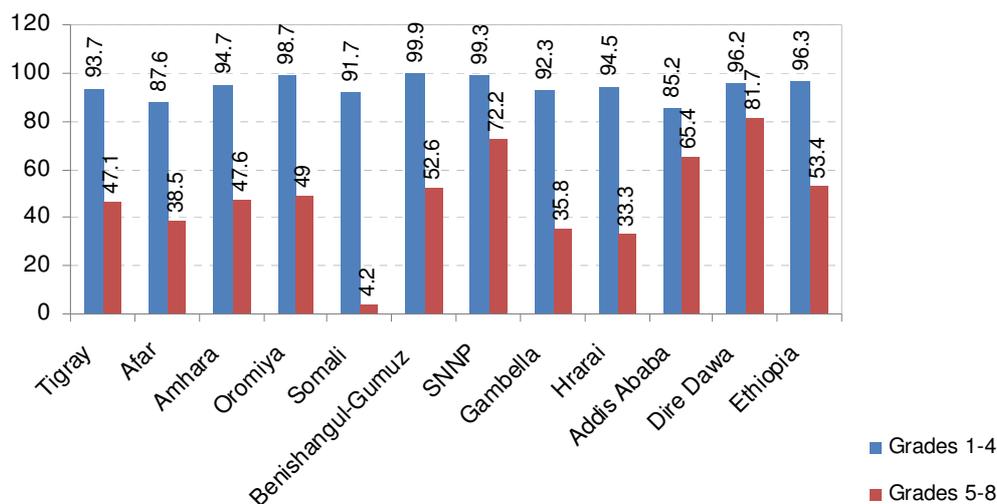
In light of the rapid expansion of school access since ESDP-I and II, it is not surprising that educational quality have struggled to keep pace. Particular concerns derived from the result of the latest statistical data include the quality of school facilities; teacher capacity, student-teacher ratio, availability of text books, drop out rates etc.

5.3.3.1. Teacher Training and Teachers: Availability of qualified teachers in sufficient number is a critical input in improving quality of this level of education. Lack of a sufficient number of qualified teachers is a persistent problem in the country. According to ESDP-III, this has often been a serious challenge that ESDP-II has faced in the second cycle of primary education. According to the latest education statistics annual abstract 2006/07, the first cycle

¹⁴⁵ UNESCO (2008) P.23

(1-4) primary education requires teachers with minimum qualification of Teachers Training Institute Certificate; whereas a Teacher Training College Diploma is required for the second cycle primary education (5-8). The target set for the year 2006/07 was to reach 99.2% at the national level.

Chart 2: Certified Primary Teachers by Primary Level By Region



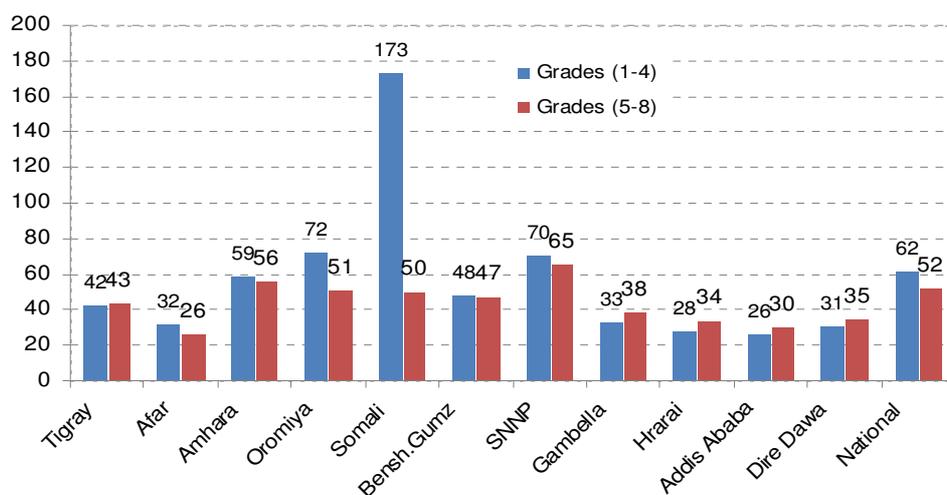
Source: MOE Education Statistics Annual Abstract 2006/2007

The above chart shows the proportion of certified primary school teachers at that for the first cycle primary was 96.3% and for the second cycle is 53.4% for the year 2006/07. This shows that the target was not been met and that there was shortage of trained and qualified teachers in the primary education. The gap between the target set and the actual percentage was very huge especially in the case of the second cycle primary education. This is a critical situation which hampers the quality of education in many levels.

5.3.3.2. Student-Teacher Ratios: Student-teacher ration is one of the common education indicators for efficiency and quality. However the student teacher ratio alone may not necessarily forecast the quality of education unless backed up by other indicators. Often, the lower the student-teacher ratio means that there is a good chance of contact between student and teacher to have dialogue, and gives an ample tie for teachers to check exercises, home works etc.

The standard set for the student-teacher ratio was 50 for primary education. The latest education statistics of the country shows that up until the year 2004/05 the student –teacher ratio was increasing. The highest point for the last 5 years was in 2004/05 when the ratio reached 66 (1 teacher per 66 students. There has been a recent decrease in the ratio ever since end of 2005 and the lowest was recorded in 2006/07 (1:59).

