

Ethiopia's Growth and Transformation Plan and the Rights of Children

**A Review of the Growth and Transformation Plan and
Aspects of Its Mid-Term Implementation from the
Perspectives of the Rights of the Child**

by

Tadesse Kassa W. and Yitayew Alemayehu

ISBN 978-99944-969-3-8



**CENTER FOR HUMAN RIGHTS
ADDIS ABABA UNIVERSITY
MAY 2014**

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Special thanks to the Save the Children International- Ethiopia

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ACRONYMS

ACRWC	African Charter on the Rights and Welfare of the Child
BPR	Business Process Re-engineering
BSC	Balanced Score Card
CBOs	Community Based Organizations
CRC	Committee on the Rights of the Child
FDRE	Federal Democratic Republic of Ethiopia
GTP	Growth and Transformation Plan
HoPR	House of People's Representatives
ILO	International Labor Organization
MDG	Millennium Development Goals
MoCS	Ministry of Civil Service
MoFED	Ministry of Finance
MoJ	Ministry of Justice
MoWCYA	Ministry of Women, Children and Youth Affairs
OAU	Organization for African Unity
PASDEP	Plan for the Accelerated and Sustainable Development to End Poverty
ToR	Terms of Reference
UDHR	Universal Declaration of Human Rights
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund

INTRODUCTION

That Ethiopia has, for long, been known for its poverty is a truism. It does not take much to witness the gruesome wounds of poverty in Ethiopia and no one bears them more than Ethiopian children. They are the children who die in their infancy or when still tender. They are the ones that are malnourished, and on occasions, starved. They are the ones whose prospects for personal growth and enrichment are thwarted because they cannot enroll in schools. They are the ones who live under unhealthy circumstances and who, when sick, cannot access medical care. They are the ones who are orphaned, live on the streets, or are exploited under unseemly conditions. Their victimization is compounded by age-old traditions and inimical cultural practices that subject them to discrimination if they are female or belong to marginalized social groups, and even to cruelty perpetrated in the name of culture.

Over the past several years, a concerted effort has been underway to bring to an end to the malevolence, malignancy and pervasiveness of poverty. Successive plans, many specifically targeting children and the challenges to their survival and development, have been designed and implemented. The results are there to be seen – more children surviving into their youth, many of them attending schools, to mention a few.¹ Yet, much needs to be done. Poverty is still an Ethiopian reality and children continue to be its victims. The Government of Ethiopia, mindful of this reality, has long made the end of poverty its avowed primary goal, inexorably tying not only its legitimacy, but the very survival of the nation, on its achievement.

Ending poverty, at least minimizing its incidence and inimical effects, has also been a goal that the international community has been committing itself to time and again. With the dawn of the new century, this commitment was once more renewed with the adoption of the Millennium Development Goals (MDGs). At the core of the MDG are the world community's promises to its children to bequeath to them a world less poor than what it is,

¹ For a review of improvements in the state and welfare of children in Ethiopia and different government programs contributing to these improvements see MoFED and the United Nations in Ethiopia.

and to see to it that their childhood is as much protected from the inimical byproducts of poverty as possible.

The adoption of the MDGs is not the first time the world community has shown its moral commitment to making childhood a state of freedom and development for children. Since the first decades of the last century, the world community has brought children, their interests, and welfare to the fore committing itself in various binding and non-binding international instruments to protect their survival, to promote their welfare, to consider their best interest, and to ensure their participation in all aspects of social life. These commitments are expressed in such instruments as the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of Children (ACRWC). Ethiopia has also officially embraced these commitments, ratifying treaties and making and amending its laws to better ensure the interests of children. As important, if not even more so, Ethiopia, especially in the past decade has been very active in designing and implementing social and economic programs aimed at improving the state and welfare of children.

In 2010, Ethiopia began implementing a broad and ambitious (some even called it “overambitious”) national development plan to last for five years. This is the Growth and Transformation Plan (GTP) which is the subject of the present study. A continuation of previous poverty reduction strategic papers and plans that Ethiopia implemented, notably, the Plan for Accelerated and Sustained Development to End Poverty (PASDEP), the GTP is seen by its architects as the crucial step in fundamentally transforming Ethiopia from its current state of poverty to being in the class of middle income countries, from its being primarily agricultural to being mainly industrial. It is a plan that touches upon various fields charting the direction the country will follow in its efforts to bring about not only economic, but also social and political development.

Making the end of poverty its primary target, the GTP is expected to impact the lives, welfare, interests, and rights of children. The present study is aimed at assessing the nature of this impact. It tries to see how the GTP addresses the interests and welfare of children in its organization and how those implementing the GTP make the rights and interests of children matters of central, if not primary, concern. As a complex and

sophisticated plan encompassing an extensive list of activities, the GTP lends itself for analysis from different perspectives. In this study, however, it is examined from the perspectives of the rights of children. That means the study emphasizes the congruity of the moral and normative commitments of the GTP in its designing and implementation to those underlying the rights of the child. It also looks at how much the narrative and activities of those who are entrusted with the implementation of some selected sections of the GTP contribute to the realization of the rights of the child or to the utilization of opportunities created by the GTP.

The study was commissioned by the Center for Human Rights of Addis Ababa University with financial support from Save the Children International. The study team would like to extend its appreciation to the two institutions. The team also appreciates the dedication and hard work of the team of students at the Human Rights Center who collected the documents and conducted the interviews used in the study. We also thank the different government agencies and their officials who were helpful in furnishing necessary documents and in answering questions.

CHAPTER 1. BACKGROUND, OBJECTIVES AND ORGANIZATION OF THE REVIEW

The following is a report of the Review of the Growth and Transformation Plan and Aspects of Its Mid-Term Implementation from the Perspectives of the Rights of the Child (hereinafter “the Review”). The Review was commissioned by the Center for Human Rights of Addis Ababa University pursuant to its agreement with Save the Children International to carry out a series of studies on the current state of the rights of children in Ethiopia. The overall aim of the Review is to assess the impact of the Growth and Transformation Plan (hereinafter the “GTP”), the overarching economic plan the Government of Ethiopia adopted for the period 2010/11-2015/16, on the rights of Ethiopian children.

The Review has the overall objective of examining the GTP from the perspectives of Ethiopia’s commitments to the rights of children. Apart from this broad objective, the Review also assess the implementation of specific sections of the GTP dealing with capacity building, democratic institution building, and cross cutting issues and the implication thereof on the rights and welfare of children. These objectives involve answering three major and interrelated questions. The first of these is answering what Ethiopia’s commitments to the realization of the rights of the child are in general and what actionable commitments have been undertaken by Ethiopia in promoting the rights of the child during the period of the implementation of the GTP especially during the period the GTP has been implemented at the mid-term mark. The broad contours of these commitments are to be discerned from the international and national legal obligations Ethiopia assumed under relevant international child rights instruments mainly the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), the Constitution of the Federal Democratic Republic of Ethiopia (FDRE), and other relevant national laws. Furthermore, Ethiopia’s commitments to the realization of the rights of the child are also to be gleaned from the official policies on children, women, development and other pertinent issues that the Government of the FDRE adopted including the GTP itself. The second question deals with establishing the specific measures and actions that the GTP sets out to achieve during its implementation that directly and indirectly impact the commitments that Ethiopia undertook in realizing the right of the child. In other words, the second question involves relating the planned actions and goals

of the GTP to Ethiopia's commitments to the rights of the child. The final question that needs to be investigated in the Review is that of establishing the degree to which the specific measures planned under the GTP in relation to capacity building, democratic institutions building and the issue of children as a cross cutting issue have been implemented and identifying the likely contribution of these measures to the promotion of the rights and welfare of children.

In order to answer these questions, the following were set as the specific objectives of the Review:

- Carry out an in-depth analysis of the legal and policy commitments to the rights of the child as these are enshrined in relevant legal, policy and other documents;
- Review the GTP itself in light of the fundamental principles of the rights of the child to identify how it has incorporated the rights and interests of the child in its adoption, in its targeted plans and goals, and in its implementation and review; and,
- Review the implementation of the specific measures related to capacity and democratic institution building and children's issues as a cross cutting issue and assess their contribution to the rights and welfare of children.

The Review called for considerable effort to develop an evaluative framework specifically suited to its objectives. This was because the GTP lacks mechanisms to disaggregate and discreetly assess its impact on children although, as an overarching development plan, it does have such wide ranging impact. The first task of the Review thus involved developing a conceptually and methodologically coherent evaluative framework. This framework takes into account both the commitments Ethiopia assumes in realizing the rights of the child and the corresponding planned activities of the GTP that are directly or indirectly related to these commitments. This evaluative framework is explained in detail in the Chapters 3 and 6 dealing respectively with the overall methodological approach of the Review, and the assessment of the implementation of selected sections of the GTP.

The present report begins with a brief overview of the development of the rights of children under international law. As a member of the international community that endorsed several international treaties on human rights in general and the rights of children in particular, Ethiopia incorporates the norms that underlie these rights and made them part of its laws. Thus, the Chapter is a partial overview of the legal and policy framework within which the GTP operates. No less significantly, however, the overview of developments in the international legal regime shows the evolution of the values we accord to children and what we deem children should be entitled. The Chapter thus lays the foundation for the discussion in Chapter 3 on the methodological approach for evaluating the GTP from the perspectives of the rights of children. Chapter 3 explains this approach which is distinctive in emphasizing the role of ideas and values in the policy process. The Chapter also discusses the premises underlying and considerations taken into account in designing the methodology for the Review. The second section of Chapter 3 presents the normative framework utilized to review the GTP. This framework is derived from the moral and normative commitments that are identified as the fundamental principles of the rights of the child as these are recognized under international and Ethiopian laws. Chapter 4 presents a reading of the GTP from a specifically child rights perspective. The Chapter reviews the GTP by looking at it in light of the evaluative framework developed in Chapter 3. The Chapter also complements the discussion in Chapter 2 on the legal and policy framework within which the GTP operates focusing mainly on domestic legal and policy instruments. While Chapter 4 focuses on the overall organization of the GTP, Chapter 5 deals with the specific sections of the GTP that are singled out as matters of especial interest. These are the sections dealing with capacity building, justice sector reform, building the capacity of democratic institutions, and children's issues that are characterized as cross-cutting issues under the GTP.

Chapter 6 presents the conclusions of the Review as well as its recommendations.

CHAPTER 2. THE RIGHTS OF CHILDREN: OVERVIEW OF INTERNATIONAL LEGAL DEVELOPMENTS

The post-World War II legal order has witnessed a gradual transformation of fundamental values advocating the human person's inherent dignity, equality and autonomy from mere moral prescriptions to clear articulations of legal standards, finding expression in international human rights instruments and domestic constitutional orders. Nowhere else has this faith in fundamental human rights been more perceptible than in the resolute stance demonstrated by the global community in the protection of the family and the promotion of the rights and welfare of children.

Indeed, landmark steps have been undertaken to improve the legal frameworks and institutional arrangements for the protection and implementation of children's rights across many jurisdictions. Apart from the UN's six core binding human rights treaties, a string of widely applicable instruments - such as declarations, principles, guidelines, standard rules and recommendations - have also been adopted on numerous occasions.

The International Labor Organization (ILO) Minimum Age Convention No.138 (1973) and the ILO Worst Forms of Child Labor Convention No.182 (1999) - were adopted to realize the elimination of worst forms of child labor and to raise progressively the minimum age for admission to employment to a level consistent with the fullest physical and mental development of young persons. The International Covenant on Civil and Political Rights (ICCPR) (1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966) and the UNCRC (1989) were likewise adopted - providing protection to children in situations of violence, abuse and exploitation, and extending rights specifically involving cross-cutting themes such as development, survival, education, custody, guardianship, maintenance, adoption, name, nationality, opinion, participation, justice and non-discrimination. The ACRWC was adopted in July 1990 by the Organization of African Unity (OAU), and entered into force in November 1999.²

² Organization of African Unity (1990), African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49, *entered into force* on 29 Nov. 1999; Ethiopia ratified the Charter on 4 July 2000.

By far, the UNCRC and the ACRWC constitute the most comprehensive normative prescriptions. However, the rights of children have been provided in numerous other instruments; while some conventions provided standards directly intended for application to children, most have been age/gender-neutral, and envisioned to apply to every human person - including children.

Indisputably, the Universal Declaration of Human Rights (UDHR) - a milestone instrument decreed by the United Nations General Assembly in 1948 - has strongly inspired the standard setting enterprise in the field of children's human rights.³ However, the start of international efforts that organized rights specifically focusing on the welfare of children could be traced beyond the UDHR. For instance, the ILO earliest initiative in promoting social justice and introducing more humane working conditions to workers had commenced through the protection of children, young persons and women; for about a century, the abolition of child labor has constantly been high on the institution's norm-setting agenda.⁴ Child labor has widely been regarded detrimental to children's moral, psychological and physical makeup, and hence labeled as a violation of fundamental human rights of children.

By 1919, the General Conference of the ILO had already adopted its first convention regulating minimum age requirements in industries; between 1919 and 1965, a series of conventions had been put in place to protect children and abolish child labor in selected sectors - including agriculture, non-industrial employments, fishery and the sea. In 1973, the Organization launched a new movement to abolish child labor across all sectors; in the same year, a comprehensive document on the subject - the Minimum Age Convention No.138 - was endorsed by the ILO to determine the minimum age for admission to any type of employment or work.⁵

³ Art.25 of the UDHR generally provided that childhood shall be entitled to special care and assistance, and that all children, whether born in or out of wedlock, shall enjoy the same social protection.

⁴ Note that Art.23 of the Covenant of the League of Nations had anticipated that the members of the League will endeavor to secure and maintain fair and humane conditions of labor for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and will for that purpose establish and maintain the necessary international organizations.

⁵ ILO (1973), Convention Concerning Minimum Age for Admission to Employment No.138 Geneva, 58th ILC Session, *entry into force* 19 June 1976, Art.3

In 1959, the Declaration on the Rights of the Child was unanimously endorsed by member states as Resolution 1386(XIV) of the United Nations General Assembly. The Declaration proceeded on the basis of a fundamental premise that the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection before as well as after birth.⁶ The Declaration proclaimed ten basic principles which formed the essential basis of the UN Convention on the Rights of the Child - adopted 30 years later, in 1989.

The ICCPR and the ICESCR offered further articulation of the 'general' human rights provisions proclaimed by the UDHR.⁷ Still, the substantive protections of the ICCPR and ICESCR extended to children in 'fairly' the same way as adults - without any discrimination; the fundamental principles and standards apply to every human person, individual ages notwithstanding, although in certain circumstances, the special needs and vulnerabilities of children may justify a distinct framing or adaptation of the rights prescribed.

While the two instruments could not be labeled as child-specific legal frameworks, they did however provide vital stipulations which extended children certain measures of human rights protections.⁸ Likewise, the ICESCR provided a range of rights particularly designed for children.⁹

⁶ United Nations (1959), Declaration on the Rights of the Child, United Nations General Assembly Resolution 1386 (XIV), Preamble

⁷ United Nations (1966), International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. No. 16) at 52, U.N. Doc.A/6316, 999 U.N.T.S. 171, *entry into force* March 23, 1976, Preamble; United Nations (1966), International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI) UNTS vol. 993, p.3, *Entry into force* 3 January 1976, Preamble

⁸ These included Art.6 of the ICCPR prohibiting the imposition of death penalty for crimes committed by persons below eighteen years old; Art.10 on the speedy adjudication and separation of accused juvenile persons from adults, including the accord of treatment appropriate to their age and legal status; Art.14 which calls for any judgment rendered in a criminal case or in a suit at law to be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children; Art.18 which calls upon states to respect the liberty of parents and legal guardians to ensure the religious and moral education of their children in conformity with their own convictions; Art.23 which requires states to take steps to ensure the necessary protection of children in cases of dissolution of marriage; and Art.24 which entitles every child the right to such measures of protection as are required by his status as a minor, a right of registration immediately after birth, and a right of name and nationality.

⁹ The stipulations included Art.10 which called for the widest possible protection of the family, particularly while it is responsible for the care and education of dependent children; the accord of special protection to mothers during a reasonable period before and after childbirth - including paid leave or leave; the protection of children and young persons from economic and social exploitation; the setting of age limits below which the paid employment of child labor should be prohibited; and Art.13 on free and compulsory

On the other hand, the UNCRC was adopted by General Assembly Resolution No.44/25 of 20 November 1989 - in reaction to the need for reinforcing existing procedures - while at the same time introducing new arrangements clearly highlighting that children would, by reason of their physical and mental immaturity, require a more comprehensive accord of safeguards, care and legal protection. The CRC entered into force on September 2, 1990; a record number of states, 193, had since ratified, acceded to or accepted the instrument.¹⁰

Indeed, the UNCRC has expansively provided for the economic, social, cultural, civil and political rights of children. The Convention presented on the definition of the child, and imposed on states the obligation to respect and ensure the rights set forth in the instrument to each child within their jurisdiction without discrimination of any kind.

As noted earlier, the UNCRC also incorporated one of the fundamental principles in the protection of children's rights and welfare - the 'best interest of the child' conception - which required all public or private social welfare institutions, courts of law, administrative authorities as well as legislative bodies to heed to when considering actions concerning children. The rights and duties of all persons legally responsible for the child to provide, in a manner consistent with evolving capacities, appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention was also established.¹¹

primary education and general availability and accessibility of secondary education; the right of parents and legal guardians to ensure the religious and moral education of their children in conformity with their own convictions and to choose their children's schools.

¹⁰ Ethiopia acceded to the Convention on May 14, 1991: Proclamation No.10 (1992), A Proclamation to Provide for the Ratification of the Convention on the Rights of the Child, Addis Ababa

¹¹ The Convention also recognized the inherent right of the child to life, to survival, development, registration, to acquire name, nationality, the right to the preservation of identity, the right to know and be cared for by one's parents, the right not to be separated from parents against will unless the child's best interest so dictates, the right to positive, humane and expeditious treatment in family reunification proceedings, the right to protection from illicit transfer and non-return of children abroad, the right to express views freely and to due consideration of such views in accordance with their age and levels of maturity, right to freedom of expression, thought, conscience, religion, association, peaceful assembly, privacy, honor and reputation, the right to protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, and the right to special protection and assistance provided by the state - including alternative care, where appropriate.

Likewise, the Convention recognized the rights of mentally or physically disabled children to enjoy a full and decent life, the rights of children to the enjoyment of the highest attainable standard of health and to facilities, to benefit from social security, right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development, the right of the child to primary education compulsory and freely

The overwhelming support and commitment which the UNCRC received from the community of states invigorated the adoption of more specific measures - further enhancing the protection of children from involvement in armed conflicts and from the harmful and widespread impact of such conflicts. Among others, a new protocol was adopted aiming at achieving such objectives by raising the age of compulsory recruitment to and participation in armed groups / forces and hostilities to 18 years and to implement the best interests of the child in all actions concerning children.

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict was adopted by General Assembly Resolution 54/263 of 25 May 2000, and entered into force in February 2002. In some measures, the Protocol complemented earlier initiatives undertaken under a separate legal framework of the Rome Statute of the International Criminal Court which criminalized the conscription or enlisting of children under the age of 15 or their use in hostilities in international and non-international armed conflicts, the recommendations of the International Conference of the Red Cross and Red Crescent (1995) which required parties to a conflict to take feasible steps to ensure that children below the age of 18 years do not take part in hostilities, and the ILO Convention 182's prohibition on forced and compulsory recruitment of children for use in armed conflicts.

Evidently, some objectives of the UNCRC could not have been meaningfully achieved nor implemented except through concerted measures aimed at safeguarding children's vulnerabilities to such evils as child sale, prostitution and pornography. This is particularly true given the widespread practice of sex tourism and the alarming increase of international traffic in children for the purpose of the sale, child prostitution and child pornography in recent decades. Hence, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography was

available to all, the development of different forms of secondary education available and accessible to every child freely or through financial assistance, a right to enjoy own culture, to profess and practice own religion, or to use own language, the right to rest and leisure, to engage in play and recreational activities, the right to protection from all forms of sexual exploitation and sexual abuse, the right to freedom from torture or other cruel, inhuman or degrading treatment or punishments, the right to exoneration from capital punishment or life imprisonment without possibility of release for offences committed by children below eighteen years of age, and the right to freedom from unlawful or arbitrary deprivation of liberty.

adopted by General Assembly Resolution No 54/263 in May 2000; the instrument entered into force on January 18, 2002. The Protocol instituted detailed mechanisms for the prohibition of the sale of children, child prostitution and child pornography.

Likewise, the UN General Assembly's Resolution No.55/25 of 15 November 2000 on the Convention Against Transnational Organized Crime, and most particularly, its supplement - the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) provided for a comprehensive set of rules and international approaches to prevent trafficking, to punish traffickers and protect the victims of such trafficking in the countries of origin, transit and destination, including measures of protection of their human rights. As in all other specialized protective regimes on the rights of children, the adoption of this Protocol has been prompted by the fact that , no comprehensive framework existed addressing the issues of trafficking in children despite the increased number of international instruments on the protection of persons from exploitation.

Preceding such initiatives in the UN human rights system, a series of conventions and recommendations were also adopted by the ILO since 1919; they endeavored to regulate the minimum age requirements for admission to any form of employment. The main objectives had aimed at completely abolishing the employment of child labor and promoting the wellbeing of children.

In spite of the international initiatives, however, children continued to be subjected to various forms of exploitation and abuse in circumstances which related to working relationships - a state of fact which called for priority actions both at the national and international levels, complementing measures taken under the frameworks of the earlier conventions. In 1996, the International Labor Conference of the ILO took up the subject for consideration; by 1999, the Organization was convinced that although certain aspects of the worst forms of child labor have been covered by a number of other international instruments - including the Forced Labor Convention (1930) and the United Nations Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery (1956), the nastiest forms of child labor and associated challenges affecting children should be regulated in a very comprehensive fashion. The

Worst Forms of Child Labor Convention No.182 (1999) was adopted against the background of this setting, and entered into force in November 2000.¹²

On the other hand, in a regional context, the African Charter on the Rights and Welfare of the Child, a continental human rights protection and enforcement mechanism, was adopted in July 1990 by the Organization of African Unity (OAU). It entered into force in November 1999.¹³

Normatively, the ACRWC builds on and complements international developments since achieved in the field of child rights protection, and particularly through the UNCRC itself, the general prescriptions of the African Charter on Human and People's Rights, and the political Declaration on the Rights and Welfare of the African Child adopted by the Assembly of Heads of State and Government of the OAU in 1979. In substance, the ACRWC represents another most-comprehensive treatment of children's rights and protection, and remains one of the most important pillars of the African and Ethiopian human rights systems; yet, while applying the same core principles as the UNCRC with regard to the definition of the child, non-discrimination, best interest of the child, rights of survival and development etc., the Charter has also introduced a series of principles that have no parallel in the CRC.

