



Jimma University
College of Law and Governance
School of Law

The Right to Education of Refugees in Tsore Camp, Benishangul
Gumuz Region of Ethiopia

By: Alehegn Gerbi (LL.B, LL.M Candidate)

A Research Submitted to Jimma University, School of Law in Partial
Fulfillment of the Requirements for LL.M Degree in Human Rights and
Criminal Law

Advisors: Getahun Alemayehu (Ph.D.)

Mr. Yiheyis K/Mariam (LL.B, LL.M)

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Declaration

I, Alehegn Gerbi, declare that this thesis entitled ‘**The Right to Education of Refugees in Tsore Camp, Benishangul Gumuz Region of Ethiopia,**’ is my original work and has not been presented for a degree in this or any other university, and all sources used have been duly acknowledged.

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Key words: Refugee, education, right, elementary, secondary, and higher educations.

Acknowledgment

I am grateful to my research advisors Getahun Alemayehu (Ph.D.) and Yiheyis K/Mariam (LL.M) for their relevant advice, feedback, and guidance that played the role in shaping this thesis. I would like to thank also all those who gave me valuable research ingredients during this study. Moreover, I am grateful to my brother Muluken Gerbie for his continuous encouragement and support throughout the whole process of this study. In seize of this opportunity, I would like to thank Melese Beyene and Addisalem Gerbi for their great help. Finally, my heartfelt gratitude goes to all of my relatives, and friends who assisted me materially and/or morally.

Acronyms

UDHR- Universal Declaration of Human Rights

ICCPR- International Covenant on Civil and Political Rights

ICESCR- International Covenant on Economic, Social and Cultural Rights

CRC- Convention on the Rights of the Child

UNHCR - United Nations High Commissioner for Refugees

FGD - Focus Group Discussion

NRC – Norwegian Refugee Council

ARRA - Administration for Refugee and Returnee Affairs

PIE - Plan International Ethiopia

TVET - Technical and Vocational Education and Training

Abstract

The right to education is recognized in various international and national laws. Accordingly, the general human rights standards like the UDHR, ICESCR, CRC make primary education compulsory and free, whereas secondary and higher education accessible based on individual's merit and available state resources.¹ Besides, the Refugee Convention and the new Ethiopian refugee law specifically governing refugee guarantees 'equal treatment of refugees with nationals' in terms of primary education, and the same laws warrant 'most favorable treatment than other aliens' concerning secondary and higher education.²

However, there is a problem of noncompliance in the Tsore refugee camp at all levels. As regards elementary education, the classrooms are overcrowded and most of the teachers are unqualified. Moreover, the curriculum and teaching method are not friendly for refugees, and they are not again adequately accessible to them. Conversely, in the elementary school built for Ethiopians, it is far better than the case of Tsore camp elementary school in all aspects. Regarding secondary education, there is no school in a refugee camp. As a result, they attend their education outside of the camp with the host community in an overcrowded situation even worse than the situation in elementary school. Furthermore, alike the case of elementary education the curriculum and teaching methods are not acceptable for refugees. And their foreign documents are not recognized. At a higher level, the education opportunity is rare and they are not also awarded a scholarship. And like the case of secondary level, refugees' foreign documents are not recognized. Thus, there is a serious violation of refugees' right to education in Tsore camp at all levels of education: primary, secondary, and territory levels.

¹ ICESCR art 13; CRC art 28; African Charter art 17; UDHR art 26:

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

² Refugee Convention art 22; Refugee proclamation 1110 art 24:

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

2. The Contracting States shall accord to refugees treatment as favorable as possible, and, in any event, not less favorable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

Various legal and practical challenges encounter refugees' right to education in Tsore refugee camp. The major practical ones are; budget constraints due to the government's reliance on insufficient fund by agencies instead of allocating budget, the absence of livelihood and insufficiency of donor assistance, host community prejudice towards refugees, and females' refugees' early marriage. In addition, the major legal problems are; the FDRE constitution's failure to provide refugees the right to education, and the too generic nature of the new Ethiopian refugee proclamation regulating education since it is the verbatim copy of the refugee convention. The other major challenges related to institutional frameworks' are; Ineffectiveness of ARRA in implementing refugees' right education in line with its mandate and the absence of branch office at the regional level near for refugees that authenticate and recognize refugee foreign documents.

Thus, to overcome these problems, the Ethiopian government instead of fully depending on the insufficient humanitarian fund should allocate a budget for refugees' education in Tsore refugee camp, and generate awareness for the refugee community on the adverse effect of females' early marriage and for the host community to avoid their erroneous prejudice towards refugees. The government should also consider sustainable means of income-generating activities for refugees. And by amending article 24 of the Ethiopian refugee proclamation or enacting regulation, generally stipulated should be provided in detail by providing the standards. Moreover, the government should establish a strong institution that implements refugee rights including education. In addition, a regional branch office that authenticates refugee documents should be established, or the government should provide them financial support to go to the head office and authenticate their foreign document.