Chart 3: Student- teacher ratio by Primary level and Region



Source: MOE Education Statistics Annual Abstract 2006/2007

As can be observed from chart 3 student-teacher ratio ranged from as low as 26 (for grade level 5-8) in Afar, to as high as 137 for grade level (1-4) in Somali. It’s important to mention here that in the case of Afar, the region is also among the two regions with the least enrolment in the country. Region wise, all the regions, with the exception of Amhara, Oromiya, SNNP and Somali had student-teacher rate below the standard for the year 2006/07. Therefore, it

could be inferred that primary school classes are crowded in the country and particularly in many regions including Amhara, Oromia, Somali and SNNP.

5.3.3.3. Grade Repetition and Drop out Rates: Clearly, getting girls and boys into school is not sufficient. Grade repetition and drop out rates in primary education influences the degree of efficiency of the education system. Hence, it is among the major objectives of ESDP-III.

Grade Repetition: - This indicator measures the proportion of students who have remained in the same grade over one year, and have used additional resources for the same grade. The repetition rate for primary education has been continuously going down from 9.9% in 2001/02 to 6.1% in 2005/06. This is a very good sign of progress. What is more the data shows an improvement in the repetition rate of female students in Primary education, and unlike the years before, female have showed less repetition rates than males in 2005/06.

Drop out Rates:- As for drop out rates, there was a decrease in primary education showing a total of almost 5% decrease for both sexes from 17.2% in 2001/02 to 12.4% in 2005/06, which can be observed from the table below. In 2003/04 the drop out rate dropped significantly. However, the dropout rate showed a little less than 1% increase between 2004/05 to 2005/06, a significant increase just in one year. An investigative research should be done to critically look at the reason behind it. The latest education statistics did not contain any data regarding the drop out rate for the year 2006/07. However, according to latest EFA Global Monitoring Report (2009), UNESCO's projection for out-of-school children in 2015, based on the data for the year 2006, Ethiopia will have the largest out of school population (1.1 million) following Nigeria (7.6 million) and Pakistan (3.7 million)¹⁴⁶.

Unlike the expectation of the researcher, the table 4 below shows that in 2005/ 06 and previous three years, the drop out rate of boys in primary education is greater than that of girls. Moreover, the drop out rate for girls (12.1%) was lower than what was aspired in ESDP-III to reach 13.6% for the year 2005/06. This is often unexpected in a country where women

¹⁴⁶ UNESCO (2008) P. 14

generally face discrimination due to patriarchal systems and traditional gender roles and practices. This, among other things, could be the results of efforts shown in the ESDP-II to increase girls' education and reduce the drop out rates. The legislative changes that took place including the 2001 Family Law which bans marriage below the age of 18, could have contributed to this as well.

Table 3: Drop-out Rate for Primary (Grades 1-8) by Gender

Year	Rate	Dropout Rate		
		Boys	Girls	Total
1994 E.C. 2001/02		16.7	17.8	17.2
1995 E.C. 2002/03		19.6	18.5	19.2
1996 E.C. 2003/04		14.9	13.6	14.4
1997 E.C. 2004/05		12.3	11.3	11.8
1998 E.C. 2005/06		12.6	12.1	12.4

Source: MOE Education Statistics Annual Abstract 2006/2007

5.3.3.4. Availability of Textbooks: Among the things that are indispensable for the realization of the right to free and compulsory primary education is the availability of textbooks necessary for the teaching-learning process. Significant improvement in access to textbooks by students was achieved since the beginning of the implementation of the ESDP-I. During ESDP-III, the target set for the year 2005/06 and 2006/07 was 1:1 i.e. one text book per child. This was an ambitious target considering the shortage of textbooks and education materials observed in the past. According to the latest educational statistics, the target set has been met and student/textbook ratio for the year 2006/07 is 1.5:1. Nevertheless, it shows that there has been an improvement from the national average ratio in the year 2005/06 which was 2:1¹⁴⁷. Nevertheless, a thorough understanding of the student/textbook ratio would not be complete with out looking at the disaggregated data for the different regions. However neither the current (for the year 2006/07) nor the previous (2005/06) has accommodated such data.

¹⁴⁷ MOE (2008) p.7

5.3.3.5 Other School Facilities: According to the latest education statistics annual abstract for the year 2006/07, only 33% primary schools reported that they have water facilities, only about 10.7% of all elementary schools have clinics for students; almost 62% of all primary schools do not have library facilities and around 90.5% of all schools reported that they do not have latrines. What is more, in more than 66% of the elementary schools in the country, students and teachers have no access to water. What is more disappointing is that if only 33% of elementary schools have reported that they have library facilities, it means that in those schools with no libraries, students face a tremendous shortage of textbooks. Such insufficient basic school resources in the school system could have a negative impact on children's enrolment in primary school. The existence of these facilities is also necessary for preventing drop outs by some groups of the society like girls and persons with disabilities. Schools where there are no sanitation facilities for female students or those with buildings that are not accessible to persons with mobility disabilities will not be attractive to these students.