The Charter called upon states to recognize the rights, freedoms and duties enshrined in its text, undertake necessary steps to adopt legislative or other measures as may be necessary to give effect to the provisions of the Charter, and more importantly, to discourage any custom, tradition, cultural or religious practice that is inconsistent with the rights, duties and obligations contained in the Charter. It laid the fundamental principle of 'non-discrimination', and recognized the 'best interest of the child' conception as the

¹² Ethiopia ratified the instrument on 2 Sept. 2003

Art.3 of the Convention defined the worst forms of child labor as comprising all forms of slavery or practices similar to slavery such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

¹³ Organization of African Unity (1990), African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49, *entered into force* on 29 Nov. 1999; Ethiopia ratified the Charter on 4 July 2000.

primary consideration in all actions concerning the child; the right to survival (life) and development was confirmed - proscribing the pronouncement of death penalty for crimes committed by children. Likewise, the Charter affirmed every child's rights to name, nationality, registration, freedom of expression, association, thought, conscience and religion, to the protection of privacy, right to the enjoyment of parental care and protection, the right to free and compulsory education directed at the promotion and development of the child's personality and abilities and the preservation of African morals, values and cultures, and the rights to leisure, recreation and cultural activities. It also provided for broader rights of handicapped children, the rights of children to health and health services, and called upon states to protect children from child labor, abuse and torture. In its second part, the Charter focused on the obligations of states, and imposed a series of duties relating to protection of children against harmful social and cultural practices, armed conflicts, facilitation of adoption and alternative family cares, protection against apartheid, discrimination, sexual exploitation, child sale, trafficking and abduction. The Charter also went great lengths articulating the 'responsibility' of children towards the family, society, state and other legally recognized communities and the international community.

The overview of the international and regional legal regime on the rights of children above shows that the world community has, over the past century, paid increasing attention to the interests and welfare of children. This concern finds itself crystallized in various legal instruments some of which are discussed above. These instruments are not, however, mere legalistic exercises. They are, rather, succinct statements of the moral positions the world has come to accept as legitimate in its dealing with its children. The next Chapter will discuss what these moral positions are and how they may serve as evaluative frames in reviewing the GTP.

CHAPTER 3. METHODOLOGICAL APPROACH FOR ANALYZING THE GROWTH AND TRANSFORMATION PLAN FROM THE PERSPECTIVES OF THE RIGHTS OF CHILDREN

3.1. Methodological Approach

The present Chapter deals with the methodological approach the study team adopted in reviewing the implementation of the GTP from the perspectives of the rights of children. The approach followed can be characterized as distinctive in being explicit and detailed about its normative framework and in its decided focus on the GTP itself as well as the views of those entrusted with its implementation. In other words, in reviewing the GTP and its implementation from the perspectives of the rights of the child, the Study examines to what extent the GTP itself and the activities of those entrusted with its implementation are informed by the values underlying the rights of the child. It also aims at identifying opportunities created as well as challenges posed to the realization of the rights of children in the context of the implementation of the selected sections of the GTP.

A number of assumptions underlie the methodological approach adopted in the Study. These include:

The study should aim at presenting practical recommendations. A major requirement for the Study as indicated in the ToR is that it should recommend ways “to improve the implementation of GTP with regard to the protection of the rights and welfare of the children in Ethiopia as well as [identifying] lessons for the development of future policy and strategic documents in the country by mainstreaming of child rights.” As an exercise in applied and program oriented research, we believe that this is a cardinal requirement that should inform the study and its methodology. It is our belief that practicable recommendations can only be made by identifying the opportunities that are created by the GTP as well as the readiness of those who are primarily responsible for its implementation to embrace these opportunities. We also believe that recommendations can only be effectively realized where they are made in a deliberately consensus seeking manner that minimizes defensiveness and promotes dialogue.

The study and its recommendations should be pragmatically oriented. Any study that aims at evaluating any program or policy should be mindful of the nature and interests of

those who are its primary users as well as the institutional context within which they operate that define the possible courses of action that they can pursue. The present study is commissioned by the Center for Human Rights, an academic center of teaching and research within Addis Ababa University, the premier state funded institution of higher education in Ethiopia. The Center is established with the objectives of promoting the interdisciplinary and academic study of human rights. Funding to the Study was provided by Save the Children International, an international non-governmental organization active in the promotion of the rights and welfare of children. Both agencies are thus civil society organizations whose role in the policy making and implementation process can only be an indirect one of attempting to influence policy makers. That role can be understood and indeed can only be effective if it takes account of the views, achievements and challenges of the government agencies entrusted with designing and implementing the GTP. In fact, it is these agencies that are the primary audience of the study.

The GTP is a broad plan that aims at guiding the overall economic and social direction Ethiopia is to follow during its implementation. It is also a plan that guides the planning and operation of all state agencies from the federal to the *wereda* levels. As per the ToR, the Review calls for a narrower assessment of the implementation of the GTP focusing in general on the latter's impact on the rights of children and in particular on the impact of the GTP's sections on capacity building and good governance, children and gender issues, and social protection and labor market. Even this delimitation of the scope of the Review, however, calls for an extensive exercise beyond the resources of the study team and is perhaps beyond the resources of any team if it is not further delineated in its targets, the type of information it seeks, the scale at which it is to be carried out and, perhaps more importantly the purpose for which it is carried out. In order to produce a meaningful, succinct, and focused report, the study team adopted an approach that is dictated by the purpose for which the Review is being conducted and narrowly defined from both practical and theoretical perspectives.

One of the objectives of the Review as set out in the ToR is that of assessing how the GTP integrated the issues of children. The extent to which the GTP has integrated the interests of children can be examined by looking at the process through which it was adopted and the mechanisms it has put in place to ensure the ongoing integration of the

interests of children in the course of its implementation, monitoring and evaluation. These are matters that are mainly dealt with in the GTP itself and require a reading of the GTP from these perspectives.

Since the rights of the child encompass all aspects of socio-economic and political life, it can be said that all sections of the GTP impact the rights and welfare of children in one way or another. For the purposes of the Review and based on the requirements of the ToR, however, these sections are divided into those that are of more proximate and direct interest to the Review and those that are of interest to the Review only indirectly. This classification is made on the basis of the specification of the objectives, and the enumeration of research questions, of the Study in its ToR. Thus, those sections of the GTP that have been singled out in the ToR as of special interest to the Review, namely the sections of the GTP on capacity building, justice sector reform, democratic institution building, and cross cutting issues relevant to children, are identified as matters of direct interest.

Based on this classification, we followed a two thronged approach corresponding to the requirements of the ToR for the Review. The first is that of examining the overall organization of the GTP and assessing how it has addressed the rights of the child. The second approach involves examining how the implementation of the sections of the GTP that are identified as matters of special interest affect the rights of children.

In the first approach, i.e. examining the overall organization of the GTP from the perspectives of the rights of the child, we engage in a critical reading of the GTP on the basis of evaluative questions derived from the value assumptions and normative commitments that form the moral and ideational framework of the child rights regime. In other words, we begin by identifying the core values that undergird the body of legal rules and prescriptions constituting the rights of children under international and Ethiopian law and the normative commitments flowing from them. In so doing, we mainly relied on the authoritative statements about and explications of the UNCRC by recognized international authorities especially by the Committee on the Rights of the Child (CRC). Based on these normative and evaluative framework discussed in the next section, we examine the GTP as it is and see how its different constituent parts have incorporated the rights of children in their

formulation, in their identification of targets, and in setting goals. Our examination is generally limited to the four corners of the GTP document itself aiming to provide a broad overview of the potential contributions to and impact on rights and welfare of children of the GTP as originally planned.

The broad overview of the organization and presentation of the GTP from the perspectives of the rights of the child is followed by a review of the implementation of selected sections of the GTP. These sections, identified in the ToR for the Study as matters of special interest, are those that are outlined in Chapter 7 sections 1, 3, and 4 (on capacity building, justice sector, and democracy and good governance), and in Chapter 8 Sections 1, 4, and 5 (on the cross cutting sectors of gender and children's affairs, social welfare, and labor affairs) of the GTP. We follow a somewhat different approach than the one we followed in reviewing the overall organization of the GTP when looking at the status of actual implementation of the GTP with regard to these specific chapters and sub-chapters. We note that the implementation of these sections of the GTP could be conducted from different theoretical and disciplinary perspectives. The approach we took focuses on assessing how the values undergirding the rights of the child are integrated in the course of the implementation and reporting of the specific activities, targets and goals of the GTP by those agencies that are entrusted with the task of implementing it. The details of this approach, how it addresses and integrates the pragmatic considerations mentioned above, the methodological stance assumed, and the data collection strategies adopted are discussed in detail at the beginning of Chapter 6.

It is important, however, to state at the outset that our approach is informed by the growing academic and practical literature on an institutional approach that focuses on the role of ideas, values and discourse in the public policy process.¹⁴ In this view, the policy process is one in which the governing values and norms of a society are defined, and given effect in practical measures that regulate social relations. While policy declarations, legislative bills, programs, projects, and other specific measures constitute the hardware of a policy, it is the value commitments that a society makes that endow meaning and coherence to these specific measures. The extent to which these specific measures are legitimate depends on their conformity to the underlying value commitments. More

¹⁴ For an overview of the different models following this approach, see Fischer and Forester (1993).

importantly, the effective implementation of these measures depend to a large extent on how far those entrusted with the task of designing and implementing, as well as those who are addressed by, these measures have internalized their underlying value commitments. An assessment of the GTP and its impact has thus to begin with an identification of the fundamental values and norms that dictate the choices made by the policy maker in determining what are appropriate priorities and measures. As will be discussed later on, the identification of these norms and values serves as a basis for an examination of the extent to which these norms and values correspond to those that underlie the rights of children. Moreover, the identification and comparison of the values and normative commitments undergirding the rights of children as well as the GTP itself also serve significant and pragmatic purposes related to the implementation of public policy as well as for advocating for the modification of existing and designing new policies including the GTP.

In the next section, the value commitments which will be used to critically examine the GTP from the perspectives of the rights of the child are discussed. These standards, identified as the guiding principles of the rights of the child under international and Ethiopian law, will be used to assess how the objectives and activities of the GTP are likely to contribute to or impact the realization of the rights of the child.

3.2. Constructing the Normative Standard for the Review

Reviewing the GTP and aspects of its implementation from the perspectives of the rights of the child demands identifying the body of rights to which Ethiopian children are entitled under international and Ethiopian law. An extensive list of these rights is to be found in the UNCRC and the ACRWC. The Constitution of the Federal Democratic Republic of Ethiopia makes these treaties part of Ethiopian law and the rights children enjoy under these treaties are also recognized as such under Ethiopian law. Apart from the general application of these treaties as part of Ethiopian law, however, there are also Ethiopian domestic laws that provide more specific formulations on the rights of the child.

Rights in general and the rights of children in particular are legal crystallizations of moral claims that are recognized as legitimate. They express what a society judges its

members or sections thereof are entitled to and its moral commitments to those to whom the rights belong. This is a fundamental point that needs to be kept in mind since it is what constitutes the basis for comparing the rights of children which a state recognizes with its policy and programmatic commitments. This is because the latter also represent the value and normative commitments of the state as to what goals it should or should not pursue and with what means. As our review of the development of the rights of children in the previous chapter shows, the idea of children as subjects of rights as well as the elaboration of these rights have evolved tremendously over the past century. This development that started with a recognition of the imperative of ensuring the very survival of the child represents the international community's as well as different states' and societies' embracing of some fundamental value and normative commitments as to what children should be entitled to and how they should be treated. An authoritative statement of what these values are can be gleaned from the works of the Committee on the Rights of the Child (CRC) that identified what constitutes the pillars of the UNCRC. The Committee has identified four articles to be the fundamental organizing principles of the Convention (Committee on the Rights of the Child, 1991, p. 13; Committee on the Rights of the Child, 2003, pp. 3-4). Many commentators also use these principles as organizing schema to discuss the extensive listing of rights under the Convention (Smith, 2010, p. 454; Kilkelly, 2001, p. 180). These principles also represent the fundamental value and normative commitments underlying the body of rights to which children are entitled and the following is a discussion of what these principles and the value and normative commitments they entail. It is also what constitutes the evaluative framework for our discussion on the GTP.

3.2.1. Right to Life, Survival and Development

The right to life, survival and development provided for under Article 6 is recognized as one of the fundamental principles of the UNCRC by the CRC. The two paragraphs of Article 6 provide different standards of duty on the state. While the state is under a positive duty of recognizing "the inherent right of the child to life" under paragraph 1, it is required to ensure the right of the child to survival and development "to the maximum extent possible." Guaranteeing the right to life of a child entails the obligations:

- (a) to guarantee that capital punishment is not imposed for offenses committed by persons below 18 years;*
- (b) to register deaths and extrajudicial killings of children;*
- (c) to prevent suicide and eradicate infanticide and other relevant issues affecting the right to life, survival and development of children. (Committee on the Rights of the Child, 2010, pp.4-5)*

In relation to the second paragraph of Article 6, the CRC noted that:

The second sentence of article 4 reflects a realistic acceptance that lack of resources - financial and other resources - can hamper the full implementation of economic, social and cultural rights in some States; this introduces the concept of “progressive realization” of such rights: States need to be able to demonstrate that they have implemented “to the maximum extent of their available resources” and, where necessary, have sought international cooperation.

The CRC has, on various occasions, noted that the Convention adopts a “holistic” approach to development, viewing the survival and development needs of children to encompass their physical, mental, material, social and spiritual development as well as their being recognized as subjects of rights on their own.

Several provisions of the Convention deal with the specific obligations of the state in ensuring the survival and holistic development of the child in a safe environment. Following Nowak’s (2005, pp. 18-45) summary of the practice of the CRC, we can divide these rights as falling under the following headings;

Obligations to respect the right to life, including,

- Abolition of the death penalty for children;
- Protection of children from engaging and within armed conflicts;
- Obligations to protect the right to life, including
 - Protecting children from homicide and infanticide;
 - Eliminating harmful traditional practices; and,
 - Protecting children from violence, exploitation and abuse.

Obligations to fulfill the right to life, including,

- Supporting parents to ensure that the child has a safe family environment conducive for holistic development;
- The registration of the birth and death of children;
- Taking preventive measures to reduce deaths from suicide, traffic and other accidental deaths;
- Taking measures to decrease infant and child mortality;
- Obligations to fulfill the healthy development of the child, including,
 - Ensuring the right to health;
 - Ensuring the right to education; and
 - Eradicating poverty.

Reviewing the GTP from the perspectives of the rights of the child to life, survival and development calls for an examination of its contributions in promoting respect to and progressively realizing the clusters of rights enumerated above. In particular, it is necessary to identify those measures of the GTP that improve the status or enforcement of legal and administrative arrangements for the protection of the right to life and survival of the child and that contribute to the progressive realization of the rights under the Convention.

3.2.2. Non-Discrimination

Article 2 of the UNCRC provides that states have the duty to ensure that children are not discriminated against and to protect them from being discriminated. The principle of nondiscrimination is, in fact, a fundamental principle of international human rights law and included in the UDHR (Article 2), both international covenants (Articles 2 in both Covenants), the CEDAW (Article 2), and the ACRWC (Article 3). The Federal Constitution also enshrines this principle. The principle imposes on states the negative duty of ensuring that no discrimination takes place and the positive duty of creating appropriate legislative and other measures to prevent, and to rectify the adverse effects of, discrimination. These interrelated duties are significant for each other and for the realization of the principle since discrimination can be both legal and factual. Discrimination is legal when the state

has explicit laws that discriminate on the basis of grounds that are prohibited by international human rights law such as racial, national or ethnic origin, gender, or social status. Even in the absence of such legal recognition, however, discrimination can exist in fact because of actually existing social structures, practices, culture, and political or socio-economic discrepancies. The adoption of the Federal Constitution and the revision of several laws including those on the family, on nationality, on civil service have ended discrimination in many areas that used to have the color of law prior to 1991.

Despite this progress, discrimination and inequality of opportunities remain sociological facts that prevent many citizens and social groups from having prospects similar as those afforded by their compatriots to enjoy the rights of citizenship and the benefits and services the state provides. That inequality in opportunities stemming from limited income, gender discrimination, location, age differentials, disability, illness, and other factors that burden individuals or social groups is inherently antithetical to human freedom is well accepted (Sen, 1999). In the words of Amartya Sen (1999, p. 17):

freedom ... involves both the processes that allow freedom of actions and decisions, and the actual opportunities that people have, given their personal and social circumstances. Unfreedom can arise either through inadequate processes (such as the violation of voting privileges or other political or civil rights) or through inadequate opportunities that some people have for achieving what they minimally would like to achieve (including the absence of such elementary opportunities as the capability to escape premature mortality or preventable morbidity or involuntary starvation).

The World Bank (2005, pp. 78-80), in its 2006 World Development Report on *Equity and Development* also acknowledges that the idea of equality of opportunities has strong moral support in various religious traditions as well as being a pillar of international human rights law. More pertinent to its purpose, however, the Bank argued that equity in development and equality of opportunities are critical components for sustainable economic growth through promoting the efficient allocation of resources and contributing to the creation of properly functioning political and economic institutions that are essential for investment (World Bank, 2005, pp. 89-124).

There are many markers that can be grounds for the factual discrimination against individuals and social groups and for the persistence of inequality in society. What is of concern, here, however, are those markers that Sen (1999, p. 88) characterized as ones “over which a person may have no – or only limited control” or the World Bank (2005, p. 28) noted to be “predetermined characteristics that can be argued to be ‘morally irrelevant.’” Such markers as identified by Sen and the Bank may include poverty, age, social status, parental background, geographic location, health, and disability. One such marker that is overarching in its impact on its own as well as in its symbiotic relation with other discriminatory factors such as poverty and ethnicity is gender (World Bank, 2011, pp. 73-75).

Although what constitutes a sociological marker of discrimination can only be determined contextually and may differ from place to place and time to time, the pernicious effects of discriminatory markers, such as the ones mentioned above, on the rights and wellbeing of children is well known (UNICEF, 2012). What may constitute a sociological marker of discrimination is determined contextually and may vary from place to place and time to time. The CRC has so far identified more than fifty grounds of discrimination including gender, disability, ethnic origin, language, place of residence, HIV/AIDS, citizenship, social status, single parenthood, and poverty (UNICEF, 2007, pp. 24-25). Factors such as gender and geographic location impact the ability of children in Ethiopia to access health services and to attend schools. When these factors adversely affect and prevent children from having a healthy childhood or to get education, the vicious circle of poverty is further strengthened. Ensuring the equality of and non-discrimination against children would therefore require taking policy and legislative measures and adopting development plans that contribute to eliminating or at the least minimizing the adverse effects of these markers.

A reading of the GTP from the perspectives of the rights of the child would then mean examining it in terms of its identification of sociological markers of discrimination and its planned commitments at eliminating or minimizing their adverse effects on the rights and well being of children. Accordingly, the following broad questions can be asked to query the GTP in terms of its relation with the right of the child to non-discrimination:

- Whether there are any plans to identify and rectify explicit or implicit discriminatory laws, policies, and practices by state and private agencies;
- Whether there are any identified sociological markers that have discriminatory effects on children and how such effects are planned to be rectified;
- Whether there are any identified impediments to the realization of the availability of equal opportunities for children and what measures are planned to rectify the effects of such impediments.

3.2.3. The Principle of the Best Interest of the Child

A fundamental principle of the UNCRC is the best interest of the child. Article 3(1) of the Convention provides that “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” The ACRWC Article 4(1) also establishes the same principle in a stronger wording than the UNCRC.¹⁵ The FDRE Constitution in its Article 36 also incorporates this principle.

The principle of the best interest of the child has now gained such a universal and relatively long standing acceptance that it is considered to be part of international customary law (Smith, 2010, p. 454).¹⁶ As a general principle, the best interest of the child governs all situations in which decisions that can affect a particular child or children in general are made (Committee on the Rights of the Child, 2013, p. 7). Some of the instances in which the principle has to apply in decisions made concerning a particular child are indicated in several articles of the Convention. These include Article 9 on the separation of children from their parents, Article 18 on the responsibilities of the parents of the child, Article 20 on the obligations of the state towards the child who is deprived of a family environment, Article 21 on the adoption of children, Article 37(c) on separating a child in custody from adults, and Article 40(2)9b)(iii) on the presence of parents or guardians during a criminal hearing.

¹⁵ The UNCRC’s provision on the consideration of the ‘best interest of the child’

¹⁶ A customary international law rule is one that is obligatory on states because it is one that is generally and consistently followed by states who consider following it as their obligation (De Schutter, 2010, p. 50).

Of more interest here is the general principle as stated in Article 3(1) of the Convention. The CRC views this principle as operative at three levels. Thus, according to the Committee (2013, p. 4), Article 3, paragraph 1, establishes a framework with three different types of obligations for States parties:

(a) The obligation to ensure that the child's best interests are appropriately integrated and consistently applied in every action taken by a public institution, especially in all implementation measures, administrative and judicial proceedings which directly or indirectly impact on children;

(b) The obligation to ensure that all judicial and administrative decisions as well as policies and legislation concerning children demonstrate that the child's best interests have been a primary consideration. This includes describing how the best interests have been examined and assessed, and what weight has been ascribed to them in the decision.

(c) The obligation to ensure that the interests of the child have been assessed and taken as a primary consideration in decisions and actions taken by the private sector, including those providing services, or any other private entity or institution making decisions that concern or impact on a child.

The Committee further elaborates the implementing measures that states have to undertake to ensure that this principle is realized in practice. These measures include those of ensuring the explicit incorporation of the principle in laws at all jurisdictional levels, the design and implementation of policies, and the allocation of resources, as well as the establishment of effective mechanisms of handling and redressing complaints, and of gathering information on the realization of the principle through monitoring, evaluation and research. Furthermore, states are also required to provide appropriate training and information to concerned decision makers and to children themselves and, in general, combat negative attitudes and perceptions by, among others, the mass media and by engaging children themselves (Committee on the Rights of the Child, 2013, pp. 5-6).

There are three points that need emphasis about the Committee's view of the best interest of the child. First, the procedural nature of the principle means that there is a requirement to explicitly raise, analyze and make a determination on how a particular

decision affects the best interest of the child whether such a decision affects an individual child or children as a group. In the words of the Committee (2013, p. 20):

In order to demonstrate that the right of the child to have his or her best interests assessed and taken as a primary consideration has been respected, any decision concerning the child or children must be motivated, justified and explained. The motivation should state explicitly all the factual circumstances regarding the child, what elements have been found relevant in the best-interests assessment, the content of the elements in the individual case, and how they have been weighted to determine the child's best interests.

All organs of state power including the legislative, executive and judiciary are

required to apply the best interests principle by systematically considering how children's rights and interests are or will be affected by their decisions and actions - by, for example, a proposed or existing law or policy or administrative action or court decision, including those which are not directly concerned with children, but indirectly affect children. (Committee on the Rights of the Child, 2003, p. 4)

Second, the determination of the best interest principle involves an examination of the circumstances of a particular child or group of children (Committee on the Rights of the Child, 2013, p. 12). Freeman (2007, pp. 51-59) singles out those circumstances that Committee identified as threatening the best interest of the child and called upon states to address. These included age and gender, illegitimacy, minority status, the administration of juvenile justice, poverty (including those under which begging and street children live) and adoption. A determination of the best interest of the child therefore needs not only that these circumstances be taken into consideration in making decisions about particular children, but also, and perhaps, more importantly, when decisions affecting children as a group are made.