5.3.4 Budget allocation to Education

Making analysis of how much of the national resource is allocated to the promotional and provision of education is a major means of measuring the extent to which the Ethiopian government has committed itself into education in general and primary education in particular¹⁴⁸. Therefore, an important part of this study is also showing the trend of education budget in general and primary education in particular in order to show the current resource allocation and utilization practices.

ESDP-I: In August 2006, Oxfam Great Britain and Basic Education Association in Ethiopia (BEA) published a study report (with special focus on primary education) that shows how education is financed and how the budget is allocated¹⁴⁹. According to the report, the total countrywide government budget has doubled from 12.2 billion¹⁵⁰ in 1997/98 to 24.59 billion, birr in 2004/05. Similarly, a budget increase has been observed in the total education budget of

¹⁴⁸ Oxfam GB & BEA Ethiopia (2006) P.1

¹⁴⁹ Oxfam GB & BEA Ethiopia (2006) p. 26

¹⁵⁰ The currency rate at the moment 1USD = 10 Birr approximately

the country, from 1.55 billion in 1997/98 to 4.61 billion, mounting three times as high in 2004/05 as it was in 1997/98¹⁵¹.

During this period, however, and more specifically up until 2000/01, the highest share of the total countrywide government budget was put to finance national defence, and education stood second in its share out of the total government budget. And the budget in national defences especially in 1998/99 and 1999/00 brought about a decrease in the education and road sectors. Therefore, priority that was given to the national defense and security is among the numerous obstacles for the realization of the right to education.

When we come to budget allocation for primary education during ESDP-I, it's important to start with explaining that the country's new education policy clearly stipulates in its article 3.9.1 that although an increased cost sharing at higher level of education and training will be promoted, the priority for government financial support in the education stream will mainly be primary education and even goes up to the completion of general secondary education and related training (grade 10)¹⁵². The primary education budget increased during ESDP-I from Birr 800.3 million in 1997/98 to birr 1.4 billion in 2001/02. This simply means an increase of 74.4% in 4 years. However the total education budget was growing faster than the primary education budget.

ESDP-II: As the country moved to ESDP-II, education started receiving its highest attention in the country's budget. Its share out of the country's government budget grew from 14.4% in 1997/98 to 21% in 2004/05. What is more, the budget allocated to it was also growing faster than the total countrywide government budget. And towards the later stage of the ESDP-II (2004/05), the share of national defence and education was getting wider in favour of education (3 billion & 4.6 billion respectively)¹⁵³. However, it is important to point out that the budget allocated to the education sector was much lower than what was required for ESDP-I and ESDP-II. For example, the total budget allocation for education during the ESDP-I was

¹⁵¹ Annex ii

¹⁵² ETP (1994) p. 31

¹⁵³ Oxfam & BEA Ethiopia (2006) p.73

about 90% of the total requirement for the sector. And during ESDP-II, education received its highest percentage went way down to 75.6% of what was required for the education sector¹⁵⁴.

It's also important to note that education has not been given equal level of importance through out the different regions in the country¹⁵⁵. Although there has been a general trend of education budget increase in all regions, education sector is a high priority for regions such as Oromiya (36.9% in 2004/05), SNNP (39.9% in 2004/05), Tigray and Amhara regions, while it is less priority for regions like Afar (15.8% in 2004/05) and Somali¹⁵⁶. Increasing public expenditure on education, in particular pre-primary, primary and secondary education, was among the major recommendation given to the Ethiopian government by the Committee of the Rights of the Child in its concluding observation in 2006. The Committee asked the state to give specific attention to improving access and addressing sex, socio-economic, ethnic and regional disparities in the enjoyment of the right to education¹⁵⁷

ESDP-III: ESDP-III is financed by the government, community, students and bilateral and multilateral donors. The total cost of the ESDP-III is estimated at Birr 53.9 billion, of which 8.91 billion was allocated for the year 2005/06 and 9.71 billion for the year 2006/07¹⁵⁸. Government is required to allocate a total of about Birr 36.2 billion and the rest is to be financed by community, students and bilateral and multilateral donors¹⁵⁹. Similar to the two ESDP's, primary education remains the highest priority for the Government and receives the highest share from the total estimated education expenditure. The share of primary education has increased from 46.4% in ESDP-II to 50.6% in ESDP-III¹⁶⁰. In other words, of the 53.9 billion total budget required to implement ESDP-III, 27.3 billion is set aside for primary education. Its important to mention here that of the total education budget, the share of budget set aside for special needs education is 0.0% which shows that the country needs to start

¹⁵⁴ *ibid* p.30

¹⁵⁵ As we it has been explained in chapter three, currently in the country decisions on budgets are made at different levels, namely the federal, regional and woreda level.

¹⁵⁶ Annex iii

¹⁵⁷ CRC Concluding Observation CRC/C/ETH/CO/3 (2006)

¹⁵⁸ ESDP-III (2005) P. 68

¹⁵⁹ *ibid*.

¹⁶⁰ Annex iv

putting efforts in reaching out not only to those children with disabilities but children in need of additional educational support.

Since ESDP-III has already been implemented, it would be very relevant for the purpose of this study to compare the budget required and the actual budget expenditure of education in general and primary education in particular for the years 2005/06 and 2006/07, if possible disaggregated by region. Nevertheless, the education statistics has no information on that and nor does the study report from Oxfam GB and BEA Ethiopia.

5.4 The Challenges Ahead

The effectiveness and efficiency of any educational system among other things depends on a thorough understanding of the problems that hinder its successful accomplishment. Despite the increase in the general enrolment rate of primary education in Ethiopia, considerable challenges remain in order to overcome inequalities which impact on children's access to education, in particular in rural regions, and on the basis of ethnicity and sex. One can comfortably conclude that children in Ethiopia have no equal access. What is more, street children and slum dwellers are denied of their rights to education, food, shelter, and protection. Hence, it is crucial to understand factors such as problems related to completing primary education and poor achievement; high dropout rates; inequality in terms of gender bias; urban/rural disparities; pastoralist communities and under served regions if policy making is to be effective. Such an understanding helps to evaluate the achievement, quality, efficiency and equitability of the educational system and the various determinants. Let's discuss some of the challenges.

5.4.1 Regional Disparity: Among the major features of the current enrolment rate of primary education in Ethiopia is that the two regions, Somali and Afar, are at the bottom of the list, showing the country's least enrolment rate. These regions are among the major areas in

the country where pastoralism is experienced¹⁶¹, where mobility is a means of coping with a dry and fragile environment. Scholars writing on pastoral areas in the country, often, emphasize that any discussion regarding the economic state of pastoral areas, including the Somali region, should not only focus on incidences of drought but should also bring up the fact that the peripheries in Ethiopia, where major pastoral areas in the country exist, were neglected for a long time and have never really been economically and socially integrated into Ethiopia. In the past, data on education in the region has been very scanty. If we take the Somali region, there has been a large discrepancy between data provided by the regional bureau of education and zonal woreda¹⁶² bureau of education. Besides, getting precise population data has been impossible to achieve as people in the Somali region have been moving in and out of the country (from and/to Somalia) for years¹⁶³.

Generally speaking, the prevailing economic state of the people in the Somali region is characterized by the incidence of frequently experienced recurrent droughts for the last couple of years culminating in a severe situation of famine. As the only solution to this problem, the Ethiopian government reportedly favours a policy to settle nomadic pastoralist groups, and scholars writing about it have often stated that such policy does not consider the development needs of the communities themselves¹⁶⁴. However, the independent expert on minority issues stated in her report that contrary to the constitution and various international human rights instruments that the country is party to, these may lead to denial of their rights to enjoy their cultural life style¹⁶⁵.

¹⁶¹ Over 85% of the rural households in the Somali region are pastoralists. CSA (1994)

¹⁶² Woreda is an administrative division of Ethiopia (managed by a local government), equivalent to a district

¹⁶³ United Nations Development Programme Emergencies Unit for Ethiopia. (1995). "Salient Features of the Refugee Camps in Eastern Ethiopia". http://www.africa.upenn.edu/eue_web/camps.htm

For instance, the 1977/78 war between Ethiopia and Somalia over the control of the Ogaden had driven a large exodus of about 600,000 Ethiopian Somalis to Somalia. In 1984, a second wave of about 140,000 Ethiopian refugees, both Oromo and Somalis, fled to northern Somalia to swell the number of Ethiopian refugees existing in Somalia

¹⁶⁴ Lister (2004) p.29 and Halderman (2004) p. 21

Halderman, for example, in his extensive study on livestock development in the context of poverty alleviation, points out that the strong anti pastoralist bias of the core highland culture seems to prevent recognition of the relevance and importance of pastoralism. According to him, this bias towards pastoralism has been reflected in different approaches towards pastoral development strategies. The Somali regional state, thus, being one of the major pastoralist regions in the country, represents the marginalized regions in Ethiopia

¹⁶⁵ Report of the independent expert on minority issues, Gay McDougall A/HRC/4/9/Add.3. p.26 para.98. Gay visited Ethiopia from 28 November to 12 December 2006.

As mobility is a means of coping with a dry and fragile environment, the mobile life style of the pastoralist community in search of water and pasture has been a challenge to establish an effective primary education in the region. In the ESDP-III, the Ethiopian government has recognised the problem of access to primary education that pastoralists and semi-agriculturalists have been facing. ESDP-III, therefore, guarantees the establishment of Alternative Basic Education (ABE) package that goes hand in hand with the formal education. This package is an emergency solution to realize primary education for all by 2015¹⁶⁶.

Called 'Pastoralist and Semi-agriculturalist Education', this special education program attempts to mitigate the low enrolment rate in primary education in the pastoralist and semi-agriculturalist regions through its adoption of a localized alternative approaches to primary education that adopts the cultural, economic life and indigenous knowledge of the people¹⁶⁷. These schools may have variable features including mobile schools, permanent village schools and community based boarding schools. What's more, girls' participation in primary schools of these areas is given higher attention. Currently, no more than pilot projects of the ABC approaches are being conducted in different woredas of pastoralist and semi- agriculturalist regions of the country; and we hope that once the programs are up and running, it will contribute to bringing a significant increase in the realisation of the right to education in the country.