Finally, the best interest principle applies to all decisions that affect children whether directly or indirectly. In fact, the Committee (2013, p. 7) noted that:

[A]ll actions taken by a State affect children in one way or another. This does not mean that every action taken by the State needs to incorporate a full and formal process of assessing and determining the best interests of the child. However, where a decision will have a major impact on a child or children, a greater level of protection and detailed procedures to consider their best interests is appropriate.

The state is also obliged to ensure that private bodies providing care and protection to children follow and respect the principle in their dealings with children.

Examining the GTP from the perspectives of the principle of the best interest of the child involves answering the following questions:

- How was a determination of the best interest of the child made in designing the GTP?
- Which objectives of the GTP were identified as having an impact on children, how were such impacts characterized (direct or indirect) and how was a determination of the best interest of the child made in setting these objectives?
- How are the best interests of particularly vulnerable children determined in the GTP in general and in its objectives in particular?
- What legislative, administrative and judicial measures are planned to ensure that state agencies follow the principle of the best interest of the child?
- What standard setting measures are planned to ensure that private agencies providing care and protection to children follow the principle of best interest of the child?
- What information dissemination and training programs are planned to popularize the principle of the best interest of the child among children and relevant decision makers?
- What monitoring, evaluation, and research measures are planned to gather ongoing information on the realization of the principle of the best interest of the child?

3.2.4. Participation

Article 12 of the UNCRC provides that capable children have the right to express their opinions in processes of decision making that affect them. This right, usually identified as the right of participation, is identified by the Committee on the Rights of the Child as one of the four fundamental principles of the UNCRC. As in the case of the other principles discussed above, the right applies both to individual children as well as to children as a group. In this connection, the Committee commented that:

While the Committee supports a broad definition of “matters”, which also covers issues not explicitly mentioned in the Convention, it recognizes the clause “affecting the child”, which was added in order to clarify that no general political mandate was intended. The practice, however, including the World Summit for Children, demonstrates that a wide interpretation of matters affecting the child and children helps to include children in the social processes of their community and society. Thus, States parties should carefully listen to children’s views wherever their perspective can enhance the quality of solutions.

The Committee identified several measures that State Parties need to take to ensure the realization of this right. These measures are divided as those of a general nature and those that apply to specific judicial and administrative processes where children are involved. Among the general measures, the Committee identified the following:

Establish independent human rights institutions, such as children’s ombudsmen or commissioners with a broad children’s rights mandate;

Provide training on article 12, and its application in practice, for all professionals working with, and for, children, including lawyers, judges, police, social workers, community workers, psychologists, caregivers, residential and prison officers, teachers at all levels of the educational system, medical doctors, nurses and other health professionals, civil servants and public officials, asylum officers and traditional leaders;

Ensure appropriate conditions for supporting and encouraging children to express their views, and make sure that these views are given due weight, by regulations and arrangements which are firmly anchored in laws and institutional codes and are regularly evaluated with regard to their effectiveness;

Combat negative attitudes, which impede the full realization of the child's right to be heard, through public campaigns, including opinion leaders and the media, to change widespread customary conceptions of the child.

The specific measures the Committee identified in relation to judicial and administrative proceedings are designed to incorporate the right of the child to participate in family law, criminal justice, and administrative proceedings. Thus, the Committee noted the obligations of states to ensure that the views of the child are heard in divorce and separation proceedings, in decisions on providing alternative care to the child, in adoption decisions in Islamic law, and in criminal proceedings where the child is a victim or witness as well as an offender.

In realizing the participation right of children, it is important to ensure that measures taken are aimed at the institutionalized and sustained inclusion of children's voices in decision making processes. In the words of the CRC (2003, p. 5),

[A]rticle 12 requires consistent and ongoing arrangements. Involvement of and consultation with children must also avoid being tokenistic and aim to ascertain representative views. The emphasis on "matters that affect them" in article 12 (1) implies the ascertainment of the views of particular groups of children on particular issues - for example children who have experience of the juvenile justice system on proposals for law reform in that area, or adopted children and children in adoptive families on adoption law and policy. It is important that Governments develop a direct relationship with children, not simply one mediated through nongovernmental organizations (NGOs) or human rights institutions. ... [I]t is in the interests of both Governments and children to have appropriate direct contact.

Looking at the GTP from the perspective of the right of the child to be heard requires examining how far it has afforded opportunities for children to voice their views in the

preparation and implementation as well as the impact of the GTP. In addition to these, the examination has also to look at measures planned and implemented in pursuance of the general and specific measures that the Committee identified as necessary to give effect to the right to participation. The following questions can be investigated in examining the GTP from the perspectives of the rights of the child.

- To what extent were the views of children incorporated in the preparation of the GTP? What mechanisms were used and how effective were they?
- Are there any mechanisms, procedures, and practices that ensure that the views of children are incorporated in the implementation, review and evaluation of the GTP in a regular and sustained manner?
- What legal and policy measures are taken to ensure that administrative and judicial proceedings incorporate the views of children involved?
- What legal and other measures are taken to implement the general measures that the Committee has identified in particular, in terms of:
 - Establishing and strengthening human rights institutions with broad child rights mandates;
 - Providing training on the right to participate;
 - Providing conducive conditions for children to express their views; and
 - Combating negative attitudes.

CHAPTER 4. THE NORMATIVE COMMITMENTS OF THE GTP AND THE PRINCIPLES OF THE RIGHTS OF CHILDREN - A CRITICAL READING OF THE GTP

4.1. Introduction

As noted earlier, we followed a two throned approach in examining the GTP from the perspectives of the rights of the child. The first is that of examining the overall organization of the GTP and assessing how it has addressed the rights and welfare of children. Our approach is that of critically reading the GTP on the basis of the evaluative questions formulated in the preceding section.

We view the GTP as consisting of two major sets of commitments: a set of normative commitments that determine the values and norms the policy identified as worthy of pursuing in the political and socio-economic development of Ethiopian society on the one hand, and a set of programmatic commitments that translate the value preferences adopted into actionable plans. The GTP discusses the first set of commitments in its sections dealing with its overarching goals, objectives and what it referred to as its strategic pillars. Further discussions of these commitments are also to be seen, to varying degrees, in the other sections of the GTP. The second set of commitments is detailed in the sections of the GTP that deal with sector development plans.

Our reading of the GTP in the present chapter focuses on the normative commitments that underlie the GTP itself and see to what extent they conform to or help the realization of the normative commitments that underlie the rights of children to life and development. There are broad theoretical as well as practical reasons for primarily adopting this approach. First, the very notion of recognizing children as subjects of rights represents a major shift in the structuring of societal values and norms viewing children not merely as appendages to adults but as autonomous agents that have interests, needs and rights distinct from those of adults. The realization of the rights of children is thus to a large extent dependent on the internalization and operationalization of their underlying norms and values by society at large and especially by those who are duty bound to translate them into reality.

Second, public policies, plans and programs are the programmatic translations of value preferences and choices. Those who make and implement policies as well as those who advocate for their adoption, implementation, modification or change choose their causes and program their operations on the basis of their preferences for one or another set of values and norms. The GTP, as a public policy instrument, is also the product of a process of identifying, weighing and making preferential decisions about what values and norms should guide Ethiopia's development and governance. It is therefore necessary to identify how the preferences made in the GTP conform to, or differ from, those that underlie the rights and welfare of children expressed in both domestic and international law would allow.

This, however, is not merely an academic exercise. Obviously, value preferences expressed in public policy and plans have practical impact. In many cases, value preferences are not made seamlessly in a cleanly and clearly staggered ladder of different values. Rather, they are made in such a fashion that different values, sometimes overlapping and sometimes contradictory, are bundled together. In many cases, the programmatic courses of action may not be fully effective and exhaustive in translating the preferred values into reality. Explicating the value choices underlying the courses of action in policies and programs is useful in identifying potential and actual cognitive bottlenecks that may frustrate the implementation of such policies and programs. It is also useful in helping those who make and implement policies as well as those who advocate for their implementation or modification to chart appropriate choices and formulate action plans for improving the designing and implementation of policies and programs.

This is also true for the GTP. The organization and structuring of the GTP document shows what values and norms are considered by policy makers to be matters of priority. As will be discussed below, the fundamental values that underlie the GTP are to a large extent consonant with the values and norms behind the rights and welfare of children. There are three such fundamental values that underlie the GTP. These are those of the elimination of poverty, the attainment of equitable development, and ensuring the free and effective participation of citizens in the political and development process.

In the subsequent sections of this Chapter, we examine how these values are reflected in the GTP. We also look at the extent to which the value preferences within the GTP and the GTP's mode of conceptualizing these preferences conform to the values and norms underlying the rights and welfare of children. For this purpose, we look at the GTP as it is, limiting our examination to the four corners of the GTP document itself thus providing a broad overview of the Plan's relations to the principles enshrined in the UNCRC as well as the normative underpinnings of the rights of children.

In looking at the second set of commitments within the GTP, the set of programmatic commitments that translate the value preferences of the plan into actionable plan, we focus on the specific sections of the GTP identified in the ToR as matters of interest for the Review. These are the sections that deal with capacity building particularly those dealing with judicial reform, and democracy building, cross cutting issues affecting children. In examining these sections, we look at both the normative underpinnings of the planned measures. Our review, however, extends beyond the planned activities of the GTP and examines the status of implementation of the planned measures. Our review of the status of implementation is based primarily on the reports that implementing and concerned government agencies prepared further supplemented by other documents prepared by the agencies themselves. No less significantly, we have also complemented our review through in-depth interviews with officials in these agencies. Our findings of this review are presented in the next chapter. This is further discussed in the next Chapter.

The next sections of this Chapter present our observations about the GTP arrived by utilizing the first approach – that of critically reading the GTP from the perspectives of the principles and normative foundations of the rights of children. The discussion is divided into two parts. In the first part, we concentrate on the relations of the GTP to the survival and development rights of children. In the second part, we look at the GTP from the perspectives of the rights of children to non-discrimination and participation as well as the principle of the best interest of the child. Through this exercise the Chapter answers the first question of the Study as formulated in the ToR - that of how the GTP addresses the rights of children.

4.2. An Overview of the GTP and the Survival and Development Rights of Children

4.2.1. In General

Poverty poses the major challenge to the realization of the rights and the promotion of the welfare of children in Ethiopia. This is particularly true of the cluster of rights that fall under the principle of the right of every child to life and to grow up in an environment that fosters his or her physical, moral, social and psychological development. The manifold manifestations of the reality and stunting effects of poverty are well known to detail here. They are indicated in the unacceptably high levels of infant, child and maternal mortality. They are also to be seen in the high degree of children who are unable to access basic social services such as health care and education. Poverty is also exacerbated and perpetuated by the significant hurdles that those who live in poverty face to extricate themselves from its powerful grips. The inability of those living in poverty to have access to job opportunities, economic resources and educational advancement both prevent them from breaking free of poverty. It also represents a significant structural impediment for the betterment of the lives and future of their children.

The GTP proposes to end this fact. The central preoccupation of the GTP with ending poverty is very clear. The GTP is a continuation of Ethiopia's efforts to end poverty as these were expressed in previous policy documents such as the PASDEP and its commitment to the realization of the MDGs (MoFED, 2010, p. 1). This overarching concern is further strengthened in the incorporation of the vision of turning the country into a middle-income country by 2020/2023 as a guide of the GTP. The overarching policy goals for the GTP are thus stated to be those of contributing to the achievement of a vision of making Ethiopia "a county where democratic rule, good-governance, and social justice reign, upon the involvement and free will of its people, and once extricating itself from poverty to reach the level of a middle income county as of 2020/2023." (MoFED, 2010, p. 21) In the economic sector, the GTP is expected to contribute to the vision of "building an economy which has a modern and productive agricultural sector with enhanced technology and an industrial sector that plays a leading role in the economy, sustaining economic development and securing social justice and increasing per capita income of the citizens so as to reach the level of those in middle-income countries" (MoFED, 2010, p. 21).

The visions that the GTP incorporates thus show a strong commitment to ending poverty – the major structural constraint to realizing the rights and ensuring the welfare of children. It also shows a view of economic growth not as an end in itself, but as a means to achieving a more enriched life to citizens. These policy and value commitments to the betterment of the living conditions of citizens can serve both as guiding principles in the implementation of the GTP as well as tools for mobilizing the support and engagement of all sectors of society in the fight against poverty. In fact, over the past few years there were concerted efforts on the parts of government agencies at all levels to ensure that the popular imagination is aligned with the vision of ending poverty and transforming the country into a middle class one.

Seen from the perspectives of the rights of children, the framing of economic policies in general and of the GTP in particular, in terms of ending poverty and the betterment of the lives of citizens is a positive achievement. Nonetheless, it should be noted that the broad statement of the guiding vision and principle of the GTP fails to mention the duty that the present generation has to future ones. Stated in other words, while the GTP places poverty as its major target and the transformation of Ethiopian society into a more prosperous one as its aim, its statement of vision and guiding principles does not make what the present generation commits itself to in relation to future generations in general and present day children in particular. As a result, the efficacy of the vision statement of the GTP as a guiding principle for its implementation and evaluation as well as a tool of mobilizing popular support for the rights and welfare of children could be limited.

One need to make haste, however, to note that other sections of the GTP, in particular its sections dealing with its objectives and strategic pillars do highlight policy commitments to the welfare of children. Anecdotal evidence can also be cited to show that despite the lack of explicit commitment to children and their futures in the vision statement of the GTP, there have been mobilization efforts that seem to frame the ultimate aims of economic growth and transformation in terms of bettering the lives and welfare of future generations. Nonetheless, the failure of the GTP to explicitly espouse commitments to children and future generations as parts of its guiding visions may be one that limits the role it could have as at least a pedagogical tool to ensure that all members of society explicitly view children and their welfare as matters of top priority.

The most explicit commitments of the GTP to the rights and welfare of children are to be seen in its enumerations of its objectives and strategic pillars. The GTP has four major objectives. These are:

“1. Maintain[ing] at least an average real GDP growth rate of 11% and attain MDGs; 2. Expand[ing] and ensur[ing] the qualities of education and health services and achiev[ing] MDGs in the social sector; 3. Establish[ing] suitable conditions for sustainable nation building through the creation of a stable democratic and developmental state; and 4. Ensuring the sustainability of growth by realizing [the above three objectives] within a stable macroeconomic framework” (MoFED, 2010, p.22).

As in the statement of its guiding vision, the objectives of the GTP recognize poverty as the major concern of economic and social planning. What is more, the statement of objectives especially the formulation of the first two objectives explicitly incorporates the MDGs and therefore the latter’s commitments to promoting the welfare of children are set forth as overarching economic and policy goals. Although there is nothing in the GTP document itself that explains how the objectives of the plan are to be used in interpreting and implementing the other sections of the plan, it seems that these objectives are expected to serve as the yardsticks for validating the plan and its components as well as the programs and projects to be undertaken as per the plan. In other words, the validity and efficacy of the various sections of the plan and the measures and actions taken by those implanting the plan are to be evaluated on the basis of their contribution to achieving the objectives of the plan. Seen in this manner the, the GTP can be said to have been designed in a planning framework that is very much mindful of the rights and welfare of children.

The objectives set forth in the GTP are to be attained through what the plan identified as its “strategic pillars.” There are seven such pillars in the GTP. These are:

1. Sustaining rapid and equitable economic growth, 2. Maintaining agriculture as major source of economic growth, 3. Creating conditions for the industry to play key role in the economy, 4. Enhancing expansion and quality of infrastructure development, 5. Enhancing expansion and quality of social development. 6. Building capacity and deepen good

governance, and, 7. Promote gender and youth empowerment and equity (MoFED, 2010, p. 22).

Each of these strategic pillars is closely aligned with the broader objective of eradicating poverty. Attaining rapid economic growth is seen as necessary to “achieve the vision of the country and, in due course, eradicate poverty and so improve the livelihood of citizens” (MoFED, 2010, p. 22). Agricultural investment and expansion is called for “to meet the food security needs of the country, to curb inflationary pressures on agricultural products, and to broaden the export base of the country” and to “serve as a spring board for structural transformation in the long run” (MoFED, 2010, p. 23). Industrial promotion is targeted at remedying “Ethiopia’s narrow industrial base [which] is a major constraint on the nation’s ability to generate foreign exchange and create job opportunities for its growing labor force” (MoFED, 2010, p. 23). Infrastructure development and expansion is ultimately expected to be a means of “helping to realize poverty eradication” (MoFED, 2010, p. 24), while “improving citizens’ living standards and development of their human potential is a key strategic plan of the GTP” (MoFED, 2010, p. 25) on its own. Strengthening good governance and capacity building as well as empowering women and youth are also seen as valuable and crucial means of eliminating poverty as they address the organizational constraints hindering economic and social development and to “ensure equitable socio-economic and political participation by and benefits directly for women and youth” (MoFED, 2010, p. 27) respectively.

There are some important points that Chapter 3 of the GTP on the macroeconomic framework addresses. The first is the elaboration of different scenarios under which the GTP may be implemented. There are two such scenarios: under the base scenario, economic growth is projected to grow at base rate of 11.2% while under a high case scenario, it is expected to grow by 14.9% (MoFED, 2010, pp. 28-30). Leaving aside other considerations, the implication of these scenarios is that the programmatic actions planned under subsequent chapters are significantly scaled up or down depending on which scenario is unfolding.

For present purposes, the most interesting point discussed in the Chapter on the macroeconomic framework of the GTP deals with the prospect for growth, wellbeing and poverty (section 3.2.2 of chapter 3). The section begins by acknowledging the

multidimensionality of poverty and the need to develop a measure that captures this multidimensionality. This corresponds to current understandings of poverty that view poverty not only in terms of income deprivation, but as constituted of several facets ranging over the social and political as well as the economic realm. Despite this, questions may be raised here as to whether and to what extent the measurement of poverty as referred to in the GTP captures the multidimensionality of poverty. Whether the measurement of poverty as envisaged in the GTP is capable of incorporating the diverse voices of children is also a question worth asking.

The programmatic commitments that the GTP outlined in its different sections go a long way in addressing the major structural constraints in realizing the rights of Ethiopia's children to life and to a holistic development. These programmatic actions are mainly outlined in Chapters 5 and 6 of the GTP that respectively deal with development plans for the economic and social sectors. They are also expressed in programmatic commitments stated in Chapter 9 on cross cutting issues.

Chapter 5 of the GTP deals with the economic sector development plan for agriculture and rural development, industry, trade, mining, and infrastructure development. The GTP views agriculture as the key sector whose transformation is crucial to bring about desired economic growth and lead to industrial development. In its own words, "it is possible to transform subsistence agriculture to more market led production. The key drivers for this change will be improvements in farmers' productivity and production. Thus, to lay the foundation for industrial development, to use agricultural inputs for the industries, to produce sufficient food crops and high value products for international market, agriculture will continue to play a leading role in the GTP period" (MoFED, 2010, p. 45). The direction that the transformation of agriculture is expected to take is indicated as one in which "a focus on export led production will compliment increased productivity and ensure accelerated development of the sector. Agriculture will continue to be the major source of economic growth while small holder farming will be the major source of agricultural growth. The private sector's role in the sector will also be promoted in order to secure sustained agricultural and rural development" (MoFED, 2010, p. 47).

The areas of focus for agricultural development during the plan period are small holder and pastoralist farming, pastoral development, private sector investment, agricultural marketing, research and extension, and building the capacity of implementing agencies. Through interventions in these areas, the GTP aims to significantly improve agricultural production in general. In industrial development, the GTP aims to expand micro and small scale enterprises, promote medium and large scale industrial expansion in selected areas including chemical and pharmaceutical industries, promote and expand industrial zones, and increase the efficiency of public enterprises with the objective of eventually creating “a strong foundation for the sector to start playing a leading position in the national economy, employment generation, and foreign exchange earnings and savings” (MoFED, 2010, p. 57). The GTP considers trade as having a key role in bringing about “economic growth in market-oriented economic system” (MoFED, 2010, p. 63). In mining, the GTP envisages extensive investment in the exploration and exploitation of minerals with the objectives of, *inter alia*, “establishing accurate estimates of and utilizing the reserves of mineral that contribute to increased agricultural production through improving soil productivity... land exploration, identification and utilization to determine water quality and quantity for domestic consumption and irrigation” (MoFED, 2010, p. 65). A major area of focus is that of infrastructure development in which the GTP envisages “very large investments ... to further expand infrastructure services, to strengthen the foundation for long-term sustainable growth and development, and [to address] the challenges encountered during the PASDEP implementation” (MoFED, 2010, p. 68). Thus, investment is to be made in the sector with extensive expansion envisaged in the country’s transportation, energy, telecommunications, potable water supply and irrigation infrastructure and services as well as in urban development and construction services.

The realization of the planned objectives of the GTP is expected to spur economic growth and contribute to the goal of eliminating poverty. While this seems to be intuitive, a reading of the GTP document is not that enlightening in answering one crucial question – that of identifying and responding to the dynamic effects the planned commitments have on poverty in general and on the rights and welfare of children in particular. This is an important consideration in light of the structural transformations that the GTP envisages in the different sectors and subsectors of the economy. In agriculture, for instance, the GTP

envisages an increased shift to the production of cash crops, the sedentarization of pastoralists, and the expansion of horticultural and large scale farming. The GTP also expects the industrial sector to have a major contribution to the national economy with concentrated and large scale investments to be made in subsectors such as the chemical industry. These developments may prove to be beneficial to economic growth in the aggregate. They also represent significant dislocation and transformation not only in modes of production but in life patterns and existing social relations. It is not far-fetched to assume that the fruits of these developments may not be evenly distributed. The GTP document, however, is largely silent on what the specific effects of these changes and transformations could be, how they may differentially affect poverty and how such changes and transformations could be monitored to enable swift and effective policy responses.

In terms of the rights of children to survival and development, the planned commitment of the GTP expressed in its chapter on economic development are likely to contribute to the creation of an environment for the realization of these rights and the holistic development of children in as far as poverty and deprivation represent major structural constraints. While chapter 3 is thus crucial in this respect, the remaining chapters of the GTP on social development, democracy and governance, and cross-cutting issues are also instrumental in creating an environment that is conducive to the holistic development of the child. More significantly, they also incorporate major programmatic commitments to the fulfillment of the cluster of obligations under the “respect,” “protect,” and “fulfill” duties of states to the rights of children to survival and development.

4.2.2 A Review of the GTP, Ethiopia’s Policy and Legislative Frameworks and Some Specific Measures Relating to the Survival and Development of Children in Ethiopia

4.2.2.1. Overview

Generally, it could be submitted that international normative developments relating to human rights of children inform the content of policy and legal responses at the national levels. In fulfilling the greater objectives of children’s rights and welfare, the adoption of international human rights instruments alone would obviously not suffice; apart from cases where the rights are already entrenched through national laws, therefore, states parties to treaties are obliged to undertake the necessary steps to give effect to

recognized rights of children and make such changes to legislation and practice as are necessary to ensure their conformity with the appropriate international standards.

To date, Ethiopia has put in place a series of national policies, laws, strategies and institutional set ups that endeavored to promote and secure the physical, psychological and legal needs and welfare of children. The Constitution of the Federal Democratic Republic of Ethiopia, adopted in 1994, has not only made all international agreements ratified by Ethiopia part of the laws of the land, it also provided for a list of fundamental rights and freedoms under Chapter III - covering a whole range of human rights structured along the substantive framing of the international bill of rights. While most of the human rights provisions in the Constitution are applicable to 'all persons' without discrimination, a few are specifically designed to apply to children.¹⁷

For the purpose of this Review, the general framework provided by the four fundamental principles of children's rights under the CRC and which have significant importance in the implementation of children's rights - will be analyzed in context; these are the principle of nondiscrimination, the right to life, maximum survival and development, the best interests of the child, and respect for the views of the child. The four principles would be employed to methodically organize and interpret several of the core themes of children's rights and welfare which have been designated under the GTP as subjects of primary engagement by the Ethiopian Government.

The present part will not endeavor to exhaust all the international and national legal regime of children's rights as such; since the ultimate objective of this research undertaking is to 'evaluate' the effectiveness of the Ethiopian Government's actions during the GTP's midterm period in relation to targeted outcomes of children's welfare, this analysis will solely focus on presenting the 'sources' and 'substantive scope' of children's rights which have been expressed in the GTP itself as strategic pillars of intervention. Such

¹⁷ This includes the rights of the child to life, to name and nationality, to know and be cared for by parents or legal guardians, to be protected from labor exploitation and not to be forced to undertake work that may harm his/her education, the right to health and well-being, and the right to be free from harsh or inhuman punishment inflicted on his/her body in schools or child care institutions, and establishes the principle of 'best interest of the child' in all actions concerning children by public institutions, courts of law, administrative authorities and legislative bodies; likewise, the Constitution provided that the Ethiopian State shall, within available means, allocate resources to provide for rehabilitation and assistance to children who are left without parents or guardian.

a presentation on the 'normative yardstick' of rights would not only be relevant in depicting the 'legally expected deliverables' with regard to any given right, it would also be crucial in understanding how the government has fared in the past two and half years in carrying out its 'implementation measures' with a view to fulfilling the 'targeted outcomes' of the GTP - which must itself be consonant with the 'content' of rights designated under the Constitution, child-specific legislations and international instruments.

On specifics, the opportunities of children to survive, grow and develop emotionally and physically entails that states undertake important measures in fulfilling the rights of children to life and health, family care, alternative child cares, the provision of services to orphans and vulnerable children, and the safeguarding of their personal welfare. Article 6 of the UNCRC has already stipulated on the a child's inherent right to life, obliging states to ensure, to the maximum extent possible, the survival and development of the child.

Obviously, the subjects of intervention are numerous, interdependent and cross-cutting; the principle of 'survival and development rights' of children highlights the need for embarking on all-rounded and coordinated measures. Indeed, as the CRC explained, the right to survival and development can only be implemented in a holistic manner, through the enforcement of all the other provisions of the Convention, including rights to health, adequate nutrition, social security, an adequate standard of living, a healthy and safe environment, education and play, as well as through respect for the responsibilities of parents and the provision of assistance and quality services (Committee on the Rights of the Child, 2005, p. para 11). The many risks and protective factors that underlie the life, survival, growth and development of the child need to be systematically identified in order to design and implement evidence-informed interventions that address a wide range of determinants during the life course (Committee on the Rights of the Child, 2013, pp. para, 16-17).

In this context, the application of measures aimed at tackling hazards to the life and health of children must consider meaningful intervention, both in policy and action, in such core themes as infant mortality, maternal health care services, access to clean drinking water, harmful traditional practices, and children's problems associated with addiction to alcohol, smoking, chewing chat, dangerous medical and narcotics abuses, pregnancy,

perilous abortion, venereal diseases, HIV/AIDS pandemic, labor exploitation, and sexual abuse - each with overarching effect on the physical, mental, psychological and social development of children. The challenges are not easy. During the submission of its Third Report to the CRC, Ethiopia explained it has formulated various socio-economic policies that are believed to accelerate the development of the country and thereby improve the delivery of basic goods and services, but admitted that despite the legislative measures and the exertion of other efforts, a significant proportion of children remained still deprived of basic welfare due to the severe poverty prevailing in the country. (Committee on the Rights of the Child, 2006, para, 79).

In the area of infant and child mortality - the most fundamental challenge to the right to survival and development of children - policies and actions would need to be directed along the tunes of the specific targets set by the Millennium Development Goals (MDGs) that strive to reduce under-five mortality rates by two-thirds between 1990 and 2015.

While remarkable declines have been observed in the past few years, challenges associated with neonatal, post-neonatal, infant, child, and under-five mortality rates remain (Central Statistical Agency, 2012, pp. 117-119). Between 2000-2005, impressive improvements were registered at the national level, and yet, a very low proportion of the overall number of pregnant mothers in Ethiopia continued to receive antenatal care from a skilled provider, that is, from a doctor, nurse, or midwife, nurse, midwife or health extension worker (HEW); about six in every ten Ethiopian women (57%) did not receive any antenatal care for their last birth in the five years preceding a survey in 2011 (Central Statistical Agency, 2012, p.127). In relation to the right of children to survival and development, antenatal care is extremely beneficial in preventing adverse pregnancy outcomes when received early in the pregnancy and continued through delivery. Early detection of problems in pregnancy leads to more timely referrals for women in high-risk categories, and helps in forestalling pregnancy complications which have been a primary source of maternal and child morbidity and mortality; this is particularly true in Ethiopia, where three-quarters of the population live in rural areas and where physical barriers pose a challenge to providing health care. The World Health Organization (WHO) recommends that a woman without complications should have at least four antenatal care visits. (Central

Statistical Agency, 2012, p. 130)

Similarly, the right of children to life, survival and development is hugely impacted by states' commitment to the provision of adequately furnished and accessible facilities where child deliveries take place. Proper medical attention and hygienic conditions 'during' delivery can reduce the risk of complications and infections that cause the death or serious illness of mothers and/or the newborn baby; hence, in a national context, an important component of efforts to reduce health risks to mothers and children is increasing the 'proportion of babies that are delivered in health facilities', which, in Ethiopia, stands at only ten percent (Central Statistical Agency, 2012, p. 133).

Likewise, within the broader set of priorities of the Health Sector Development Plan IV (HSDP-IV) and fulfillment of the MDGs, motherhood programs at a national level should focus on the importance of post-natal cares, including immunization and enhancing nutritional status throughout the country. A large proportion of maternal and neonatal deaths occur during the 48 hours after delivery, and these first two days following delivery are critical for monitoring complications arising from the delivery which could have effect on the child's wellbeing; the level of postnatal care coverage in Ethiopia has been extremely low, and the poor nutritional status of children has been a serious problem (Central Statistical Agency, 2012, pp. 144, 164), hence warranting specific actions in these areas as well.

A much related area of action which warrants a passing reference here in an effort to comply with commitments in relation to the rights of children to life and development and hence enhance their chances of survival calls for intervention in the areas of availability and accessibility of improved drinking water, improving sanitation facilities, combating child labor, the use of tobacco and consumption of alcohol, and taking appropriate measures with regard to reducing teenage pregnancy.

Increasing access to improved drinking water is one of the MDGs that Ethiopia has adopted, although only more than half of households in Ethiopia (54%) have access to an improved source of drinking water, and only 8% percent of households have an improved toilet facility not shared with other households; this statistical revelation is very paramount in relation to the rights of children given the fact that a large proportion of the Ethiopian

population (47%) is under the age of 15 (Central Statistical Agency, 2012, pp. 14-15). Compliance measures in Ethiopia adopted within policy and legislative frameworks would therefore have to consider internationally accepted standards specifically set for the purpose by the WHO and the UNICEF's Joint Monitoring Program for Water Supply and Sanitation (2010).

While the use of tobacco, smoking cigarettes, chewing chat and the consumption of alcohol generally affect only a relatively lesser section of the society in Ethiopia, such practices could, depending on the intensity and frequency, cause various degrees of psychological dependence and health risks to children; national programs that aim at safeguarding the right to life and development of children must focus on educational dimensions and discourage them from resort to such behaviors.

The most specific national instrument for addressing issues and implementing objectives associated with children's right to survival and development is the 'National Strategy for Child Survival in Ethiopia' which was adopted in 2005 (Ministry of Health, 2005). Within the overall framework of a target that aspires to reduce the under-five mortality of children by half, the Strategy reviews the underlying condition that account for child mortality, malnutrition and HIV/AIDS, and intervenes through selected and high impact actions for increasing access to promotive, preventive and basic essential curative health services to the majority of the underserved population mainly through its implementing pillar - the Health Services Extension Program (HSEP) (Ministry of Health, 2005, p. vi).

Another subject that deserves an incidental treatment in connection with the right to survival and development of children is the issue of child labor and exploitation which has far-reaching effects not only on their health, but also their education and the evolution of an all-rounded personality. Child labor is extensively regulated both under the UNCRC and various covenants of the ILO in light of setting minimum age for admission to employment, limiting working hours and prohibiting engagement in certain types of hazardous works. Overall, the number of children in Ethiopia between the age range of 5-14 engaged in some form of labor has been high (Central Statistical Agency, 2012, p. 32).

The FDRE Constitution has already recognized the inviolable and inalienable right to life of every human person, including children, and hence, punishment entailing the loss of life could be applied only in connection with the commission of serious crimes. Even then, the penal legislation has precluded children from the group of persons over whom death penalty may be administered.

Again, as stated above, a child's right to life and development could also be inferred from various provisions of the Constitution guaranteeing children's rights to adequate standards of health, food security, and protection from abuse and exploitation. The Ethiopian penal legislation criminalizes infanticide and some forms of abortion, while the family law laid a series of obligations on parents with regard to the proper upbringing, social development and care of children. In further detail, therefore, the following sections will selectively discuss the normative standards of three areas which have direct correlation to any meaningful application of the rights of children to life and development: children's right to health, their rights relating to family environment, alternative care and protection in vulnerable situations, and their rights to social and personal welfare.

4.2.2.2. The GTP and Children's Right to Health

Article 24 of the UNCRC recognizes the right of every child to 'life' and to enjoy 'the highest attainable standard of health'. Normatively, the CRC interprets children's right to health as an inclusive right, extending not only to timely and appropriate prevention, health promotion, curative, rehabilitative and palliative services, but also to a right to grow and develop to their full potential and live in conditions that enable them to attain the highest standard of health through the implementation of programs that address the underlying determinants of health (Committee on the Rights of the Child, 2013, para 2). Despite scientific advances, the CRC highlighted that children continue to suffer from various violations of the rights to health - including mortality, morbidity, and disabilities which could have been prevented if there were political commitment and sufficient allocation of resources directed towards the application of available knowledge and technologies for prevention, treatment and care (Committee on the Rights of the Child, 2013, para 1).

Normatively, Article 24 of the UNCRC obliges states to recognize children's right to the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health; states should strive to ensure that no child is deprived of his or her right of access to such health care services, to diminish infant and child mortality, and ensure the provision of necessary medical assistance and health care to all children - with emphasis on the development of primary health care (Committee on the Rights of the Child, 2013, para 23-35). The provision of the 'highest attainable standard of health' takes into account both the child's biological, social, cultural and economic preconditions and the state's available resources, supplemented by resources made available by others; they have the right to control one's health and body, including sexual and reproductive freedom to make responsible choices, and are entitled to quality health services which, at the primary level, must be available in sufficient quantity and quality, functional, within the physical and financial reach of all sections of the child population, and acceptable to all; secondary and tertiary level care should also be made available, to the extent possible, with functional referral systems linking communities and families at all levels of the health system (Committee on the Rights of the Child, 2013, para 23-35). States have a strong duty of action to ensure that health and other relevant services are available and accessible to all children, with special attention to under-served areas and populations; this requires a comprehensive primary health-care system, an adequate legal framework and sustained attention to the underlying determinants of children's health where barriers to children's access to health services, including financial, institutional and cultural, should be identified and eliminated. In preventing child mortality, the Committee has urged particular attention to neonatal mortality, including interventions to still births, pre-term birth complications, birth asphyxia, low birth weight, mother-to-child transmission of HIV and other sexually transmitted infections, neonatal infections, pneumonia, diarrhea, measles, under- and malnutrition, malaria, accidents, violence, suicide and adolescent maternal morbidity and mortality; strengthening health systems to provide such interventions to all children in the context of the continuum of care for reproductive, maternal, new-born and children's health (Committee on the Rights of the Child, 2013, para 23-35).

Although not on any such scale or intent as provided in the CRC, Art.90 of the FDRE Constitution too commits the state, within a statement of broader social and economic

objectives, to protect and promote the health, welfare and living standards of the working population of the country. More specifically, Art.41.3 recognized 'the right of equal access to publicly funded social services', including health services for children; in tune with the nature of commitments to economic and social rights, the Constitution stipulated that the government shall allocate progressively increasing funds for the purposes of promoting people's access to health, education and other social services. It also recognizes, in its Article 35(9) the rights of women to 'access family planning education, information and capacity' in its Article 35(9), and lays important provisions to protect children from exploitation and work hazardous or harmful to their health or well-being in its Article 36(1) (d).

In assessing Ethiopia's performance in the implementation of children's rights to health, the CRC noted achievements in the adoption of the Health Sector Development Plans and the introduction of free anti-retroviral treatment, the criminalization of harmful traditional practices in the revised Criminal Code of 2005, and the efforts undertaken by the National Committee on Harmful Traditional Practices in Ethiopia to document and combat the practice of female genital mutilation (Committee on the Rights of the Child, 2006, pp. para 53-61). But, the CRC also expressed its regrets on a number of issues: these included the lack of information on resources assigned to health services, concentration of medical in urban areas - hence excluding the majority of the population including infants to necessary health services, the low coverage of vaccinations, the prevalence of malaria, low breastfeeding rates, high incidence of malnutrition, HIV/AIDS infection rates, high vulnerability of children and women of child-bearing age to contracting HIV/AIDS, inadequacy of testing and counseling services as well as lack of strategy on how to support and counteract discrimination against children who have contracted or lost their parents to HIV/AIDS, insufficient attention paid to adolescent health issues, including developmental, mental and reproductive health concerns, high levels of substance abuse, the high percentage of early marriages and early pregnancies, the wide practice of female genital mutilation and forced and early marriages of girls through abduction (Committee on the Rights of the Child, 2006, pp. 53-61). In light of such limitations, the Committee recommended various specific measures on which future policy, legislative and administrative actions should focus with a view to tackling the stated shortcomings.

Definitely, one can observe in this regard that the GTP's formulation has been influenced by international standards and specific reading of these standards by the CRC. The GTP's outline of strategic interventions in the 'health sector', circuitously addressing and promoting children's right to life within the framework of national health-related initiatives, tackles the issues of children within a structure of broader measures that aim at extending benefits to the whole community. The core elements of the national health strategy have been defined in the GTP itself; they involve decentralization of the health care system, development of preventive, promotional and curative health care components, assurance of accessibility of health care for all segments of the population, and the promotion of the private sector and NGO participation in the health sector. Health policies are required to focus on health promotion and disease prevention, curative and rehabilitative services, public health emergency preparedness, and on enabling the population to contribute to its own health (MoFED, 2010, p. 92).

The strategic objectives of the GTP have reportedly been influenced by the remarkable achievements registered during the preceding years in the expansion and construction of health facilities and the improvement of quality health provision through implementation of the Health Extension Program; the innovative health delivery program has aimed at universal coverage of primary health care, and is based on expanding physical health infrastructure and recruiting Health Extension Workers who provide basic curative health services in the rural community (MoFED, 2010, p. 91).

During the GTP period, therefore, the policies, strategies and targets of the government would be supported through the 'Health Sector Development Program' which has already identified 'maternal health', 'new-born and child health', and the 'halting and reversing of major communicable diseases such as HIV/AIDS, TB and malaria' as the 'highest priority areas' of the sector (MoFED, 2010, p. 91)

The Program builds on earlier initiatives of the PASDEP with regard to the training of health extension workers, the number of health posts, stations and public hospitals, the use of contraceptives by women of child-bearing age, the extension of post-natal service coverage and trained birth-assisted deliveries, the reduction of maternal and under-five

mortality rates, the increase of mosquito bed nets and cure rates for TB, and the dropping of the prevalence rate per population of HIV.

In specifics, therefore, the GTP's initiative will expand social developments and ensure their quality by providing very wide access to good quality primary health care supported by the health extension program, better access to safe water and sanitation facilities, improved food security and nutrition, improved housing conditions and the halting of HIV/AIDS and other key infectious diseases (MoFED, 2010, p. 25). Measures will be taken to guarantee quality hospital services, better supply of drugs, improving the number, skills, distribution and management of health workers, the training of physicians, the introduction of new systems of health care financing, the increase of contributions of the private sector, and in general, the achievement of the MDG targets for the sector (MoFED, 2010, p. 26).

Since surveys had also indicated that the 15-24 age group has been the most vulnerable to the HIV/AIDS pandemic - hence posing a challenge to the nation's developmental and poverty alleviation endeavors, the previous strategic directions for HIV/AIDS prevention and control program will be expanded during the GTP period as well. The implementation of the GTP will see the provision of an all-inclusive and good quality health services in HIV/AIDS and related diseases, the enhancement of the accessibility of HIV/AIDS related health services, and the provision of special care and services to HIV/AIDS patients and their family - therefore reducing HIV/AIDS incidence and prevalence rates, sickness, death rate and the overall impact of HIV/AIDS on society (MoFED, 2010, pp. 112-113).

Most of the themes addressed in the GTP with regard to the rights of children to health have been covered in various policy, legislative and strategic frameworks. They endeavored to promote and ensure the rights of children to life, development and health in different contexts.

From a broader perspective, for example, the National Child Policy (2011) focused on 'the right to life and development' of children as a fundamental principle and identified children's health as one of the major points of its focus. Its principal areas of intervention

included minimizing mortality rates of infants and children under the age of five, protecting children from addiction to drugs and *khat*, facilitating the provision of prenatal care for mothers so that children get health care services, facilitating the provision of balanced diet to children before and after birth to maintain mental and physical health, supporting the provision of medical diagnosis and vaccination services in urban and rural areas, expanding medical services to prevent mother-to-child transmission of HIV/AIDS and the provision of the necessary care and support for children living with HIV/AIDS, promoting the construction and expansion of sanitation and waste disposal systems benefiting the hygiene of children, ensuring children's access to clean drinking water, eliminating harmful traditional practices that negatively influence the physical, mental, psychological and social development of children, and facilitating the provision of awareness, counseling and information services for children on issues relating to reproductive health (Ministry of Women, Youth and Children Affairs, 2011, p. 12).

Most notably, the National Health Policy (1993) has considered the right to life and health of children both generally and in child-specific contexts. The Policy considers health development not only in humanitarian terms but as an essential component of the package of social and economic development as well as being an instrument of social justice and equity - reaching 'all segments' of the population within the limits of resources (Transitional Government of Ethiopia, 1993). The policy and its implementation strategies are premised on the ideas of democratization and decentralization of the health care system and developing preventive, promotive and curative components; they aspire to extend special attention to the health needs of the family - particularly women and children; it places special weight on the need for participating in the development of community-based facilities for the care of physically and mentally disabled, abandoned and street children, the development of day-care centres in factories and enterprises, school health and nutrition programs, the promotion of family health services by assuring adequate maternal health care and referral facilities for high risk pregnancies, intensifying family planning for the optimal health of the mother, child and family, inculcating principles of appropriate maternal nutrition, maintaining breast feeding, expanding and strengthening immunization services, optimization of access and utilization, and encouraging early utilization of available health care facilities for the management of

common childhood diseases (Transitional Government of Ethiopia, 1993). One can note that the GTP has in this regard far more expanded the substantive scope of the policy frame - working on its umbrella but authoring specific points of intervention that are of particular interest in promoting and safeguarding the right to health of children.

The general targets outlined in the National Health Policy and specific contemplations of the GTP would be achieved through the implementation of the Health Sector Development Program-IV (HSDP-IV) - a fourth consecutive phase in the implementation of comprehensive health sector development plans which started in 1996/97 on the basis of critical reviews of prevailing and newly emerging national health problems in the country. The HSDP-IV has been designed as a policy-level strategic document that guide the development of sub-national plans and set the rules of engagement in the health sector for five years (Ministry of Health, 2010, p. 31). Its formulation is informed by plenty of other policies and strategies including the Policy and Strategy for Prevention and Control of HIV/AIDS, National Drug Policy, National Population Policy, National Policy on Women, Child Survival Strategy, National Nutrition Program, National Strategy for the Prevention, Control and Elimination of Malaria, National TB Prevention and Control Strategy, Rural Development Policy and Strategy, Reproductive Health Strategy, the Health Extension Programme, and the Capacity Building Strategy and Program (Ministry of Health, 2010, p. 31). The most influential international commitments that provided direction to the HSDP-IV are the MDGs, the African Health Strategy (2007-2015), the Paris Declaration on Aid Harmonization (2005), the Accra Accord on Aid Effectiveness (2008) and Abuja Declaration on Health Care Financing in Africa; in fact, the HSDP-IV could be regarded as the expression of Ethiopia's renewed commitment to the achievement of MDGs as a top global plan influencing national development policies and strategies (Ministry of Health, 2010, p. 31).

In the preceding decade, Ethiopia has also adopted an intricate framework of policies and programs directly impacting the health of children and endeavoring to give wide effect to stipulations of international normative standards and objectives. The most important ones included Making Pregnancy Safer (2000), Reproductive Health Strategy (2006), Adolescent and Youth Reproductive Health Strategy (2006) and the Revised Abortion Law (2005), Health Care Financing Strategy (Ministry of Health, 2010, p. 4).

In relation to maternal, neonatal, child and adolescent health issues, the HSDP-IV targeted, in specific quantitative estimates, to roll out community case management for common childhood illnesses in all health posts, increase the proportion of health centers and hospitals, decrease maternal mortality ratio, reduce teenage pregnancy, surge deliveries attended by skilled birth attendants, intensify postnatal care coverage, increase the proportion of deliveries of HIV+ women that receive full course of ARV prophylaxis, decrease the under-five and infant mortality rate, upsurge full immunization, strengthen and expand community and facility-based maternal, newborn, child and adolescent health services, increase pediatric referral system, arrange essential nutrition actions, and increase percentage of households using latrine, water treatment and safe storage practices (Ministry of Health, 2010, pp. 7-11).