5.4.2 Gender Disparity: Despite the latest achievement in girls enrolment rate increase for primary education, females' participation and academic performance at all levels of education (except in Addis Ababa) in Ethiopia is lower than that of male because of gender stereotypes prevalent in society which perceive males as dominant and women as subordinate in any public sphere. Realizing that gender disparities in primary education often stem from difficulties girls face in obtaining access to school, the Ethiopian government has taken major steps to improve girls' enrolment in primary education. The country was among the 25 countries chosen to be part of "25 by 2005 Girls' Education Campaign". This was an acceleration strategy initiated by the United Nations Children's Fund (UNICEF) that

¹⁶⁶ ESDP III (2005) P 42

¹⁶⁷ *ibid* p.45

specifically aims to complement existing strategies to achieve gender parity by 2005. Ethiopia was chosen because the country is among those experiencing the greatest difficulties in meeting gender parity by 2015¹⁶⁸.

Moreover, efforts have been made to address the problem of gender inequality and gender based discrimination in the Education and training policy. This included giving attention to gender issues in curriculum design, placing special emphasis upon the recruitment, training and assignment of female teachers, and giving financial support to raising the participation of women in education. It also includes informing about the harm done by some traditional practices, such as circumcision and marriage of girls before they reach puberty. In support of this, the Revised Family Code (RFC) published in 2000¹⁶⁹ increases the minimum age at marriage for girls from the current age of 15 to 18 years (equal to that of boys). What is more, ESDP-III also highlights the need not only to ensure that girls enrol in school, but also that they are able to learn in a safe, supportive and appropriate learning environment.

5.4.3 Harmful Traditional Practices: One of the major obstacles for the full participation of girls in primary education has been the practice of harmful traditional practices that is overwhelmingly widespread in the country. Abduction and early marriage are among the major challenges for young girls to attend primary school¹⁷⁰. Girls have historically been more likely to be pressured to leave school prematurely due to a tradition of early marriage and the lower value placed on girls' education, combined with parental fears about vulnerability to rape and abduction.

The Government of Ethiopia has taken steps to improve the condition of women in the country, including formulating policies and strategies to integrate and mainstream the gender dimensions in economic, social, and political decisions. The Ethiopian constitution has provisions that protect victims of HTP's, for all its citizens and particularly for women. Article 35(4) stipulates that the State shall enforce the rights of women and that laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited. Rape,

¹⁶⁸ UNICEF http://www.unicef.org/infobycountry/ethiopia_21759.html . Last viewed on 29 December 2008

¹⁶⁹ The Revised Family Code, Proclamation no.213/2000

¹⁷⁰ Taking Stock of Girl's Education in Ethiopia: Preparing for ESDP-III (2005) P.11. Early marriage rates in Amhara and Tigray region are much higher than the national average, 82 and 78 percent respectively, according to NCTPE studies.

abduction, female genital mutilation and early marriage are some of the main gender based violence perpetrated against women in our society. The criminal code/penal code has been recently revised and amended to address discrimination against women and protect them from criminal acts such as rape, abduction, Female Genital Mutilation, sexual exploitation and harassment etc. With regards to abducting young girls with the intent of marriage, the revised penal law has increased the maximum penalty from 3 to 7 years. It has also removed the provision that exempted the perpetrator from his crimes if he marries the victim¹⁷¹.

Nevertheless, the problem still persists as communities practising these traditional practices are not well aware of their obligation to respect and protect the rights of children in general and the rights of children to education in particular. The Committee of the CRC showed its concerns in 2006 in its latest conclusion observation, that vulnerable groups of girls remain victims of harmful traditional practices, and as a result, deprived of education. A similar concern was also voiced by the Committee of CEDAW in its concluding observation, after receiving from Ethiopia the combined fourth and fifth periodic report in July 2004¹⁷².

5.4.4 Enrolment of Children with Special Educational Needs

The government of Ethiopia has given top priority to provide access to primary education for all school age population, as clearly stated in the ETP and ESDP strategies. In the past, however, the educational statistics released by the Ministry of Education was quiet with regards to the educational enrolment of children with special educational needs. No data was available indicating how many primary school age children with special educational needs are available or how many of them are enrolled. No information was also provided in terms of the special facilities available for them. This was also a concern of the Committee on the Rights of the Child that was reflected in its concluding observation in 2006, after investigating the

¹⁷¹ Article 558(2) of the 1957 Penal law provided that no prosecution shall follow if a valid marriage is subsequently reached between the abducted and the abductor. This was outlawed in the revised Penal Law.

¹⁷² CEDAW Concluding Observation. Supplement No. 38 (A/59/38). July 2004

second country report from Ethiopia. The Committee also recognised that disabled children are doubly disadvantaged if they live in rural and remote areas¹⁷³.

The latest education statistics for the year 2006/07 however makes a mention of it although it was very brief and lacks a thorough data on the issue. As shown in the above table, the latest educational statistics for the year 2006/07 only mentioned that there are 33,300 children with special educational needs attending primary education¹⁷⁴. It also adds that the number of children with special educational needs is expected to exceed this number. This explains that not enough attention is given to such children to help them realize their right to education; and there is no data whatsoever to effectively address their problems.

5.4.5 Poverty and the Hidden Cost of Sending Children to School

Although free primary education policies prevail in the country, there are some hidden costs of sending children to school including school uniforms, food, exercise books, etc. One of the major reasons of non enrolment of children in primary school education is therefore inability of parents to cover school costs due to their financial limitations. According to a baseline survey conducted in 2002 in school age population who are out of school in Addis Ababa, the major reason for not going to primary school in Addis Ababa is that parents are too poor to cover school cost, which accounts for 60.1% of the 516 respondents (house hold heads) to the survey. What is more the result showed that poverty accounts for 31.1% of thee reason for school drop out while the need for child labour as a reason for dropping out accounts for 20.1%. The result of the study shows that parents' economic situation has a major impact on enrolment and drop out rates in primary education¹⁷⁵.

Majority of these parents live in a very poor condition earning money that barely meets their survival. Parents would rather involve their children in household chores or force them to earn money working as petty traders, daily labourers, baby sitters, shoe shiners etc. Very often the work is too difficult for rural children affecting them both physically and psychologically. And

¹⁷³ CRC Concluding Observations CRC/C/ETH/CO/3. 2006

¹⁷⁴ Annex vi

¹⁷⁵ A Baseline Survey on School Age Population Who are Out of School In Addis Ababa (2002) p.19

as poverty and large family sizes are interwoven in rural areas, parents may not be able to send all their children to school. Most parents tend to be selective and often end up sending only male children to school. Although the magnitude of the problem is often in rural areas, there are similar cases evidenced in urban areas as well. This, I would argue, is a failure on the part of the Ethiopian government to ensure that communities and families are not dependent on child labour, as explained by CESCR General Comment 13 (55).

Furthermore, with respect to the compulsory aspect of this element of the right to education, the researcher cannot find a legislation imposing upon the parent the duty of sending his/her children to school or providing for other mechanisms to make primary education compulsory. The reason why this is so could be associated with the failure on the part of the government to put in place a system which would make it possible to have access to primary education that may not entail burdens on the financial resources at the household level, despite mention of free primary education in the ESDP. In the ESDP-III, for example, the community is mentioned as one of the sources of funds that are necessary to finance the education sector. All communities are expected to make materials and labor contribution as well as non-salary recurrent expenditures, if required¹⁷⁶. It is obvious that in the absence of education which can be obtained for free it is not possible to oblige a person to comply with rules that are intended to ensure his/her enrolment at a certain level of education.

Considering the drop out rates for girls in Ethiopia the CEDAW committee, in its last concluding observation forwarded in 2004 (to the latest combined report made by Ethiopia in September 2002¹⁷⁷, urged the State party to strengthen its efforts to take measures to reduce and eliminate the high drop-out and repetition rates of girls. One of the solutions the Committee recommended was that the state employs the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 at primary and secondary levels of education. According to the committee, these measures should be geared towards providing incentives to parents to send girls to school

¹⁷⁶ ESDP-III (2005) P.72

¹⁷⁷ CEDAW Concluding Observation, July 2004. Supplement No. 38 (A/59/38)

CHAPTER SIX: CONCLUSIONS AND RECOMMENDATIONS

Conclusion

Ethiopia, a country facing daunting development challenges, including high levels of poverty, chronic malnutrition and recurrent drought, has sustained an impressive push towards realizing universal primary education. This is in line with the various international/ regional and national instruments that the government has ratified and committed itself to. The importance the current Government placed on education for national development was evident from the urgency with which it adopted the Education and Training Policy (ETP) in 1994. A key feature of Ethiopia's advance planning was the integration of school fee abolition into ETP 1994. What is more, the government has adopted relevant policy statements (ESDP-III and III) that guarantee primary education free of charge. Nevertheless, the Ethiopian constitution does not still regard education as a right, nor has it integrated any article in the Ethiopian constitution declaring a school free primary education.

When we look at the budget allocation in the country, there has been a general trend of education budget increase in the country in general. However, education sector is a high priority for regions such as Oromiya, SNNP, Tigray and Amhara regions, while it is less priority for regions like Afar and Somali. The share of primary education has increased from 46.4% in ESDP-II to 50.6% in ESDP-III. However, the latest education statistics of the country has no data on education expenditure disaggregated by year and region. What is more, the education budget allocation for special needs education is 0.0%.

With regards to enrolment, the success registered under ESDP-I and II continued during the third ESDP. ESDP-III pays special attention to the question of equity. Attention is also paid to improving access to education for the children of highly marginalized and pastoralist

communities, to narrowing the urban-rural gap in access to education, and to reducing the regional disparities. The country has more than doubled its net enrolment rate for primary education from what it was in 2003/2004 (during ESDP-II), reaching 79.1% (82.6% for boys & 75.5% for girls) in 2006/07. Tremendous improvement has been shown in cutting down the number of out-of-school children and improving the student/textbook ratio. Moreover, the country has managed to narrow down the gender disparity in primary education enrolment, although the situation differs across regions. However in several educational aspects, the country still has a long way as millions of children in Ethiopia still fail to gain access to schooling.