Another important policy frame impacting on the right to health of children is the National HIV/AIDS Policy (1998); within a general objective of creating an enabling environment for the prevention and control of HIV AIDS, the Policy designed a strategy that gives a priority focus on women, children and the youth in health promotion works related to HIV AIDS, exerts effort for the provision of care and support to children orphaned when one or both parents die of HIV AIDS, and safeguards children living with HIV AIDS from any form of discrimination or stigmatization (Ministry of Health, 1998). The general contents of this policy have been elaborated and implemented through a series of instruments adopted in the last decade - including the national strategic framework for the periods running from 2000-2004 and 2005-2008, the Multi-sectoral Plan of Action for Universal Access to HIV Prevention, Treatment, Care and Support in Ethiopia (2007-2010) and currently, the Ethiopian Strategic Plan for Intensifying Multi-Sectoral HIV Response covering the period 2010-2014 (Ministry of Health, 2009).

These concentrated national measures would need to be consonant with the expectations of international standards and the adoption of a wider perception that the 'issue of children and HIV/AIDS is not merely a medical or health problem. As the CRC Committee explained, it involves a much wider range of issues; in this regard, while the right to health remains central, HIV/AIDS impacts so heavily on the lives of all children that it affects all their rights - civil, political, economic, social and cultural (Committee on the Rights of the Child, 2003, pp. para 56). The rights embodied in the general principles of the

Convention should therefore be the guiding themes in the consideration of HIV/AIDS at all levels of prevention, treatment, care and support; adequate measures to address HIV/AIDS can be undertaken only if the rights of children are fully respected and a holistic rights-based approach is implemented as optimal tool for addressing the broader range of issues that relate to prevention, treatment and care efforts (Committee on the Rights of the Child, 2003, pp. para 5-6).

A final constituent of the National Child Policy framework worthy of consideration in connection with the right of children to health addresses issues of harmful traditional practices widely experienced in Ethiopia and negatively influencing the physical, mental, psychological and social development of children (Ministry of Women, Youth and Children Affairs, 2011, p. 6).

In the legislative front, the adoption of Proclamation No.760/2012 on the 'Registration of Vital Events and National Identity Card' in light of the specific schemes enclosed in the National Child Policy constitute an important step forward; the Proclamation addressed a system for the registry of events and the identity of children's birth, name, adoption, acknowledgement and judicial declaration of paternity, death and nationality - records which could have effects on the identity of children and their entitlements to social and economic facilities inherent in recognition of such identity. Similarly, Proclamation No.690/2010 on 'Social Health Insurance' introduced a system where beneficiaries - including children under the age of 18 - would be entitled to receive quality and sustainable universal health care coverage and benefit packages under the social health insurance scheme. Parallel legislative arrangements have been provided in some regional states as well.¹⁸ Likewise, stipulations of the Public Health Proclamation No.200/2000 on - among others, the waste management, the regulation of sanitation facilities and communicable diseases, the Revised Family Code which expanded the responsibilities of guardians with regard to the welfare of minors, and Ethiopia's Labor Code which precluded children of a

¹⁸ Proclamation No.10 (2003), A Proclamation to Provide for the Addis Ababa City Government Health Service Delivery, Administration and Management Proclamation No.117 (2005); The Amhara National Regional State Health Service Proclamation; Proclamation No.84 (2004), The Southern Nations, Nationalities and Peoples' Regional State Health Service Delivery, Administration and Management Proclamation.

certain age from engagement in employment or specific types of hazardous or harmful works have helped in promoting and safeguarding the rights of children to health.¹⁹

4.2.2.3. Policies on Family Environment, Alternative Care and Vulnerable Children

Various measures have likewise been adopted to ensure the broader right to 'life, survival and development' of children through the prism of particular commitments targeting the protection of the family environment in which children are brought up, the provision of alternative family care institutions, and the protection of vulnerable children, including orphans. Normatively, therefore, the GTP's set of objectives and feat would have to be scrutinized through the structure of such standards as well.

Art.20 of the UNCRC provides that children shall be afforded special protection, assistance and alternative care taking various forms which intend to ensure the normal continuity of the developmental rights of children. The Convention stipulates detailed obligations both on the state and the family to ensure the healthy development and wellbeing of children during each stage of their upbringing. Typically, the family is regarded as the fundamental group of society and the natural environment for the growth, care, nurturance, well-being and development of children. Children's parents, when they are available, (along with other members of family) play a crucial role in the implementation of their rights, and states have the obligation to provide assistance.

Young children are especially vulnerable to adverse consequences of separations because of their physical dependence on and emotional attachment to their parents/primary caregivers; they are also less able to comprehend the circumstances of any separation. Family environment situations which are most likely to impact negatively on young children include neglect and deprivation of adequate parenting, parenting under acute material or psychological stress or impaired mental health, parenting in isolation, parenting which is inconsistent, involves conflict between parents or is abusive towards children, and situations where children experience disrupted relationships, or where they are provided with low quality institutional care (Committee on the Rights of the Child,

¹⁹ Proclamation No.377 (2003), Labour Proclamation, Federal Negarit Gazeta, 10th Year No.12, Addis Ababa, Art.89

2005, pp. para 18-20). The CRC has urged states to take all necessary steps to ensure that parents are able to take primary responsibility for their children, to support parents in fulfilling their responsibilities, including by reducing harmful deprivations, disruptions and distortions in children's care, and to take action where young children's well-being may be at risk (Committee on the Rights of the Child, 2005, pp. 18-20). States' support may also take the form of assisting parents in providing living conditions necessary for the child's development and ensuring that children receive necessary protection and care (Committee on the Rights of the Child, 2005). With regard to vulnerable children,²⁰ states and families with primary responsibility have the obligation to ensure that they are guaranteed access to appropriate and effective services, including programs of health, care and education specifically designed to promote their well-being (Committee on the Rights of the Child, 2005, p. para 24).

Aspects of the contemporary setting in Ethiopia, both institutionally and legally, with regard to protection afforded to the family environment, the provision of alternative family care institutions, and the protection of vulnerable children has been the subject of consideration and recommendations by the CRC (Committee on the Rights of the Child, 2006, pp. para 38-50). In 2006, the Committee expressed deep concern about the impact of extreme poverty and the high rate of HIV/AIDS on children, and the dire need to provide them with adequate alternative care, and noted the important role played by NGOs in providing alternative care for orphaned children. In particular, it recommended that Ethiopia should take the necessary measures to protect the rights of children without parental care and address their needs with a focus on effective support programs for children in vulnerable families, promotion of and support for family-type forms of alternative care for children deprived of parental care in order to reduce the dependence on institutional care, and provide adequate resources to institutional care provided by NGOs; with regard to adoption, one of the four types of alternative cares expressly recognized by the CRC, the Committee noted with agitation the rising number of inter-country adoptions (as opposed to domestic adoption) (Committee on the Rights of the

²⁰ Includes girls, children living in poverty, children with disabilities, children belonging to indigenous or minority groups, children from migrant families, children who are orphaned or lack parental care for other reasons, children living in institutions, children living with mothers in prison, refugee and asylum-seeking children, children infected with or affected by HIV/AIDS, and children of alcohol or drug-addicted parents.

Child, 2006, pp. para 38-40); Art.21 of the CRC has imposed a series of standards specifically designed to ensure that adoption is clearly guided by the best interest of children.

At the national level, the complex nature of the problems has warranted comprehensive policy and legislative intervention by Ethiopia. The FDRE Constitution explicitly recognized the family as the fundamental unit of the society worthy of serious protection, accorded orphans special protection, and promoted the establishment of institutions which ensure their adoption and welfare. Art.36 of the Constitution also directs the state to accord special protection to orphans and encourages the establishment of institutions which ensure their adoption and advance their welfare and education.

In like tune, the National Child Policy considered the subjects of intervention from many perspectives - mainly highlighting the need for strengthening the family environment in which children are brought up. It aspired to develop trainings and services that increase the sources of income of parents/guardians and to build their capacity so that children will not be vulnerable to different social and economic problems, to facilitate counseling services for parents/guardians so that children will not be vulnerable to social problems because of disagreements, separation and divorce of parents/guardians, and to aid the establishment of conducive environment where working parents, specially working mothers, provide the necessary care for their children at work places and neighborhoods so that children are raised with good personality by the love and care of their parents/guardians; it also aimed at facilitating alternative family services, depending on the circumstances of the community, for orphans and for children that cannot live with their parents for different reasons (Ministry of Women, Youth and Children Affairs, 2011, pp. 12-14).

On the other hand, the Alternative Childcare Guidelines of 2009 which has been based on 'ethical principles and legal provisions given in the CRC, the African Charter on the Rights and Welfare of the Child and Ethiopian Laws and Policies', provides the minimum conditions and regulatory instrument for services where government, non-governmental, religious and other institutions giving alternative childcare adhere to; it outlines measures and good practices to support, care and protect children without parental care in

institutions or outside of institutions within the economic, social and political context of the country (Ministry of Women's Affairs, 2009, p. 1). Under Art.4, the specific objectives of the Guideline aim at facilitating the provision of quality and effective care and support to OVC, based on the principles that they ensure the best interests of the child, at setting the minimum conditions on the delivery of alternative childcare services in the country, developing sound child-oriented operational frameworks in accordance with the rights-based approach, and promoting a participatory approach of dealing with the care and support of orphans and vulnerable children.

In relation to orphans and vulnerable children, the Standard Service Delivery Guidelines of 2010 - framing the contents of interventions that address the need to improve health, wellbeing and development of OVC - were established in collaboration with the Federal HIV/AIDS Prevention and Control Office (FHAPCO); in a bid to homogenize implementation of OVC services and improve the general wellbeing of OVC, the Standard Service Delivery Guidelines put in place standardized service delivery guide and hence enable key stakeholders to uniformly deliver facilities to beneficiaries at varying levels the Ethiopian government by maximizing quality and utilization of resource while simultaneously minimizing duplication (Ministry of Women Affairs and Federal HIV/AIDS Prevention Office, 2010, pp. 1-2).

Specific legislative obligations and responsibilities have also been provided under the Revised Family Code, and in a limited context, under the Criminal Code of Ethiopia with regard minors and the status of parents, tutors and guardians, the family lines responsible for children's upbringing and welfare, the situations under which they may be removed from such responsibilities, the forms of assistance rendered by the state, and when children have no families, support extended by the next kin or institutions, the role of the state in extending protection to children and the family, the requirements for the formation of adoption and the circumstances under which it may be terminated, the effects of adoption, the powers of courts to consult children and seriously consider their opinions in making

adoption determinations, and the right of adopted children to maintain bonds with family of origin.²¹

4.2.2.4. Social and personal welfare of children

The right of children to life, survival and development both socially, emotionally and physically is also impacted by and entails state actions and coordinated measures which aim at ensuring the social and personal welfare of children who may be vulnerable to socio-economic predicaments, various forms of abuse, exploitation and neglect. In highlighting the dire cost of the various forms of violence perpetuated against children, the CRC Committee submitted that the survival and development of children is seriously affected by violence - and could take various dimensions as short and long-term health consequences (such as fatal injury; non-fatal injury, physical health problems; cognitive impairment; psychological and emotional consequences; mental health problems etc.) and developmental and behavioral consequences (such as school non-attendance and aggressive, antisocial, self-destructive and interpersonal destructive behaviors) (Committee on the Rights of the Child, 2011, pp. para 12-16).

The normative framework of this obligation is postulated under Article 19 of the UNCRC which provides that states shall take all appropriate legislative, administrative, social and educational measures to protect the child from ‘all’ forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child; as appropriate, such protective measures should include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment, and when necessary, for judicial involvement. In this regard, one can note that Art.19 is strongly linked to a broad range of provisions in the Convention itself imposing different scales of obligations on states, parents, guardians or others responsible for the care of children.

²¹ The Revised Family Code Proclamation No. 213 (2000), Federal Negarit Gazetta Extra Ordinary Issue No. 1/2000, Addis Ababa 4 July 2000.

Naturally, the nature and scope of intervention called for through the implementation of policy, legislations and practical actions by stakeholders could be understood only when the various forms of violence prohibited under the Convention are properly conceived. The CRC Committee outlined the designation of acts of violence as extending to a range of categories.

Hence, 'physical neglect' applies with respect to failures to protect a child from harm, including through lack of supervision or failure to provide basic necessities. 'Psychological neglect' covers lack of emotional support and love, chronic inattention to the child, psychological unavailability of caregivers, and exposure to intimate partner violence, drug or alcohol abuse. 'Neglect of children's physical or mental health' applies to any withholding of essential medical care; 'educational neglect' extends to such acts like failure to comply with laws requiring caregivers to secure children's education through attendance at school or otherwise, and abandonment; 'Mental violence' describes psychological maltreatment, mental, verbal and emotional abuse or neglect, all forms of persistent harmful interactions with the child including making children feel that they are worthless, unloved, unwanted, endangered or only of value in meeting another's needs. It also includes scaring, terrorizing and threatening, exploiting and corrupting, spurning and rejecting, isolating, ignoring and favoritism, denying emotional responsiveness, neglecting mental health, medical and educational needs, insults, name-calling, humiliation, belittling, ridiculing and hurting a child's feelings, placement in solitary confinement, isolation or humiliating or degrading conditions of detention, and psychological bullying and hazing including via information and communication technologies such as mobile phones and the internet (Committee on the Rights of the Child, 2011, pp. para 20-21).

On the other hand, prohibited forms of 'physical violence' include fatal and non-fatal bodily violence, all corporal punishment in which physical force is used or intended to cause some degree of pain or discomfort, all forms of torture, cruel, inhuman or degrading treatment or punishment, physical bullying and hazing, sexual abuse and exploitation - including the inducement or coercion of a child to engage in any unlawful or psychologically harmful sexual activity, the use of children in commercial sexual exploitation, in audio or visual images of child sex abuse, child prostitution, sexual slavery, sexual exploitation in travel and tourism, trafficking and sale of children for sexual

purposes, forced marriage, harmful practices - including female genital mutilation, amputations, binding, scarring, burning and branding, violent and degrading initiation rites, force-feeding of girls, fattening, virginity testing, forced marriage and early marriage, honor crimes; retribution acts of violence, dowry-related death and violence, accusations of witchcraft and related harmful practices such as exorcism, uvulectomy and teeth extraction (Committee on the Rights of the Child, 2011, pp. para 22-29).

In addressing these multifarious issues relating to children's social and personal welfare, the general point of entry in the Ethiopian context is the National Child Policy, but of course, the intensity, diversity and complexity of the issues also means that more specific policy and legislative measures are absolutely imperative.

Both in specifics and general formulations, the FDRE Constitution and the Criminal Code of Ethiopia have provided for various provisions that address the issue of children's personal and social welfare. They prohibited corporal punishment (except that which is reasonably applied to discipline children) and a range of cruel and inhuman treatments administered on children in schools or child-care institutions - including child abandonment, gainful prostitution, slave-like practices, ill treatment and overtaxing of minors, rape, sexual outrage, trafficking, female genital mutilation, female genital stitching, engaging in harmful traditional practices that spread diseases, and endangering lives or causing bodily injury to children; the Criminal Code has already rendered all of these forms of violence against children as punishable offences. The criminal liability of institutions has likewise been stipulated. In same legislative front, this has been supplemented by the labor legislation which, in tune with international normative developments in the field, prohibited the employment of 'young workers' in hazardous jobs.

Likewise, the National Child Policy has set, in its list of objectives, the necessity for facilitating the provision of appropriate social services for children, preventing and eliminating social, economic and harmful traditional practices and other abuses which are obstacles to the proper upbringing of children, expediting the provision of special care and support to children living under especially difficult circumstances, ensuring the accessibility of trainings and services that increase the sources of incomes of parents/guardians and building their capacity so that children will not be vulnerable to

different social and economic problems (Ministry of Women, Youth and Children Affairs, 2011, pp. 12-15).

On a different dimension, both in terms of specificity and articulation, the most relevant policy for the welfare and protection of children is the Developmental and Social Welfare Policy of Ethiopia (1996) which affirms commitment of the government to ensuring the economic and social welfare of the disabled, the elderly, as well as orphaned and abandoned children and addresses issues related to protection against child abuse and neglect, care and support to vulnerable children, and support to child care institutions.

Likewise, the National Plan of Action for Children (2003-2010), National Action Plan on Sexual Abuse and Exploitation of Children (2006-2010), the National Action Plan on the Elimination of the Worst Forms of Child Labor in Ethiopia (2010-2014) have provided for various types of measures directing the state to enhance the socio-economic status of vulnerable children, to ensure their protection from violence, abuse, neglect and commercial and sexual exploitation (including orphans, disabled and abandoned children), to work on the prevention of child prostitution, child trafficking and pornography, the provision of appropriate services and assistance and the promotion of child development oriented cares and counseling systems, the improvement of children living under difficult circumstances, the facilitation of access to basic services to reduce the causes and incidence of vulnerability, the harmonization of national laws with international standards, the improvement of the implementation capacity and accessibility of law enforcement institutions, the establishment of monitoring mechanisms which minimize student dropouts from schools, the enactment of laws that prohibit and criminalize engagement in the worst forms of child labor, and the removing of children from hazardous work-settings.

4.2.2.5. The GTP and Children's Right to Education

Within the ambit of social development and infrastructure, another particular sector which has been recognized as important strategic pillar of intervention under the GTP is education. Both the ICESCR and the UNCRC have recognized the right to education both as a human right and an indispensable means for realizing other human rights, i.e. as a primary vehicle by which economically and socially marginalized adults and children can

get empowered and lift themselves out of poverty and obtain the means to participate fully in their communities; in more specific contexts, a qualitative dimension which reflects the rights and inherent dignity of the child has also been introduced - insisting upon the need for education to be child-centered, child-friendly, empowering, and designed to provide the child with life skills, the capacity to enjoy the full range of human rights and to promote a culture which is infused by appropriate human rights values (United Nations Committee on Economic, Social and Cultural Rights, 2001).

Under Art.28 of the UNCRC, the substantive scope of the right to education of children and the corresponding measures which state parties must undertake at the national level has been extensively dealt with. States shall not only recognize, but also implement the right of the child to education progressively and on the basis of equal opportunity. While the availability of resources may restrain full realization of the right, states are obliged to take 'deliberate, concrete and targeted' steps towards full realization of the right to education by moving 'as expeditiously and effectively as possible'.

Primary education shall be compulsory and available freely to all, while the development of different forms of secondary education should be made available and accessible to every child, including the implementation of measures such as the introduction of free education and financial assistance in case of need. On the other hand, higher education should be accessible to all on the basis of capacity. Hence, while states have principal responsibility for the direct provision of education in most circumstances, given the differential wording of Art.13 (2) in relation to primary, secondary, higher and fundamental education, the parameters of a state party's obligation to fulfill are not the same for all levels of education. The framing of the pertinent provision entails the introduction of compulsory, free primary education as a 'matter of priority'.

Most importantly, in a meaningful implementation of the rights of children to education, states are obliged to adopt measures which encourage regular attendance at schools and the reduction of drop-out rates; school discipline should be administered in a manner that is consistent with the child's human dignity. Under Art.29, it has been stated that a child's education shall be directed to the development of personality, talents and mental and physical abilities to their fullest potential, the development of respect for the

child's parents, his or her own cultural identity, language and values, and for the national values. Children have also been accorded with the right to be protected from economic exploitation and from performing any work that is likely to interfere with their education.

As discussed in the preceding paragraphs, Ethiopia has undertaken, under Art.41 of the FDRE Constitution, to commit 'ever-increasing' resources to provide, among others, for educational services. Within a broader setting of social objectives of the State restated under Art.90 which stipulated the provision of access to education to 'all' Ethiopians – 'progressively' and on the basis of the 'availability of resources' - Art.36 of the FDRE Constitution has also recognized the right of children not to be subjected to exploitative practices and performance of work which may be hazardous or harmful to 'education', to be free of corporal punishment or cruel and inhumane treatment in 'schools and other institutions' responsible for the care of children, and to the extension of special protection to orphans and the establishment of institutions which ensure and promote their 'education'. Children's education shall also be provided in a manner that is free from any religious influence, political partisanship or cultural prejudices.

In pursuance of these substantive stipulations and the powers indicated under Art. 51, various guidelines, standards, policies and legislative frameworks have since been adopted at the national level - aiming at the implementation of the rights of children to education.

The GTP has drawn attention to the fact that social sector development schemes play significant role in enhancing people's living standards, economic growth, poverty eradication and stable governance. For this reason, the expansion of the sector was identified as one of the most important strategic pillars of the GTP; it is projected that the objectives of improving the people's health, productivity and skills will be realized by expanding, among others, access to 'good quality education' during the GTP period. The Education Sector Development Program for the GTP period (ESDP-IV) mainly focuses on educating and training a workforce that meets the industries' needs at all levels, but also strives on ensuring equitable access to quality education at general, TVET and higher education levels (MoFED, 2010, p. 86).

Therefore, efforts would be exerted to address issues that hinder students' enrollment, to highlight the importance of pre-primary education, to improve the quality of education, to increase the number of teachers and schools and to improve the management of universities (MoFED, 2010, pp. 86-90). An early childhood care and education system will be made cost-effective, participatory and extensive both in formal and informal delivery settings; and the educational strategy for children with special needs will be fully implemented. What is more, the technical and vocational education and training system (TVET) will continue to be instrumental for technology transfer and will be part of the government's capacity development program.

With regard to general education, existing initiatives to expand basic education services to all and to achieve the MDG targets will be strengthened; participatory and cost-effective early childhood care and education will be expanded. The government will facilitate policy based services in the areas of ensuring quality, support for the provision of materials, development of curricula, provision of early childhood care and education classrooms (MoFED, 2010, pp. 86-90). The government's enterprises to provide fair and accessible quality formal education will be continued and consolidated; and the current gender disparity will be eliminated by the end of the plan period. Likewise, a good quality and efficient TVET system will be established through the implementation of the TVET Strategy; to achieve same, government investment will be increased.

With regard to higher education, on the other hand, the key priority during the plan period will be to ensure the quality and relevance; to this end, the management of universities will be improved and strengthened (MoFED, 2010, pp. 86-91).

Of course, the Convention requires that states establish 'minimum educational standards' to which all educational institutions are required to comply with. Some of the GTP's targets work on increasing students' score in examinations in all grade levels, enhancing enrollment rate for pre-primary, primary, and general secondary education and decreasing gender disparities; in higher education, the description of targets varies from increasing the qualification of instructors at every stage to expanding the admission, participation (of females) and graduation of students in the undergraduate and post graduate programs (MoFED, 2010, pp. 86-91).

To achieve this, professional development schemes will be put in place, special subject-specific programs will be implemented, the curricula of different primary and secondary education institutions will be harmonized, digitized (plasma) secondary education will be developed, the Early Childhood Care and Education Policy will be fully implemented, the distance between schools and children's home will be reduced, and strategies will be designed to include open multi-grade classes, open mobile and para-boarding schools and feeding programs suitable for sparsely populated and pastoralist communities. Affirmative actions will be designed to improve access in emerging regions, while in secondary education, access will be expanded through the increased provision of secondary preparatory education. (MoFED, 2010, pp. 86-91).

While it is evident that the GTP's grand design has covered multifaceted components with a view to realizing the rights of children to education, the normative content of the right as such, and by implication, the scope of obligation which vests in the State of Ethiopia is far more broader than is implicit in the simple reading of the FDRE Constitution or the GTP's text itself. In realizing children's rights, Ethiopia's accomplishments should therefore be assessed on the basis of such normative frameworks.

As the Committee monitoring the implementation of the UN Covenant on Economic, Social and Cultural Rights has highlighted, education in all its forms and at all levels shall be available, i.e. educational institutions and programs have to be available in sufficient quantity within the jurisdiction of each state; what they require to function depends upon numerous factors, including the developmental context within which they operate (United Nations Committee on Economic, Social and Cultural Rights, 1999, p. para 6). Educational institutions and programs have to be accessible to everyone within the jurisdiction of the states, and in particular, education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighborhood school) or via modern technology (e.g. access to a 'distance learning' program) (United Nations Committee on Economic, Social and Cultural Rights, 1999, p. para 6).

Economic accessibility is also an important component of the right of children to education. Education has to be affordable to all; this dimension is subject to the differential wording of Art.13 (2) in relation to primary, secondary and higher education: whereas

primary education shall be available 'free to all', states are only required to progressively introduce 'free' secondary and higher education (United Nations Committee on Economic, Social and Cultural Rights, 1999, p. para 6).

The ICESCR Committee concluded that the main delivery system for the basic education of children outside the family is 'primary schooling' which must be compulsory and universally available for free (United Nations Committee on Economic, Social and Cultural Rights, 1999, pp. para 9-10). Secondary education, on the other hand, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; this phrasing signifies that secondary education is not dependent on a student's apparent capacity or ability and, that it should be distributed throughout the state in such a way that it is available on the same basis to all (United Nations Committee on Economic, Social and Cultural Rights, 1999, p. para 13). While states must prioritize the provision of free primary education, they also have an obligation to take concrete steps towards achieving free secondary and higher education (United Nations Committee on Economic, Social and Cultural Rights, 1999, p. para 14). Likewise, technical and vocational education (TVE) forms part of both the right to education and the right to work, and hence, forms an integral element of all levels of education (United Nations Committee on Economic, Social and Cultural Rights, 1999, p. para 15).

The FDRE Constitution's express stipulation and the government's programs that endeavor to ensure that education is provided in a manner that is 'free from any religious influence, political partisanship or cultural prejudices' must also be approached with caution. Art.13 of the UNCESCR has already provided that states should undertake to 'respect' the liberty of parents and guardians to ensure the religious and moral education of their children in conformity with their own convictions. The CRC has interpreted this as permitting public school instruction in subjects such as the 'general history of religions and ethics' so long as it is given in an 'unbiased and objective way', respectful of the freedoms of opinion, conscience and expression; otherwise, public education that 'includes' instruction in a particular religion or belief is inconsistent with the Convention unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the

wishes of parents and guardians (United Nations Committee on Economic, Social and Cultural Rights, 1999, p. para 28).

The FDRE Constitution has also recognized the right of children to be free of corporal punishment or cruel and inhumane treatment in 'schools and other institutions' responsible for the care of children. Indeed, this type of treatment is incompatible with the values and underlying essence of protective measures under several international human rights instruments. In the CRC Committee's view, all aspects of school discipline which may be inconsistent with human dignity - such as public humiliation or denying children food - are disallowed (United Nations Committee on Economic, Social and Cultural Rights, 1999, p. para 41).

In the CRC's views, most violations of the rights of children to education involve the introduction of or failure to repeal legislation which discriminates against individuals or groups in the field of education, failure to take measures which address de facto educational discrimination, the use of curricula inconsistent with the educational objectives set out in the Convention, failure to maintain a transparent and effective system to monitor conformity with Art.13 of the Convention, failure to introduce, as a matter of priority, primary education which is compulsory and freely available to all, failure to take 'deliberate, concrete and targeted' measures towards the progressive realization of secondary, higher and fundamental education, the prohibition of private educational institutions, failure to ensure private educational institutions conform to the 'minimum educational standards', denial of academic freedom of staff and students, and the closure of educational institutions in times of political tension without conforming with Art.4 of the Convention.

Nationally, the right to education of children has been provided in plenty of national policy and legislative frameworks as well. The Education and Training Policy (1994) and the Education Sector Development Program (ESDP IV), the Technical and Vocational Education and Training Proclamation No.391/2004, and the Higher Education Proclamation No.351/2003 have extensively covered regulatory and operational issues in the provision of education which are relevant to the implementation of the rights of children. Similarly, the National Child Policy has stipulated specific directions which aim at

facilitating the enhancement of the quality/quantity of pre-school education, the accessibility and fairness of primary and first cycle secondary education, and the provision of special needs education and appropriate education for children with special skills; static and mobile educational, health and related services would also be expanded in a manner that befits the special circumstances of children in pastoralist and semi-pastoralist communities. Special focus would also be laid on children living under difficult circumstances including, for example, orphaned, vulnerable and street children, children who have been victims of disasters, children with physical or mental disability or living with HIV/AIDS, and children who have been abused sexually, physically or psychologically. More specifically, the Education and Training Policy details the strategies for both formal and non-formal educational systems - ranging from kindergarten to higher education and special education, including technical and vocational trainings and special education for people with special needs; the right of children to attend education free of charges (grades 1-10) and to receive primary education through the employ of own language has also been established.

4.3. The GTP and the Rights of Children to Non-Discrimination, Participation and the Principle of the Best Interest of the Child

While the elimination of poverty is its overarching normative commitment, the GTP also evidences other important norms that inform its conception and formulation of economic and social policy. As the GTP itself noted (MoFED, 2010, p. 32):

It is clear that, in Ethiopia, economic growth is crucial for the eradication of poverty over time, for citizens to enjoy fast growing living standards. This economic growth has to be rapid, sustainable, and fair. Failure to realize such type of economic growth will place considerable constraints on the poverty eradication agenda. It is for these reasons that Ethiopia's development policies in general, and the GTP policies and strategies in particular, place great focus on ensuring sustained, rapid, broad based, poverty reducing and fairly distributed economic growth.

There are two fundamental norms that run through and inform, to varying degree, the different actionable plans of the GTP. These are the norms of equity and participation.

The GTPs commitment to these values is expressed in its statements of the visions of economic and social planning. This is evidenced by the explicit references to social justice and citizen participation in the vision statements that the GTP incorporates as the basis of economic and social planning. Though not as much explicit as they are in the vision statements, these values also undergird the objectives of the GTP that make reference to the MDGs. A more detailed expression of these values is also observable in the discussions of the GTP relating to its strategic pillars, where, inter alia, the GTP identifies as its strategic pillar the attainment of economic growth that is “broad based” (MoFED, 2010, p. 22).

A more pertinent and detailed exposition of the normative commitments to equity is to be found in the GTP’s discussion of the strategic pillar of expanding and ensuring the quality of social development. In the words of the GTP:

Improving citizens’ living standards and development of their human potential is a key strategic pillar of the GTP. The government will take various measures to improve peoples’ health, productivity and skills....[through] improved access to good quality higher and adult education, very wide access to good quality primary health care, better access to safe water and sanitation facilities, halting the spread of HIV/AIDS and other key infectious diseases, improving food security and nutrition and improved housing conditions.

The discussion on this strategic pillar – viz. expanding and ensuring the quality of social development – singles out improving the quality of higher education, expanding child care and education, strengthening technical and vocational training, improving health care through expanded coverage of primary health care as well as strengthening quality hospital and pharmaceutical services, as areas of particular focus (MoFED, 2010, pp. 25-26). These are all areas of intervention that aim at the roots as well as the insidious and self perpetuating effects not only of poverty but also of inequitable relations of resource distributions and allocations within society.

In the explanation of its strategic pillar relating to strengthening good governance and capacity building, the GTP recognizes the crucial role of the democratic participation of citizens in the development process. As stated in the GTP (MoFED, 2010, p. 27),

In order to facilitate the strengthening of the stable, democratic and developmental state that creates an enabling environment for development, major emphasis will be given to strengthening democratic institutions, building up the capacity of civil service and civil society organizations and establishing a system for citizens' access to information. Public participation will be strengthened at all levels to ensure better transparency and accountability in public decision-making.

Ensuring equitable and participatory development as a value commitment is more directly and explicitly addressed in the GTP's discussion of the strategic pillar of empowering women, children and the youth and ensuring that they benefit from development. The GTP acknowledges that its objectives "can only be achieved when the multidimensional problems faced by women and youth are addressed" and when initiatives to ensure the "equitable socioeconomic and political participation by and benefits directly for, women and youth" are in place (MoFED, 2010, p. 27). Specifically addressing children the GTP states (MoFED, 2010, p. 27):

Relative to other sections of the community, children's vulnerability to manmade and natural disasters is higher... Primary targets included in the GTP are to ensure equitable benefits to children from development initiatives, support vulnerable children, minimize harmful traditional practices that affect children, and protect children's rights and safety.

The normative commitments of the GTP to equity and participation are similar in nature to the values of non-discrimination, and participation that are fundamental to the rights of children and that form the constituent and guiding principles of the UNCRC. In reviewing the extent to which the GTP's commitments to equity and participation are congruent with the principles of non-discrimination and participation in the UNCRC, it is important to bear in mind the different levels at which these principles are to be interpreted and given effect in the context of the UNCRC. At one level, these obligations impose a positive duty on the part of the state to ensure that children are not discriminated against or to ensure that children are given the opportunity to have their voices heard and in matters affecting them. At this level, the obligations imposed on states can be characterized as substantive duties. At another level, however, these principles constitute

the evaluative standards and interpretive principles for the all rights of children and the corresponding duties of the state. In other words, these principles are obligations on the state to ensure that it adopt procedural safeguards to ensure that the enjoyment of rights is not frustrated by unjustifiable discrimination or exclusion.

In the discussion on the principle of non-discrimination as an evaluative standard, we noted that discrimination can result both from legal and sociological facts. With regard to sociological grounds of discrimination, it was noted that the identification and targeting of these grounds is an empirical exercise that is very much dependent on particular social contexts. We also noted that for the principle of non-discrimination to be realized, it is imperative that measures be taken to end both legal and sociological grounds of discrimination. In this connection, it is necessary to take measures to ensure that there is an increasingly equal opportunity to resources that would eventually level the ground for everyone and minimize, even if not fully eliminate, the insidious effects of sociological inequality.

In reviewing the GTP's commitment to non-discrimination, thus, it is necessary to see it from three angles. The first is what legal and sociological grounds of inequality it recognizes and plans to address. The second question that needs to be answered is how the GTP plans to eliminate these grounds of discrimination and to create conditions for the equalization of opportunities for all children. Finally, it is also important to see to what extent the GTP readies itself to contextually identify and monitor actual or potential causes of discrimination.

The GTP refers to certain factors as likely to adversely impact the ability of all citizens to benefit from development and thus as requiring special measures. These factors include gender, age, disability and HIV/AIDS. Thus, explicit mention is made to the rights of women, children, and people living with HIV/AIDS to be ones in which the justice sector will devise mechanisms for better enforcement (MoFED, 2010, p. 103). Women are also singled out as deserving of special measures in the GTP's planned activities in democracy and good governance promotion (MoFED, 2010, p. 104) as well as of cross-cutting concerns of promoting women's participation in and benefitting from development (MoFED, 2010, p. 110). In its section on social welfare the GTP identifies age and disability as matters of

special focus as “the social welfare program focuses on protecting the rights of and creating opportunities for participation of disabled and elderly people so that they contribute fully to the development process as well as to political, economic and social activities in the country” (MoFED, 2010, p. 113). In addition to these, the GTP’s overarching concern with poverty could also be seen as entailing to the latter’s recognition as a sociological marker of discrimination. Apart from these oblique references, the GTP is largely silent on how it conceptualizes and operationalizes its commitment to equity as a norm that governs its envisaged effort towards attaining development through economic growth.

This may not mean that the GTP’s planned programmatic commitments are unconcerned with ensuring equitable development. As noted earlier, one of the major sociological markers of discrimination is poverty and the GTPs concern with eliminating poverty can be seen as directed at minimizing the inequitable consequences of poverty. More significantly, the social sector plan of the GTP especially dealing with education and health are specifically aimed at removing the insidious discriminatory effects of poverty. Thus the GTP’s plan to expand general education with the aim of achieving the MDG targets (MoFED, 2010, p. 86) as well as its target for technical, vocational and higher education are instrumental in ensuring that more and more people are ensured of the opportunities to extricate themselves out of poverty. In like manner, the GTP’s objective of ensuring “the provision of quality primary health care for all” (MoFED, 2010, p. 92) can also be seen as a necessary measure of leveling the field.

To conclude this Chapter, it can generally be said that the GTP’s broad value commitments segue well with the fundamental values of the rights of the child. As has been discussed above too, the GTP’s has many planned measures that are specifically directed at, or would indirectly contribute to the realization of the rights of children. The GTP also operates in an overarching policy and program framework that largely respects and works for the increased realization of the rights of children. This framework includes such policies as those that deal with the rights of the child to health, providing a family environment to children, creating conditions conducive to the social and personal welfare of children, and the right of children to education. This does not, of course, mean that there are no areas where improvements can be had. From the perspective of the rights of children, the major one of this may be that of ensuring that the current state and future fate of children be

considered as a primary, if not the primary, consideration in the designing, implementation and monitoring of national plans.

Chapter 5. A Review of the Mid-term Implementation of Selected Sections of the Growth and Transformation Plan from the Perspectives of the Rights of Children

5.1. Approach

Apart from assessing how the overall GTP incorporates the rights and interests of children, the ToR calls for an examination of the status of implementation and the impact on the rights and welfare of children of specific sections of the GTP. As we noted in the previous Chapter, the sections of the GTP dealing with capacity building particularly those dealing with judicial reform and democracy building and those dealing with cross cutting issues relevant to children are singled out in the ToR as matters of special interest.

Any review of the implementation of the GTP involves immeasurably vast subjects, actors, measures and outcomes that may be investigated and a multitude of sources and types of data and information. As indicated above and in Chapter 3, however, we have limited our investigation in the present Chapter to the implementation of the relevant sections of the GTP through an examination of the annual reports of selected federal agencies entrusted with the overall coordination and supervision of the implementation of these sections of the GTP.

While resource limitation, including lack (or inaccessibility) of relevant and appropriately disaggregated data and information may be, on its own, a sufficient justification, we also believe that there are strong reasons necessitating such a circumscribed approach. It would focus the limited resources available on crucial areas of possible intervention for those state and non-state actors who are interested in contributing to the better handling of the rights and interests of children both in the implementation of the GTP and more importantly in the designing and adoption of future policy and programmatic documents. The areas that are identifiable in this exercise would be, we hope, ones that are mature for intervention by both state and non-state actors engaged in the promotion and protection of the rights, interests and welfare of children.

From a methodological point of view our emphasis is on the analysis of the reports of selected government agencies entrusted with the task of overseeing the implementation of the GTP. Such an approach that emphasizes narratives and the overarching discourses

within which narratives are situated is common in the social sciences and in policy analysis and studies. It has also been utilized to study organizations and industries. In fact, discursive approaches have been found to be very useful in understanding the processes of organizational change.²² In studying the narratives that implementing agencies construct through their reports, we review the activities carried out by these agencies in pursuance of the GTP's stated objectives and goals as well as the achievements attained and challenges faced in carrying out these activities. Our review is conducted from the critical stance of both the GTP itself and no less significantly the fundamental value commitments underlying the rights of children. Such critical stance means that our review of the narratives of implementing agencies as related in their reports also looks at how such narratives incorporate (or are limited in incorporating) the values underlying the rights of the child.

The main sources of information that we have used for this review are the annual reports that are submitted to the House of Peoples' Representatives (the Federal Parliament) by the government agencies that are designated as in charge of the overall implementation and supervision of the relevant sections of the GTP. As indicated in the Policy Matrix of the GTP, these are also the agencies whose reports are to be used as means of verification for the status of implementation of the GTP (MoFED (a), 2010, p. 3). Using these reports as the major source for our review of the implementation of the GTP is consistent with our overall approach that emphasizes cooperation with those state agencies that have the responsibility of designing and implementing the GTP. For those non-state actors who are interested in the promotion of the rights, interests and welfare of children, we believe that using these reports for identifying gaps, areas of concern, as well as positive achievements in realizing the rights of children will contribute to creating a trusting and favorable ground to engage government agencies by demonstrating sensitivity to the latter's sensibilities.

The agencies that are entrusted with the overall supervision of, and whose report is designated as the means of verification for, the implementation of the sections of the GTP that are relevant for the present exercise are:

²² For a discussion of discursive approaches in organizational studies see Heracleous (2006) and Ebrahim (2003). See the latter especially for the use of official reports in the discursive study of organizational change and organizations in general.

- The Ministry of Justice (MoJ);
- The Ministry of Civil Service (MoCS); and,
- The Ministry of Women, Youth and Children's Affairs (MoWYCA).

In addition, the reports of the Ethiopian Human Rights Commission and the Office of the Ombudsman who are outside the ambit of the executive and are directly accountable to the House of People's Representative are also designated as means of verification for some portions of the relevant sections of the GTP.

Our review in this section is thus mainly based on the annual and other periodic reports submitted by the above named agencies to the Ministry of Finance and Economic Development (MoFED), the House of People's Representatives (HoPR) or within the agencies themselves. These agencies are required to submit annual reports on the progress of the implementation of the GTP' sections falling under their purview to the Ministry of Finance and Economic Development, the government agencies entrusted with the task of overall supervision of the implementation of the GTP. Our repeated effort to get a complete set of these reports both from the agencies and the Ministry of Finance and Economic Development were unsuccessful and we had to rely on those reports as we were able to find.

To complement the gaps thus encountered, we decided to use the complete set of reports that the agencies named above submitted to the HoPR as well as the annual performance reports of the agencies that we could find from the agencies themselves. Although we have no reason to doubt the veracity of these reports, we suspect that, at least in some cases, the reports that we used including those submitted to the HoPR might lack some of the details that reports to the Ministry of Finance and Economic Development may have. This is particularly true in terms of explicitly relating the reported performances to the GTP itself. Based on the information that we have we are of the opinion that differences in style and details between the two types of reports are not likely to seriously affect the quality, veracity and exhaustiveness of one over the other. On the other hand, we believe that reports to the Parliament have an additional advantage for the present exercise because they outline the major activities, challenges and opportunities faced by

implementing agencies both within and outside the framework of the GTP thus giving a broader perspective on the implementation of the GTP. Perhaps no less importantly, these reports are also very useful in showing how policy makers at the executive and legislative branches of the government construct their narratives around the GTP and its implementation and the degree to which the rights and interests of children infuse such narratives. They are thus useful indicators of the degree to which the values underlying the rights of children are institutionalized and routinized in the operations and the interactions of government agencies amongst each other as well as with the general public.

Our review of these reports was to some extent complemented by intensive semi-structured interviews with relevant personnel within the agencies. The interviews conducted on the basis of an interview guide that followed the GTP in its organization and wording were intended to gather information that would supplement or complement the information gathered through a review of the reports. Unfortunately, we cannot say that this objective was fully realized. The exhaustiveness of the interview guide meant that addressing all the questions demand more time and resources both on the part of the interviewers and especially on the part of the agencies and their personnel. In the face of such serious constraint, the information that could be gathered from informants could not be as detailed and informative as was desired. Nonetheless, the interviews were useful in clarifying some issues as well as in locating important information sources. More significantly, however, the interviews were useful in showing gaps in the conceptualization and operationalization of the rights of children among implementing agencies and their personnel.

The following sections present our assessment of the implementation of the relevant sections of the GTP conducted as described above. Each section begins by describing the normative and programmatic commitments undertaken in the GTP and is followed by a discussion of the measures taken in implementing these commitments as reported by implementing agencies. Finally, the import of the measures and their implementation to the rights of the child will be discussed.

5.2. Capacity Building Measures

The capacity building measures envisaged in the GTP are viewed as the continuation of similar measures taken in previous plan periods aimed at “establishing a stable developmental and democratic government system [*and that*] play a key role in ensuring rapid and sustainable development, human and capital resources development and for achieving sustained economic development and Ethiopia’s MDG targets by 2015” (MoFED, 2010, p. 96). The measures are set along four strategic directions. The first is that of establishing government structures with strong implementing capacity. Aimed at attaining “increased efficiency, effectiveness, accountability, and transparency of public sector service delivery” this strategic direction involves “the full implementation of the civil service reform program” (MoFED, 2010, p. 96).

The second strategic direction is that of ensuring transparency and combating corruption. The third and fourth strategic directions are those of ensuring public participation and incorporating cross-cutting issues in the civil service respectively. The last two strategic directions may have a more direct and pertinent relation with the rights of the child. The first one may serve as a means of translating the principle of the participation of the child. The second deals with incorporating cross-cutting issues one of which is that of children (the others being gender, HIV/AIDS, social welfare, labor affairs, population and development, culture and tourism, science and technology development, and environment and climate change).

Defining “ensuring public participation” as a strategic direction for its capacity building measures, the GTP primarily lays emphasis on citizens’ ability to take part in “local governance and development decision making.” The GTP’s explicit commitment to ensure public participation is a clear progress from its predecessor which conceived capacity building measures as limited within the civil service only (although one of the reform measures envisaged in PASDEP was that of ensuring improved service delivery to the public at large). The GTP does not deal in any detail with the questions of what constitutes public participation and how it is to be realized. Nonetheless, its discussion of this strategic direction suggests that it views public participation to flow mainly through two mechanisms: government structures particularly those at the *Wereda* and *Kebele* levels; and professional and public associations and organizations. Among others the GTP’s

discussion of public participation seems to suggest that the latter includes, the enhanced participation of women in government structures, the mobilization and participation of the public in local infrastructure development, the engagement of professional and public association in promoting the rights of their members, and public participation in the formulation and evaluation of government policies. While the GTP thus acknowledges the significance of public participation in the civil service and governance structures, its silence on how the civil service and other governance structures would solicit and integrate the participation of children, a group that are normally and habitually excluded from decision making, may help perpetuate existing practices. Similar reservation could be raised about the GTP's discussion of integrating cross cutting issues in the civil service as a strategic direction for its capacity building measures. Although children's issues are identified as one of the cross cutting issues in the GTP, the GTP's discussion of incorporating and implementing cross-cutting issues in the civil service is notable for not mentioning children at all. Thus, while empowering women through affirmative action and mainstreaming gender issues, raising awareness and sensitivity about climate change, HIV/AIDS and people with disabilities, developing the capacity of young professionals within the civil service, are all explicitly mentioned, there is no mention of children and their concerns as matters to be addressed in pursuing this strategic goal. The GTP sets eight targets for its capacity building measure. These are:

- Improving the capacity of top leadership;
- Human resources development;
- Building the capacity of government institutions;
- Establishing a more transparent, accountable, efficient and effective government financial management system;
- Ensuring a transparent and accountable system;
- Enhancing public participation;
- Building the capacity of *Wereda* and *Kebele* councils; and,
- Enhancing civil servants' awareness of the supremacy of law.