To start with, a huge regional disparity was observed in net enrolment rate of primary education as the two pastoral regions in the country: Afar and Somali exhibited a very low net enrolment rate (16.4% and 34% respectively) compared to the nearly 100% net enrolment rate observed in Addis Ababa and Benshangul Gumuz. The adoption of a pastoralist and semi-agriculturalist education as a means of mitigating the low enrolment rate of primary education in the pastoralist and semi-agriculturalist regions is an important step taken by the government of Ethiopia in bringing its focus on providing a relevant and quality primary education that adopts the cultural, economic life and indigenous knowledge of the people.

Although decentralising decision making to local contexts has likely improved the relevance of education and education management, equity and quality is still highly dependent upon the capacity and resources available to the regions and specific woredas. Despite the government's priority to provide access to primary education for all school age population, as clearly stated in the ETP and in the ESDP-III, the level of enrolment per se does not guarantee that there will be an improvement in education unless it is matched by sustainable quality of education. Inadequate facilities and insufficient trained teachers that are still evident in the country are indicative of the poor quality of education provided. In addition, high dropout rate is remaining among the challenges of primary education sub-sector. Too, the educational statistical data published so far has little or no mention of the state of children with special educational needs in realizing their rights to education; which may show that children with special needs are not getting the attention that they deserve.

What is more, cultural traditions and attitudes hampering educational access for vulnerable groups of children are far from being eradicated. The progress towards gender parity in primary education is therefore challenged by traditional harmful practices including early marriage and marriage by abduction.

Last but not least, poverty and the hidden costs of education including uniforms, food and stationeries are also among the major challenges to realizing the right primary education in Ethiopia.

Recommendation

The following recommendations are made based upon the striking success stories of dramatic advances in improving access to school and tackling inequalities in the country; and also the needs of the many un-served primary school age children in Ethiopia.

The Ethiopian Government must consider the concern voiced by the Committee on the Rights of the Child and accordingly ensure the inclusion of a provision stating primary education as a right and that it should be provided freely. In addition, the government must work hard to fulfil its reporting duty with out delay to the various committees of international and regional instruments that it has ratified.

The government of Ethiopia should further attempt to assess the severity of grade repetition and dropping out of primary schools in different regions and ethnic groups of the country and further attempt to mitigate them effectively. This is the first step in implementing policies that reach out to the excluded and improve the quality, flexibility and relevance of education. This can only be done in a holistic approach through finding a solution to the factors that serve as a cause to these problems including harmful traditional practices, limited income to send children to school and child labour. What is more, in order to fully realize the right to free and compulsory primary education, the state needs to do a lot for ensuring the availability of necessary school facilities including access to potable drinking water, sanitation facilities, libraries etc. in primary educational institutions.

The government should consider the fact that families in very poor economic conditions may find it difficult to pay for any education related costs including uniforms, stationeries, transport etc. The government, by working hand in hand with NGOs working in the area and UN/ international development agencies including UNESCO, UNICEF, OXFAM GB and other like minded organizations, must address the above challenge and find a means of incentives to help them change their decision. The government should also attempt to promote development programs that could improve the livelihood of parents.

Taking as an important example, the adoption of a pastoralist and semi-agriculturalist education, as a means of mitigating the low enrolment rate of primary education in those regions, localized alternative approaches should be developed further in the country to reach other marginalized group of society based on their cultural, economic and indigenous knowledge of that specific population.

Initiated by the unmet demand for basic education, a number of NGOs have taken measure to support the government in its effort to provide basic education for all. They have already developed and implemented Alternative Basic education programmes in different regions. In order to have the full picture of the state of primary education in the country, educational programs run by NGOs should be studied and evaluated.