Many of these targets indicate relatively specific measures that would be taken to attain them. Such measures include (MoFED, 2010, pp. 97-99):

- Transforming government agencies to improve service delivery;
- Improving working systems and procedures and establishing appropriate organizational systems;
- Establishing procedures for access to information, complaint handling, pre-notification of service requirements, and disclosure of public information;
- Enhancing the involvement and participation of CBOs through, among others, the organization of public meetings, their regular participation in the formulation of policies, strategies as well as planning, monitoring and evaluation;
- Improving the transparency and accountability of the operational procedures of government agencies;
- Taking remedial measures to increase the participation of CBO and to “strengthen the degree and consistency of public participation” (MoFED, 2010, p. 99);
- Establishing improved operational systems for *wereda* and *kebele* councils and enhancing the capability of their councilors as well as the level of democratic participation within them; and,
- Enhancing the awareness of civil servants on laws that are relevant to their responsibilities as well as about the Constitution through training and workshops.

Despite the specificity of some of these targets, the identification of measurable outputs and indicators that the GTP specifies for them in its Policy Matrix do not lend themselves to a clear understanding of expectations. One of the major targets of the capacity building measures of the GTP is, for instance, that of developing the system of transparency and accountability. The indicator for this target, according to the Policy Matrix, is the “number of institutions that improved citizen satisfaction through transparent and accountable service delivery.” Nonetheless, the Matrix suggests that the main instruments for translating the proposed capacity building measures of the GTP are the training (conducted in different forms) of civil servants, the implementation of BPR and BSC, the adoption of laws and procedures pertaining to the organization and operation of the civil service and the participation of CBOs, and the automation of civil service.

A review of the different reports by the MoCS, the agency that is entrusted with the overall task of reporting on the status of implementation of the capacity building measures, suggest that the major thrust over the years leading to the mid-term of the GTP was on that of implementing the BPR and BSC, the mobilization of what are referred to as “armies of change,” and streamlining the working procedures of the civil service. Yet, in many areas the report suggests that the implementation of the GTP’s targets was lagging behind what was planned or there is not sufficient information to indicate the progress made. These include such targets as enhancing the capacity of the top and mid-level leadership of the civil service, improving the organization and working procedures of government agencies, establishing transparent and accountable working procedures, and ensuring that the civil service respects the rule of law through raising its legal awareness (Civil Service Transformation Study and Research Center, 2005 (E.C); MoCS, 2003 (E.C); MoCS, 2004 (E.C.)).

Among the major activities the MoCS reported as having been accomplished over the reporting period are:

- Training for top leadership (conducted once at the beginning of the implementation of the GTP) and holding consultation forum for the top leadership;
- Organizing training sessions for those at the mid-level leadership (conducted at the beginning of the implementation of the GTP and characterized as “disjointed” in the report);
- The implementation of the BPR and BSC systems in several agencies (although the Ministry points out that the effectiveness of these measures cannot be verified);
- Launching a study to establish a civil service academy;
- The adoption of “citizen’s charters” by several government agencies (although it is pointed out that it was difficult to assess the degree to which these charters are effectively implemented); and,
- The commencement of forums for popular participation at federal level agencies.

The measures reported by the MoCS in pursuance of the GTP can be said to fall into three major categories. The first relate to that of enhancing the implementing capacity of the civil service through improving its legal, administrative, and working environment. The second is that of transforming the values framework of the civil service by educating and training its members. The third is mobilizing and engaging the public to support and work with the civil service through the formation of wide ranging and extensive citizens' organizations and forums. That these measures, especially the second and third ones, offer tremendous opportunities to promote and mainstream the rights and interests of children is obvious. It does not appear, however, that these opportunities were fully seized. Thus, for instance, while the BSC and Citizens' Charters are promoted widely by the MoCS, there is no indication that efforts were made to ensure that they are explicitly committed to the mainstreaming of the issues of children. Although, youth associations are indicated as mechanisms for citizens' participation in the activities of the civil service, it is not clear to what extent these associations would effectively represent the voices and interests of children.

It is also appropriate to mention here what appear to be incongruities in the implementation, coordination and reporting of capacity building measures that may be pertinent to the discussion on the relevance of the measures and their implementation to the realization of the rights of children. These incongruities are observable in the modalities of reporting the implementation of the measures by the MoCS, on the one hand, and the MoJ, and the Ministry of Women, Children and Youth Affairs on the other hand. Reports by the MoCS show the overall progress attained in building the capacity of the civil service in general for which it is the implementing agency. However, the MoCS also claims to have the supervisory responsibility regarding capacity building measures implemented by other agencies of the federal government.

There are three points worth mentioning about these measures and the responsibility of supervising and reporting their implementation. The first is that these are measures that form the core of the section of the GTP dealing with the justice sector and of cross-cutting issues dealing with children. The second point is that, while the reports by the MoCS indicates that it has the responsibility of supervising the implementation of these measures, the GTP designates, in the case of measures related to the justice sector the MoJ

and other justice sector organs, and , in the case of cross-cutting issues related to children, the MoWCYA, as the implementing agencies. It is also report by these two latter agencies that are to be used as means of verifying the implementation of the measures. The last point, which is related to the second point, is that while report of the MoCS points out that despite its supervisory role, it cannot report progress made in the realizing capacity building measures under the implementation responsibility of other government agencies as procedures enabling the Ministry to discharge its supervisory role are absent. While this acknowledgement is made by the MoJ in relation only to capacity building measures, it is equally valid in explaining the absence of and discussion in mainstreaming the interest of children with the civil service that is observable in the reports of the Ministry. At the least, this may be taken as indicative of confusion within government agencies about their respective responsibilities. More significantly, however, it indicates to the lack of systematic and institutionalized coordination among these agencies that are implementing measures that directly and indirectly contribute to the mainstreaming of the interests of children in the civil service.

In conclusion, the significance of the capacity building measures reported by the MoCS and reviewed above cannot be understated. They are intended to bring about a radical transformation of the civil service both at the federal and regional levels. They are meant to further widen and strengthen the reach of the state and its administrative machinery not only through strengthening the state's governance and service delivery mechanisms, but also through the extensive mobilization and engagement of citizens in the operations of the state. No less importantly, they are also meant to redefine the way the civil service, and by extension the state, relates with citizens. That redefinition of state (civil service)/society relation is to be based on the values of efficiency, transparency and effectiveness. No less important, however, are the GTP's commitment to ensure that this redefinition is also based on the values of respecting the rights and ensuring the meaningful participation of citizens. The significance of the measures that are being carried out in furtherance of these broad and ambitious goals for the realization of the rights of the child, especially in mainstreaming the best interest principle and the right to participate is evident. As already noted in the section dealing with these two fundamental principles of the rights of the child, Parties to the UNCRC have the obligation of ensuring that these

rights and principles are adhered to by their relevant decision making agencies. Measures that Parties to the UNCRC need to take to fulfill this obligation are those of organizing training and awareness raising programs and adopting legislative and administrative measures. Yet, while the planned capacity building measures of the GTP and even those measures that have already been carried out provided tremendous potential to integrate the rights and interests of the child in the structuring and operation of the civil service, the reports of the Ministry do not seem to indicate that this potential has been exploited to a satisfactory degree.

This conclusion can also be gleaned from the fact that the Ministry's reports fail to discuss the planned or implemented measures in terms of the rights of the child, although one of the objectives of the GTP has been that of mainstreaming the issues of children as a cross-cutting issue. Our interview with representatives of the Ministry also indicates that children and integrating /mainstreaming their interests do not figure as pressing issues within the Ministry itself although we were informed that the Ministry has prepared a draft regulation on the employment of children (aged between 15 and 18) within the civil service.²³ Another measure that the Ministry took was that of establishing a day care center for its employees. We were informed that the Ministry is one of only two federal ministries - the other being the Ministry of Health - that established day care centers. This apparent lack of active engagement with children in light of the call of the GTP to mainstream children's issue as cross-cutting ones is especially telling in light of the Ministry's strong commitment to mainstreaming gender issues.

5.3. Measures Related to the Justice Sector, Democracy Good Governance and Cross Cutting Issues Related to Children

The GTP's planned measures for the justice sector are aimed at contributing "to establishing a democratic and developmental state" (MoFED, 2010, p. 101). Within this frame, the following are set as targets (MoFED, 2010, pp. 102-103):

- Developing human resource capacity through implementing a new curriculum for the bachelor of laws, training professionals, and research;

²³ Interview with representatives of the MoCS, held on October 13, 2013 at the MoCS, Addis Ababa.

- Improving the transparency and accountability of the justice sector through establishing systems facilitating such improvements, and to evaluate, as well as, disseminate ethical principles among, professionals in the sector, strengthening complaint handling offices, and establishing efficient management systems;
- Ensuring the independence, transparency and accountability of the judiciary;
- Enhancing service accessibility including expanding measures that make the justice system more accessible to women and children;
- Rehabilitating prisoners through the preparation and handling of standards and improving the custody and reintegration into society of inmates;
- Strengthening the federal system by promoting values of tolerance and peaceful conflict resolution;
- Increasing public participation in the preparation and evaluation of plans within the sector;
- Improve the sector's communication and its use of ICT; and,
- Ensuring the mainstreaming of cross-cutting issues in the justice sector by devising and implementing mechanisms to ensure the rights of women, children, and people living with HIV/AIDS.

Unlike other parts, the GTP's section on the justice sector does not have detailed descriptions of the strategies that will be pursued in attaining the targets set for the sector. It rather summarizes these strategies as including, improving the capacity within the sector, legal reform, the efficient implementation of law and security measures, improving prison conditions, recognition and protection of the rights of women, children and people living with HIV/AIDS, dissemination of laws to increase the public's legal awareness, and promotion of gender equity. The section of the Policy Matrix dealing with these targets suggests some of the measures that may be taken to realize the targets. Many of these appear to be more programmatic indicating the goals that are to be pursued than actionable outlining the specific measures that will be implemented. Among the latter, the following may be mentioned:

- Training legal professionals and enhancing the capacity of law schools to build human resource capital;
- Implementing the BPR to enhance the effectiveness of the justice sector and to increase access to justice and court services;
- Organizing awareness creation programs to ensure the rule of law;
- Establishing inmates information system to improve reforming inmates;
- Conducting researches, preparing and implementing policy and laws, and developing and implementing national early warning and fast response system for conflict resolution and on religious affairs;
- Preparation and implementation of a national justice coordination system to automate the justice sector; and,
- Increasing the number of women, youth, and people living with HIV/AIDS as beneficiaries and in the decision making process.

A principal duty of States Parties to the UNCRC that applies to all the its substantive provisions is that of ensuring existing laws conform to the Convention and taking administrative and legal measures to give effect to the provisions of the Convention. As discussed in the section on constructing the normative standards for the evaluation of the GTP, the realization of the rights of the child depend on the ability of the state in providing a safe and peaceful environment that is free from crime and violence, as well as on its enacting laws to ensure that children's rights and interests are respected. Seen from this perspective, the commitments of the GTP relating to the justice sector are necessary one. There is, however, within the GTP a paucity of sufficiently detailed guideline on mechanisms and measures that would help the legal system proactively address and integrate the rights and interests of children.

The GTP's lack of details regarding the measure that will be taken in pursuance of its stated objective for the justice sector is remedied in the strategic plan of the sector (MoJ, 2010). The justice sector's strategic plan incorporates the objectives the GTP states for the sector and elaborates detailed goals, objectives, activities and indicators for the sector. The main goals that are thus specified include:

- Enhancing the capacity of professionals and agencies within the sector;
- Minimizing crime through prevention, and effective prosecution;
- Enhancing the capacity of advocates;
- Researching and drafting various laws, identifying “gaps of old and new laws” and promoting public participation in the legal and policy drafting process;
- Follow up the implementation of international treaties to which Ethiopia is a party;
- Compiling and making accessible federal and regional laws;
- Promoting legal awareness among the general public;
- Conducting legal research;
- Prosecuting cases of and providing support to victims of violence against women and children;
- Providing legal support to people living with HIV/AIDS; and,
- Mainstreaming “youth affairs” (MoJ, 2010, pp. 85-101).

As in the case of the GTP, the measures and activities outlined in the sector’s plan are crucial in giving effect to the rights of the child. The commitments to reduce crimes, improve the administration of justice, and ensure the accessibility of the legal system to women and children are commendable measures that go a long way in meeting the different standards enshrined in the right of the child to life, survival and development. In this regard, particular mention should be made of the adoption of the Criminal Justice Policy that calls for special measures to accommodate the needs of children in the criminal justice process (MoJ, 2003 (E.C.), p.53) and the enactment of the Vital Statistics Registration Proclamation during the period under review. It should also be noted that while many of the measures and activities outlined in the sector plan may not specifically deal with the subject, they provide opportunities to integrate the rights and interests of children in their implementation.

It does not appear that the opportunities thus created were made use of to the extent possible. We were unable to find the annual reports of the Ministry on the progress

made in implementing the GTP (and the sector's strategic plan). In fact, of the two annual progress reports on the implementation of the GTP issued by the Ministry of Finance and Economic Development, one does not even have a section dealing with the justice sector (MoFED, 2012).

The second GTP Progress Report provides a rather brief description of the activities that were carried out during fiscal year 2011/12 (MoFED, 2013, pp. 77-78). Considering the fact that the report deals with the entire implementation of the entire GTP, the scant attention paid to the sector may not be surprising.

In light of this, we rely mainly on the reports that the MoJ submitted to Parliament (MoJ, 2005 (E.C); MoJ, 2004(E.C)) and interviews we held with representatives of relevant agencies within the sector. The Ministry's reports to the HoPR naturally show the Ministry's main focus to be that of enforcing the law through the prevention and prosecution of crime. In addition, the reports also show that building a "justice army", implementing the BPR and the justice sector reform program, conducting training programs, and the drafting of law were among the major activities of the Ministry. There are two important points that need to be raised in relation to these activities and the way they are reported. The first is that there is little effort made, unlike reports by many other agencies, to relate these activities to the GTP itself. Second, despite the direct and immediate relation of many of these activities to the rights and interests of the child, there is again little effort made to relate the two.

This is rather surprising in light of a strong Coordination Office on Women and Children's Affairs within the Ministry. The reports of the Office (Women, Children and Youth Affairs Coordination, MoJ, 2003 (E.C); Women, Children and Youth Affairs Coordination, MoJ, 2004; Women, Children and Youth Affairs Coordination, MoJ, 2005) indicate that it has been a very active advocate of the rights and interests of children both within and outside the Ministry. The reports of the Office indicate that it has been instrumental in ensuring that women's and children's issues are included in the plans and reports of the different departments of the Ministry. It also represented the Ministry in forums discussing various law making initiatives. The most prominent activity of the Office, however, seems to be that of providing technical and financial support to law enforcement agencies to provide better services to women and children victims of crimes.

This is also witnessed in the activities of the Child Justice Project Office at the Federal Supreme Court. As reported by the Federal Supreme Court (Federal Supreme Court, 2005 (E.C.)), the Child Justice Project Office has been instrumental in bringing about observable improvements in the handling of child related issues in the administration of justice. Measures taken include the involvement of social science professional in the determination of judicial matters affecting children, providing court environments that are friendly to children, the dissemination of educational materials, preparing manuals to facilitate the handling of children in the administration of justice, availing legal aid and psycho-social services to children, and encouraging the establishment of child friendly benches in many regional towns. At both the MoJ and the Federal Courts, the existence of offices that are dedicated to pursuing the rights of children seems to have made a positive contribution in promoting children's rights and interests although in both cases the involvement seems to mainly focus on those children who are involved in the process of administration of justice, especially in criminal cases.²⁴ A more proactive approach focusing on the legal system as a whole and aimed at identifying legislative and other bottlenecks in the system is followed by the Justice and Legal System Research Institute that is conducting a number of researches that could have significant contributions to realizing the rights of the child although the results of these researches are yet to be seen.²⁵

The GTP's proposed measure regarding democracy and good governance are closely related to those aimed at the justice sector. Broadly stated, they are aimed at consolidating the democratic system, ensuring human rights and fighting corruption (MoFED, 2013, pp. 105-107). The GTP's Policy Matrix provides a detailed listing of the specific objectives and activities that are to be pursued. These include:

- Ensure the conduct of free and fair elections;
- Promote awareness on human rights;
- Strengthen the capacity of democratic institutions and law enforcement organs in the promotion of human rights;

²⁴ Interviews with a representative of the Ministry of Justice held on October 17, 2013 at the Ministry of Justice and with judges of the Federal First Instance Court held on October 31, 2013.

²⁵ Interview with a representative of the Justice and Legal System Research Institute held on October 16, 2013 at the office of the Institute.

- Build the capacity of the Human Rights Commission;
- Ensure compliance with Constitutional and international human rights standards and obligations;
- Rectify human rights violations;
- Curtail and rectify maladministration;
- Ensure citizens' rights to information; and,
- Enhance institutional capacity and accessibility.

Save for the first objective, the agencies entrusted with the implementation of these objectives are the Ethiopian Human Rights Commission and the Institution of the Ombudsman. Our review of the measures is based on the reports issued by these two bodies (Ethiopian Human Rights Commission, 2003 (E.C.); Ethiopian Human Rights Commission, 2004 (E.C.); Ethiopian Human Rights Commission, 2005 (E.C.); Institution of the Ombudsman, 2003 (E.C.); Institution of the Ombudsman, 2004 (E.C.); Institution of the Ombudsman, 2005 (E.C.); Directorate for Children, Women and People With Disabilities, Institution of the Ombudsman, 2003 (E.C.); Directorate for Children, Women and People With Disabilities, Institution of the Ombudsman, (N.D)) complemented by interviews with their respective representatives.²⁶ A most remarkable point about the reports from both agencies is their explicit and detailed engagement with the issue of child rights. Both agencies have been active in organizing awareness creation and training programs on the rights of child.

The reports that the Ethiopian Human Rights Commission submitted to Parliament show that the Commission concentrated on:

- Capacity building and expanding its nation-wide reach;
- Promoting human rights awareness;
- Investigating allegations of human rights violations;
- Monitoring human rights;
- Conducting researches;

²⁶ Interviews with a representative of the Institution of the Ombudsman, conducted at the office of the Institution on October 18, 2013 and with representatives of the Ethiopian Human Rights Commission on October 14, 2013 at the office of the Commission.

- Consulting the government;
- Forging cooperative arrangements with national and international organization; and,
- Work on issues related to women's and children's rights.

The Commission's capacity building and expansion activities include the recruitment and training of staff and the opening of branch offices. It is also important to note here that the capacity building activities of the Commission reported to Parliament also included the enrollment of its staff in the post-graduate program on human rights offered by the Human Rights Center. In what the reports refer to as "accessibility activities" the Commission, together with other actors, provided legal aid to the poor and vulnerable. Although it can be assumed that the legal aid service would benefit children directly or indirectly there is no indication in the reports if it actually does or how many children might have benefitted from the service. Various trainings and awareness raising activities were also carried out during the three reporting years. These activities were targeted at different actors, including law makers, police and armed forces personnel, and members of different civil society organizations. In one instance, at least, training on children's rights was conducted to address problems the Commission observed in the treatment of young offenders by correction officers (Ethiopian Human Rights Commission, 2004 (E.C.)). An assessment of the state of rights in and around schools, a study on the impact of large development projects on the rights of those affected by such projects, a report on the state of prisons that covers all the prisons in the country, a study on the human trafficking, and a study on the marginalization of the Menja ethnic group in Southern Ethiopia are among the studies that the Commission conducted during the period.

As already noted above, one of the main focus areas in the Commission's activities during the three reported years was that of working on issues related to the rights of women and children. The activities that the Commission carried out in pursuing this objective include training members of child rights committees, organizing training programs on violence against women, encouraging the establishment of human rights clubs in schools, and preparing booklets and similar publications on the rights of the child. Despite its clear commitment to work on the rights of children, however, it seems that the

Commission's activities in this regard do not appear to be carried out in a systematic and sustained manner that would ease to the identification of children and their rights both as targets and beneficiaries. This becomes apparent when contrasting the reported activities of the Commission relating to children with its reports about the activities related to women it carried out. As revealed in interviews with representatives of the Commission, there seems to be a perception within the Commission that it does not yet have the capability to fully address the needs of children especially in handling and investigating complaints of human rights violations.²⁷

Another agency that is entrusted with the implementation of the democracy and good governance measures of the GTP is the Institution of the Ombudsman. The objectives of the GTP that the Institution is responsible for are, as per the GTP's Policy Matrix (MoFED (a), 2010, p. 29), those of curtailing and rectifying government maladministration, ensuring citizens' right to freedom of information, and enhancing institutional capability. These are to be measured by the number of researches, trainings and promotion programs conducted, the number of complaints received and investigated, and number of branch offices that are opened.

As in the case of the Ethiopian Human Rights Commission, the reports of the Institution show a high degree of explicit commitment with children and their rights. In the three reports that it submitted to Parliament, the Institution noted its main activities to be those of investigating complaints on administrative malpractice, conducting different training and promotion activities on good governance and human rights, and enhancing its implementation capabilities. Especially noteworthy are the last two reports for 2004 (E.C.) and 2005 (E.C.) that singled out "promotional activities among concerned bodies, on the rights of children, women and people with disabilities" as a major activity of the Institution. The reports for 2003 (E.C.) and for 2004 (E.C.) also detail the activities the Institution carried out in relation to promoting and strengthening children's parliament. In fact, the report for 2004 (E.C.) includes the Institution engagement with children's parliaments as one of the major activities that the Institution planned and reported during the year.

²⁷ Interview with representatives of the Commission, held on October 14, 2014 at the office of the Ethiopian Human Rights Commission.

The activities that the Institution reported as implemented during the three years are directly or indirectly related with ensuring better awareness about and protection of children's rights. Training, awareness raising and promotional activities deal with human rights in general, gender based violence, and the rights of disabled persons which are all relevant to children. There are also reported training and promotion activities that are specifically aimed at the rights of children. At least in some cases, these training and promotion activities are organized in response to perceived or reported maladministration practices by government agencies.

Another major activity that the Institution carried out related to the investigation of complaints of governmental maladministration. There are two ways that the Institution conducts such investigation. The first is when complaints are made by victims of malpractices by government agencies and officers. The Institution received an/or investigated thousands of complaints from citizens relating to different administrative issues relating to possession of property, employment conditions, and the payment of pensions. Though some of these issues are likely to affect children, there is no indication of how many children may have been affected by them. The relevant official of the Institution also indicated that complaints by children themselves are not common, if at all made.²⁸

Identifying factors that prohibit children from using the complaint mechanisms of the Institution does not seem to be an issue the Institution is engaged in at the moment. On the other hand, the official remarked that the Institution has picked on information and issues raised in children's parliament to investigate some administrative practices affecting children. (It is appropriate to mention here an episode a Member of the HoPR related to us during our interview with her. A child called the chairperson of the House Standing Committee on Children, Youth and Women to complain about the supply of educational materials, and playground in her locality following a children's parliament session in which the Chairperson was present.²⁹) In addition to investigations that are initiated in response to complaints by victims of government maladministration, the Institution may also initiate investigations on its own to determine if government agencies are following proper and

²⁸ Interview with a representative of the Institution of the Ombudsman conducted on October 18, 2013 at the office of the Institution.

²⁹ Interview with a member of HoPR conducted on October 18, 2013 at the Parliament.

legitimate administrative practices. While some of the agencies that are thus investigated deal with the provision of services to which children benefit, such as education, health care and transportation, there is no indication that shows whether these investigative activities deal with children as beneficiaries of services or victims of malpractice.

One of the major activities that the Institution reported in 2003 (E.C.) and 2004 (E.C.) is its work in relation to children's parliament. The GTP recognizes the necessity of citizens' participation in the development and decision making process and children's parliaments can serve as one of the major mechanisms to ensure the participation of children. As already noted, the reports of the Institution show that the Institution was engaged in promoting and strengthening children's parliaments in 2003 (E.C.) and 2004 (E.C.) through preparing manuals and guidelines, organizing training programs and providing technical and financial support for their establishment and operation. While officials of the Institution and relevant members of Parliament indicated inputs from children's parliaments were useful in the operations of the Institution and Parliament's Standing Committee on Children, Youth and Women, it does not appear that there is a systematized and sustained approach to integrate the parliaments in the decision making process of relevant government agencies including legislative and executive ones.

The GTP's identified children as matters of special concern and singles their issues out as being cross cutting. It sets the main objective of its planned measures on children to be that of ensuring "children benefit from economic growth, that adequate care and support is provided to orphans and children at risk, that children's participation in society is enhanced, that harmful traditional practices affecting children are reduced, and that their safety and rights are respected" (MoFED, 2010, p. 110). This broad objective is to be realized through attaining: the mainstreaming of children's affairs; providing care to vulnerable children and children at risk; introducing community centered care and support initiatives for children at risk; reducing the rate of sexual assault and labor abuse of children; and reducing illegal child migration and trafficking (MoFED, 2010, p. 111). The GTP's succinct statement on the implementation strategies to be followed in realizing the above stated objectives and targets is that of "preparing and implementing a comprehensive children's policy, promote community based care for vulnerable children at

risk, and taking measures to reduce child abuse in the labor market, sexual assault and child trafficking” (MoFED, 2010, p. 111).

Unlike other sectors, where the specification of objectives, targets and strategies is more elaborate, the GTP’s section dealing with children’s affairs as a cross-cutting issue seem to be rather general and lacking in clear and comprehensive indicators. This is not helped much by the GTP’s Policy Matrix either. Although the latter provides a more detailed enumeration of the specific measures to be taken during the implementation period of the GTP and the indicators used to measure the measures, some of these measures and indicators appear to be rather scanty considering the broad objective and targets of the GTP on children or tautological shedding no more light on what is intended to be attained than can be gleaned from the main GPP document itself. Thus, for instance, in relation to integrating children into and ensuring their benefitting from economic and social development, the Policy Matrix lays down three expected outputs; the inclusion of children affairs in the development programs of all sectors which is to be measured by the percentage of sectors that mainstreamed children’s affairs; the establishment of a system to enhance awareness about children which is to be measured by “the percentage of sectors that institutionalized in integrating.... children’s affairs”; and the preparation of “manuals and materials” to mainstream children’s affairs which is to be measured by the number of manuals and materials prepared. With regard to improving the lives of vulnerable children, the Policy Matrix identified the number of vulnerable children supported by social support system to be the indicator for the GTP’s planned measure of supporting vulnerable children. In addition to these, the Policy Matrix also identified draft policies and legislation as indicators of the goal of drafting a comprehensive child policy.

The overall responsibility of supervising these measures is entrusted to the MoWCYA. The Ministry’s annual reports (MoWCYA, NA; MoWCYA, NA; MoWCYA, 2005 (E.C.)), as well as its reports to Parliament (MoWCYA, 2003 (E.C.); MoWCYA, 2005 (E.C.); MoWCYA, 2004 (E.C.)) detail wide-ranging activities that have been implemented by the Ministry to promote the rights and interests of children. These activities can be broadly categorized as: activities aimed at promoting the rights of children through the organization of and participation in various events, training programs and media activities; activities aimed at preparing various draft policy and related documents, guidelines and

manuals; activities aimed at organizing and supporting youth and child related associations; activities aimed at providing support to vulnerable children and responding to emergency situations affecting children; activities carried out in implementing projects funded by different donor agencies; activities aimed at strengthening the Ministry's own capacity and at implementing the civil service capacity building programs.

It would be tedious to enumerate all the activities that the Ministry carried out during the past three years. There are, however, some general patterns that are discernible in, and observations that can be made about these activities. The first is that despite the broad and fuzzy manner in which the GTP's goals for the sector is set, the Ministry seems to be increasingly refining these goals and their measurement. The preparation of policy documents on the harmful traditional practices as well as on children have been major achievements. There seems also to be present an increasing engagement with various stakeholders including different federal and regional government agencies and civil society organizations.

Notwithstanding, these achievements, the reports are also indicative of some problems. Despite the organization of various awareness raising and training activities, the Ministry seems to not have clearly articulated programs that would the sustainability, effectiveness, and relevance of these activities. Neither does there seem to be any mechanism to monitor and evaluate the impact of these activities. No less significant is the fact that the Ministry does not seem to be as engaged or as proficient in ensuring the mainstreaming of children's issues as it seems to be the case with that of mainstreaming gender issues. Although, reports indicate to the initiation of the preparation of manuals and other documents aimed at addressing this challenge, the efforts of the Ministry seem to be beset by the absence of clearly formulated legislative or administrative mechanisms facilitating them. A related area where the Ministry seems to be handicapped is that of promoting the participation of children. The only institutionalized mechanisms that the Ministry utilizes in this regard are the various children's parliaments. Yet, its promotion of these bodies as well as its engagement with them seems to be constrained. It appears also that the Ministry can make better use of wider opportunities such as the civil service reform program, or the mobilization and organization of citizens' associations to promote a wider, more effective and institutionalized participation of children.

CHAPTER 6. CONCLUSIONS AND RECOMMENDATIONS

6.1. Findings and Conclusions

In the preceding pages, the GTP and aspects of its implementation were reviewed. In this Chapter, we will summarize the major conclusions of the Review and outline our recommendations with a view to ensuring better respect for the rights of children and the integration of the best interest of the child principle in the development process and in decision making by government agencies. The Review's objectives can be broadly summarized as those of examining the GTP in general from the perspectives of the rights of children, and assessing the implications of the implementation of specific sections of the GTP to the rights of the child. These specific issues are the ones that are related to democracy and good governance and cross cutting issues including the GTP's commitment to mainstream children's issues.

To carry out these objectives, the Review started by developing a methodological approach that is mindful of its expected outcomes, the constraints the exercise faces, and the institutional setting within which it is to be carried out. This approach starts by formulating an evaluative framework from which the GTP and its implementation are to be reviewed. As elaborated in Chapters 2 and 3, this framework is derived from the value and normative foundations that underlie the rights of children as the latter are stipulated in Ethiopia's laws, especially the Federal Constitution, as well as international and regional treaties governing the rights of children. Once the fundamental values underlying the rights of children and the normative commitments these values dictate are identified, the next task was evaluating to what degree the GTP is congruent with these values and normative commitments.

In examining the GTP's relations with the value and normative commitments underlying the rights of children, we followed two approaches. In the first, we limited our review to a critical reading of the entire GTP from the perspectives of the values and norms of children's rights. This examination followed the four fundamental values that underlie the rights of children and examined to what extent the value and programmatic commitments of the GTP conform and promote the former. The second approach followed

was that of examining the implementation of the selected sections of the GTP and their implications to the rights of the child. Our examination in this regard is still based on the contours of the values and norms that find legal expressions in domestic, international and regional instruments on the rights of the child. In terms of organization, however, we followed the GTP's outlines and presented our discussions corresponding to the GTP.

More importantly, in reviewing the implementation of the selected sections of the GTP, we limited the exercise to that of examining how far the agencies that are entrusted with the tasks of implementing the relevant sections of the GTP have managed to internalize the values and norms underlying the rights of children and how these norms and values are reflected in their activities. In doing so, we mainly relied on the official reports that these agencies produced. Our examination of the reports issued by these agencies is aimed not only at describing what activities the agencies have carried out in implementing the GTP, but no less importantly, how the language, values and norms of the rights of children have shaped the operation, reporting, and order or priorities within these agencies.

Our review of the GTP as a whole presented in Chapter 4 finds that the GTP's fundamental values of ending poverty, ensuring equitable development as well as the participation of citizens in the development and decision making processes are congruent with the values underlying the rights of the child. In Chapter 3 we looked at how the GTP relates to the fundamental value and normative assumptions underlying the rights of children, also referred to as the fundamental principles of the rights of the child both in its value and programmatic commitments. Thus, the GTP's recognition of poverty as the major problem it wants to tackle as well as its statement of its fundamental objectives are crucial in realizing the rights of children to survival and development. While there may be conceptual and institutional clarity about the evolving nature of poverty and its differential impact, it seems to us necessary for the GTP, as the authoritative statement of the guiding principles and framework of development endeavors in Ethiopia, to have had clear discussions on these issues and mechanisms to address them – a point that gains in potency in light of the massive transformation of the Ethiopian economy that the GTP envisages.

An equally important point that needs to be raised here is the vision statement of the GTP. The GTP's vision statement fails to clearly and unambiguously lay the obligation of the present generation to future generations, and more specifically to include the welfare of children as a desirable goal of development. This is unfortunate in light of other sections of the GTP that make these commitments clear and of the government's and popular commitments to "bequeath development but not poverty" to the future generation. We believe that a strong and clear commitment to future generations and the welfare of children would have been consistent with other parts of the GTP, and current understanding of sustainable development. More importantly, such a clear statement would have, hopefully, helped to bring the issue of children and their interests in the implementation and evaluation of the different parts of the GTP.

Our review of the GTP from the perspective of the right of children to survival and development in Chapter 4 also includes a detailed discussion of the policy and legislative measures taken both by the GTP as well as by other policy and legislative instruments in ensuring these rights. Different policy and legal measures as well as programs that are aimed at ensuring the rights of children to survival and development and their implications were discussed together with achievements realizing, as well as the enormous challenges that Ethiopia faces in giving full effect to, the rights of children to survival and development. The measures that have been taken over the past several years in promoting and ensuring the rights of children to health and to education, in adopting policies on family environment, alternative care and vulnerable children, and in ensuring the social and personal welfare of children, including relevant legislative and policy measures as well as programs undertaken, are also discussed. In this discussion, our review has related the measures taken to the obligations that Ethiopia assumes under international law, especially in its discussions with the CRC, and under its Constitution and other domestic laws. The discussion thus shows Ethiopia's efforts at realizing the rights of the child in general, and the contributions of the GTP and its implementation in seeing to fulfilling a major and overarching obligation corresponding to the rights of children, that of issuing appropriate legal and policy measures to ensure the rights of children.

While the GTP's main value commitment is that of eradicating poverty, we note that it has also committed itself to values of equity and participation as it is aimed at bringing

about equitable and participatory development. These value commitments are equivalent to the fundamental rights of children to non-discrimination and participation. We noted that while the GTP is largely silent in how it conceptualizes equity, its various programmatic commitments, including those on education and social welfare, would contribute to making the development process and the sharing of its benefits more equitable.

The broad and critical review of the entirety of the GTP conducted in Chapter 4 is followed by a review of the mid-term implementation of the selected sections of the GTP in Chapter 5. The review in Chapter 5 is mainly based on the reports of the implementing agencies of the sections of the GTP under review. These agencies are the Ministries of Civil Service, Justice, Women, Youth and Children Affairs, and Labor and Social Affairs, the Ethiopian Human Rights Commission and the Institution of the Ombudsman. The information from these reports was complemented by reviewing reports from other agencies and interviews conducted with representatives of these and other relevant government agencies. Our discussion of the implementation of the relevant sections of the GTP are presented in sections dealing with capacity building, and justice sector reform, democratic institution building and cross-cutting issues relating to mainstreaming children, social welfare and labor market. In conducting our review, our focus, as already stated, is mainly assessing the degree to which these implementing agencies have included the promotion and protection of the rights of children as a primary consideration in the planning, implementation and reporting of their respective responsibilities.

One of the major areas of focus in the GTP is that of building the capacity of government institutions at all levels. With the aims of strengthening the implementation capability of government agencies, and establishing the mechanisms, procedures and institutions of good governance, the GTP's aim of capacity building are wide and involve almost all government agencies at all levels of governance. They are also measures that the government is and all its agencies are truly committed to implementing although the degree to which they have succeeded may vary from agency to agency. There are a few projects and interventions that seem to be considered as essential ones in terms of capacity building. These include the successful implementation of the BPR and BSC programs in all government agencies and the training of civil servants at all levels.

Although the government's and its agencies capacity building programs provide ample opportunities to integrate the rights and interests of children especially in terms of devising and implementing mechanism to ensure the participation rights of children and giving effect to the principle of the best interest of the child, the reports we examined do not seem to suggest that these opportunities are fully and effectively utilized. This is particularly worrisome when the GTP's commitment to mainstream the issues of children across the entire state apparatus in general, and the civil service in particular is considered. We do not find any reports that show specific measures, procedures and activities that are aimed at mainstreaming the issues of children across all sectors and in any satisfactory manner. The failure to mainstream the issues of children stands in clear contrast to the mainstreaming of gender issues. The latter is evidenced not only by the existence of gender specific offices in government agencies and established procedures of planning and reporting, but also the very explicit engagement of plans and reports by government agencies with gender issues. We also notice that where there are offices that are specifically entrusted with the task of ensuring the integration of children's interests and respect for children's rights, there is better and more explicit engagement by government agencies with the issues of children indicating to the better state of the mainstreaming of children. This, for instance, is the case with agencies in the justice sector, such as Federal Courts and the MoJ, that have projects and offices that are assigned with coordinating services to children. It should also be noted that these agencies are beneficiaries of the technical and financial support of donor agencies working on promoting the rights and interests of children.

Although activities carried out in the justice sector do show that the sector seems to be better committed to integrating the interests and concerns of children in its operations, we believe that the sector needs to do more to better ensure that the rights and interests of children both in its organization and operations. The success of the sector in better addressing and integrating the rights and interests of children are to a large extent attributable to the fact that in two of the major agencies in the sector, the MoJ and the Federal Supreme Court, there are offices that are specifically charged to deal with children. Neither office, however, seems to have the necessary capacity and resources that would enable it to fully address the needs of children within its respective area. Thus, the

provision of legal aid services to children, the provision of court services and setting that are friendly to children, or the better treatment of children within the system of administration of criminal justice, though showing promising initiatives, are still limited in scope and fail to adequately meet existing needs.

The sector's engagement with children also seem to be primarily a reactive one focusing on providing support and services to children that demand legal services. There seems to be a need for a more proactive approach that concentrates on identifying and removing structural bottlenecks within the legal and administrative system that hinder the realization of the rights of children. The GTP indicates to the necessity of such an approach in its call for systematic research and examination of the legal and administrative system, although its call does not specifically target children. There are also initiatives within the sector, especially by the Justice and Legal Research Institute to engage in a systematic and proactive examination of the legal system. To date, however, it does not appear that any such initiatives specifically addressing the rights and interests of children were started. In light of the necessity of constantly monitoring the legal and administrative system to identify evolving challenges of integrating the rights and interests of children, and of the massive socio-economic and administrative transformations that are taking place in the country, it is high time that such initiatives be started.

Somewhat similar patterns are also observed in relation to the implementation of measures on democratic institution building and good governance. Agencies that were the subjects of our review concerning the GTP's sections on these measures, the Ethiopian Human Rights Commission and the Institution of the Ombudsman demonstrate a strong commitment to the rights and interests of children, a commitment that has been supported by the existence of departments within both agencies that specifically deal with children. Both agencies have engaged in training and promotion activities focusing on children's rights. The initiatives that the agencies take in proactively researching and addressing the rights and interests of children, however, seem to be rather limited. It is also noteworthy that although the Institution of the Ombudsman has been active in promoting and strengthening children's parliament, there does not appear any systemic mechanism to integrate these parliaments in the decision making process. Care also need to be taken to ensure that the interest in these parliaments will not be waning over time.

Our review of the implementation of the GTP's commitment to mainstream the issues of children suggests that there is a lot that needs to be done in translating this commitment into practice. The main agency that is entrusted in implementing the GTP's commitment to mainstream the issues of gender and children, the Ministry of Women, Youth and Children Affairs, has been relatively successful in seeing to the mainstreaming of gender issues in government structures and decision making processes, a success that may also be attributable to the existence of strong political will and commitment to gender equality. It does not appear that this success is replicated in terms of mainstreaming the issues of children. It does not appear that there is clarity within the Ministry and across government structures regarding the conceptual and practical implications of mainstreaming children's issues. To date, we have not found any indications of how children's issues are to be meaningfully integrated in the procedures, structures and operations of government agencies at any level. Neither are there any elaborations and practical guides on how the evolving standards of children's participation rights and the principle of the best interest of the child are to be identified and integrated in the development, political and decision making processes. This lack of clarity is also demonstrated in the workings of the agencies that are entrusted with implementing the social welfare and labor market sectors of the GTP. While these sectors and the measures proposed by the GTP about them have clear implications on children and their rights, the information that we get from the agency that is responsible for the implementation of these measures indicate that children and their interests are not primary considerations in designing, implementing programs. This does not, of course mean, that the sector has not been engaged in activities that address the rights and interests of children, especially children who are especially vulnerable. However, activities that are carried out appear to be incidental, and reactive rather than being aimed at identifying and addressing structural challenges in a proactive manner.

6.2. Recommendations

Based on our Review, thus the following are the recommendations that we forward to ensure that the implementation of the GTP during its second half, and no less importantly, the designing of future development programs including the successor to the GTP, see to better respect and integration of the rights and interests of children.

There is a need for a clear commitment to the inclusion of the rights and interests of children and the duty of present generations to future ones in the overall aims and visions of development programs. This is essential not only because it is an accurate statement of our understanding of sustainable development, but also because such broad value commitments serve as reference and interpretive guides for implementing agencies and society at large on how to give effect to specific and actionable measures of implementation.

One of the benefits of such broad commitment is that it urges decision makers and those in charge of implementing development endeavors to constantly monitor the impact of their decisions and operations on children and their rights. One of the major lacuna in the GTP and its monitoring is that it lacks mechanisms to assess the impact of its measures on children at the time such measures are designed, as well as when and after they are implemented. This is true as much for those measures that are specifically directed at benefitting children, such as those aimed at reducing infant mortality or the expansion of primary education, as to those measures that have wide impact on the lives and welfare of children although not specifically mentioning them such as measures aimed at the transformation of the economy.

It is therefore our recommendation that there be established institutionalized mechanisms to monitor the impact of the GTP and other plans and projects on children. This may not mean the establishment of a new agency. It may, however, involve:

- strengthening the capability of existing agencies, especially the Ministry of Women, Youth and Children's Affairs, the Ministry of Finance and the Central Statistics Authority to assess and monitor the impact of development activities on children;
- better coordination among these and other agencies in identifying the impact of development activities on children, and
- devising mechanism for government agencies to assess, monitor and report on the impact of their activities on children.

Similarly, it is necessary to ensure that the best interest of children are taken into account in all decision making, including the designing and implementation of development programs and plans, by government agencies. The existence of mechanisms to assess and monitor the impact of development and other decision-making activities will facilitate the realization of respect for this principle by government agencies. There is, however, a need to identify what the procedural requirements of this principle entail for different government agencies. To facilitate this goal, we recommend, that:

- Efforts aimed at awareness raising and enhancing the skills of policy makers and other decision makers should be carried out to help them better understand and devise practical measures to ensure the integration of the best interest principle in all administrative and decision making processes and mechanisms;
- Studies should be conducted by and /or in collaboration with relevant government agencies, especially the Federal Parliament, the Ministries of Civil Service, Justice, and Women, Youth and Children Affairs to identify ways of integrating the best interest principle in administrative and policy making processes and procedures; and,
- Efforts should be made to develop teaching materials, guidelines and manuals on identifying and integrating the best interest principle in administrative and decision making processes.

The GTP is clearly committed and there is strong political will to make the development and political process in general, and the implementation of the GTP in particular, an inclusive and participatory one. While this commitment is laudable, the degree to which the participation of children is integrated in government decision making leaves much to be desired. Efforts made in this regard so far either seem to be reactive and limited, as in the case of creating a conducive environment for the participation of children in judicial decision making affecting their interests, or lacking in a systemic and sustained approach. It is necessary to remedy this situation and ensure that children take part in the making of decisions that affect them both in judicial and other administrative and

development decision-making processes and procedures. Accordingly, the following are suggested.

- Efforts need to be made to scale up and expand existing initiatives within the judicial and law enforcement sectors aimed at creating a conducive atmosphere for the participation of children among all judicial and law enforcement agencies in the country.
- The implementation of the measures suggested above in assessing the impact of development and administrative decision on children and at integrating the best interest principle would be instrumental in identifying specific areas where the participation of children are necessary. These efforts should therefore lead to identifying and designing mechanisms to integrate the participation of children in administrative and decision-making.
- The right of children to participation is an evolving one. It is therefore necessary to assess the implications of this right as well as to create the necessary awareness and skills among policy and decision makers and implementing agencies on the necessity of integrating this right and the specific implications of, and mechanisms for, the integration of this right through:
 - The organization of awareness raising and skills enhancing training programs among policy and decision making agencies and their personnel especially for members of Parliament and relevant agencies of the executive, particularly, the Ministries of Civil Service, Women, Children and Youth, Justice and their regional counterparts,
 - Conducting researches aimed at identifying challenges and developing mechanisms to integrate the participation of children in decision making,
 - Designing appropriate guidelines, manuals and other aids to facilitate the participation of children in decision making, and
 - Researching on and designing legal instruments to give effect to the participation rights of children.

Finally, we recommend that efforts be made to make effective use of the potentials of existing and ongoing measures that the government is taking in implementing its commitments under the GTP and in promoting the human rights in general to better realize the rights of children. In this regard, we suggest that:

- Efforts should be made to assess the implications and potential contributions of existing measures of capacity building, *viz.*, the implementation of BPR and BSC, the development of “citizens’ charters” and popular mobilization efforts (such as the organization of “armies of change” and “armies of justice” to the rights of children and the integration of their interests and participation; and,
- Efforts should be made to utilize and give effect to the recent initiative the government took in adopting the Action Plan for Human Rights. The Action Plan suggestions for the effective implementation of human rights in general and the rights of children in particular. It is necessary to identify ways of assisting the government fill its expertise, technical and financial limitations that may hinder the full implementation of the Plan.

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