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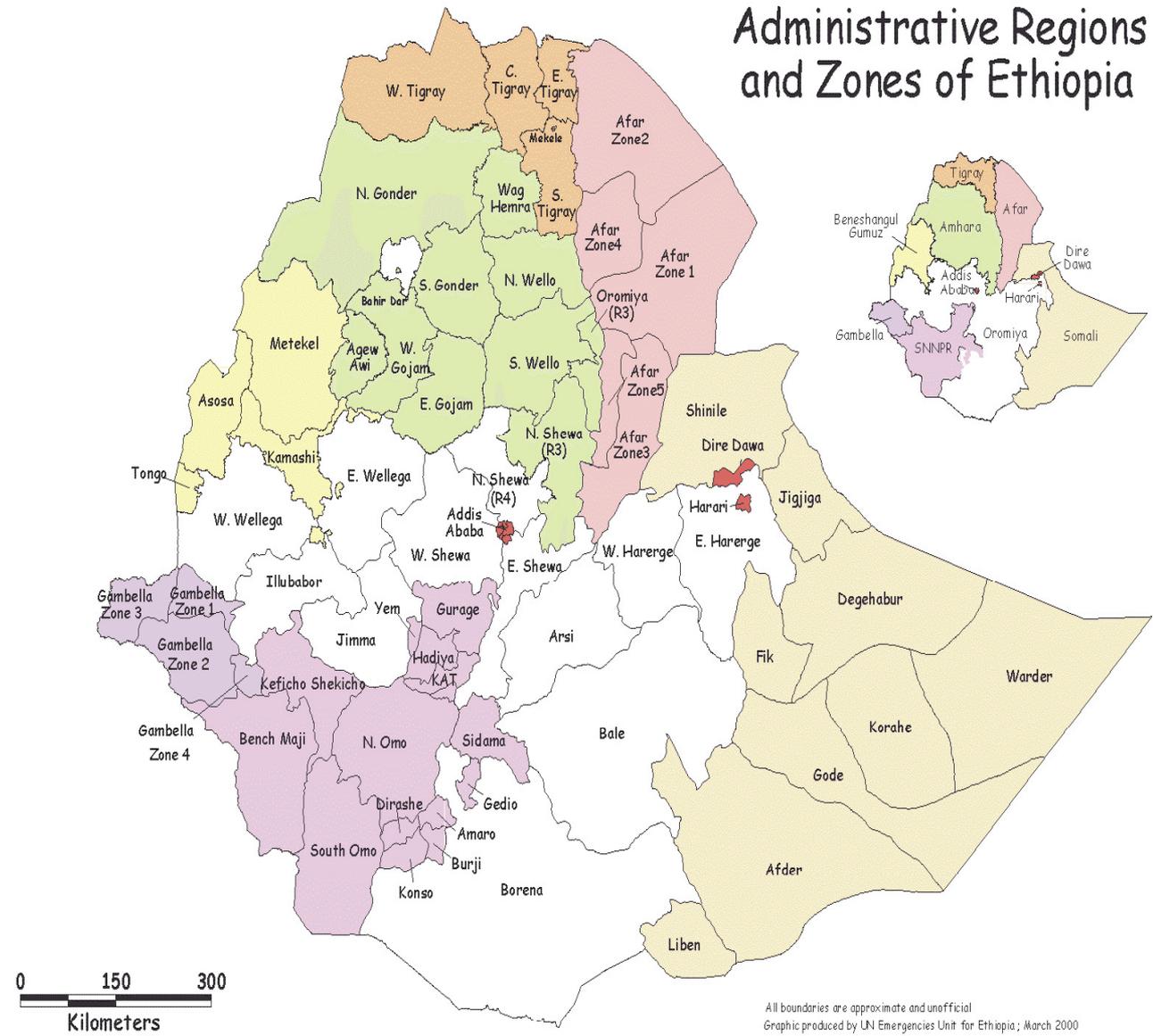
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ANNEX

Annex I: Administrative Regions and Zones of Ethiopia



Annex II: Countrywide education budget

(in millions of Birr)

Description	1997/98	98/99	99/00	2000/01	01/02	2002/03	2003/04	2004/05
Capital	532.5	659.8	589.3	989.0	977.3	1030.1	816.3	1635.5
Recurrent	1012.1	1336.0	1417.9	1698.5	2087.1	2348.6	2615.5	2976.8
Total	1544.5	1995.8	2007.1	2687.4	3064.4	3378.7	3431.8	4612.3

Source: Oxfam GB and BEA Ethiopia 2006, P.30

Annex III: Share of education budget in selected regions for selected years

%

Region	1997/98	1998/99	2001/02	2004/05
Afar	12.7	14.5	18.1	15.8
Benishangul	16.2	16.2	19.3	26.7
Oromiya	31.9	34.9	38.9	36.9
SNNP	28.6	31.0	40.5	39.9
Somali	9.2	15.2	14.1	16.1
Tigray	26.4	24.4	39.3	38.6
Amhara	24.0	27.3	33.2	39.6
National	14.4	14.2	15.7	21.0

Source: Oxfam GB and BEA Ethiopia, 2006

Annex IV: Recurrent and Capital Cost by Sub-Programs

(Million Birr)

Sub-Program	Capital	Recurrent	Total	Percentage Share
Primary Education	11,305.70	15,968.00	27,273.80	50.6
Primary Education (Formal & ABE)	11,305.70	14,634.70	25,940.50	48.1
Teacher Training (TTI & TTC)	0	1,045.10	1,045.10	1.9
Adult & Non-Formal Education	0	288.2	288.2	0.5
Secondary Education	4,204.70	2,443.20	6,647.80	12.3
Technical and Vocational Education and Training (TVET)	3,031.80	1,590.50	4,622.30	8.6
Tertiary Education	4,106.90	8,830.80	12,937.60	24.0
Special Needs Education	2	3	5	0.0
Capacity Building	139	21	160	0.3
Administration and Others	61	2,204.90	2,265.90	4.2
Total	22,851.10	31,061.40	53,912.40	100.0
Grand Total	22,851.10	31,061.40	53,912.40	100

Source: FDRE ESDP-III 2005, P. 69

Annex V: Primary Education enrolment of Children with Special Educational Needs

Disability	Primary (1-8)		
	Male	Female	Total
Visually Impaired	2,690	1,706	4,396
Physically Impaired	7,253	5,289	12,542
Hearing Impaired	4,047	2,807	6,854
Mentally Retarded	4,366	2,946	7,312
Other	1,205	991	2,196
Total	19,561	13,739	33,300

Source: MOE Education Statistics Annual Abstract 2006/2007