Chapter One

Introduction

1.1 Background of the study

Nowadays, the “world became extremely unsafe for millions of individuals because a huge number of people are forcibly displaced from their country of origin due to persecution, war, political upheaval, ethnic discrimination, religious strife, and other wide range of systematic human rights abuse”.³ And the United Nations High Commissioner for Refugees (UNHCR) Guideline on Protection and Care of Refugee Children provides that ‘millions become refugees in other states by crossing international borders’.⁴ Consequently, they are displaced from their usual environments and lose their sources of livelihood, thereby making them vulnerable and subject to various untoward conditions and treatments’.⁵

Though the size and frequency of refugees are significant today, the existence of refugees is as old as mankind itself. For instance, evidence of the right to seek refugee can be documented as far back as around 600 A.D, in particular, the right to seek asylum in holy places was firstly codified by King Ethelbert of Kent.⁶ This is a clear indication of the assertion that seeking refugees’ is not a new phenomenon but part and parcel of human history. In contemporary history, a huge number of people were displaced following World War I from Asia Minor, the Russian Empire, and the Balkans.⁷ Likewise, during World War II, an estimated 7 million Jews and others endangered by the German Nazis fled their homelands.⁸ Gradually in 1951, the refugee convention regime was established.

³ Gils Loescher, ‘Alexander Betts and Jams Milner, ‘*UNHCR: the politics and practices of refugee protection in the twenty first century*’ (London and New York: Routledge, 2008) 1.

⁴ United Nations High Commissioner for Refugees ‘Guidelines on Protection and Care of Refugee Children’ (2017) (UNHCR) Preface

<https://www.unicef.org/violencestudy/pdf/refugee_guidelines_on_protection_and_care.pdf> accessed 13 September 2020.

⁵ Ibid

⁶ Wolfgang Benedek, ‘Understanding Human Rights: Manual on Human Rights Education’ (European Training and Research Center for Human Rights and Democracy, 2012) 466

⁷ Awoke Diress ‘The Right to Asylum: A Case Study with Particular Reference to Somali and Eritrean Asylum seekers and Refugees in Ethiopia’ (LL.M Thesis, Addis Ababa University 2011) 1.

⁸ Ibid.

Ethiopia is a party to the 1951 Convention Relating to the Status of Refugees (Refugee Convention),⁹ its 1967 Protocol,¹⁰ and the 1969 Refugee Convention of the Organization of African Unity (African Refugee Convention).¹¹

Ethiopia is not only a party to the major refugee treaties, but also is a party to other human rights instruments such as the Universal Declaration on Human Rights (UDHR) which attains customary status,¹² Convention on the Right of Child (CRC),¹³ International Convention on Economic, Social and Cultural Rights (ICESCR),¹⁴ and the African Charter on Human and Peoples' Rights (African Charter),¹⁵ which recognizes the right to education.

The right to education comprises four interdependent elements, namely, availability, accessibility, acceptability, and adaptability, as determined by the Committee on Economic, Social, and Cultural Rights.¹⁶ Availability requires functioning educational institutions and programs to be available in sufficient quantity.¹⁷ The accessibility element calls for educational institutions and programs to be accessible to everyone, without discrimination.¹⁸ Acceptability requires that the form and substance of education, including curricula and teaching methods, be acceptable to students (e.g. relevant, culturally appropriate, and of good quality, the suitable language of instruction).¹⁹ The adaptability element demands education to be flexible to adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.²⁰

⁹ Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention)

¹⁰ Protocol Relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967) 606 UNTS 267 (Protocol)

¹¹ Convention Governing the Specific Aspects of Refugee Problems in Africa (adopted in 1965, entered into force 10 September 1969) (African Refugee Convention)

¹² Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR)

¹³ United Nations Convention on the Rights of a Child (Adopted and opened for signature of 20 November 1989 entered into force 2 September 1990) UNGA Res 44/25 (CRC).

¹⁴ United Nations Convention on Economic Social and Cultural Rights (Adopted and opened for signature 16 December 1966, entered into force 3 January 1976) UNGA Res 2200A (XXI) (UNCESCR)

¹⁵ African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58 (African Charter)

¹⁶ Committee on Economic, Social and Cultural Rights (21th session) 'General Comment of the Committee on the Right to Education' (8 December 1999) UN Doc E/C.12/1999/10, GC No. 13 (CESCR GC 13) Para 6

¹⁷ Ibid

¹⁸ Ibid

¹⁹ Ibid

²⁰ Ibid

The Committee also determined that education must be accessible especially to the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds as enshrined in article 2 (2) of the ICESCR.²¹ Thus, as the Committee noted these standards apply with special measures to marginalized groups. And refugees are entitled to this special care since they are among vulnerable groups.²²

In addition to the international and regional laws, at the national level, the new refugee law recognizes refugees' rights including refugees' right to education.²³

Furthermore, the Ethiopian government pledged to provide primary, secondary and tertiary education to all qualified refugees without discrimination and within available resources.²⁴ And to expand schools and other necessary inputs within available resources based on the available international cooperation and as per the education policy of the country.²⁵

Thus, Ethiopia is bound by international, regional, and national laws to protect refugees' rights in general and the right to education in particular.

Ethiopia maintains an open door policy and hosts 928,663 registered refugees and asylum-seekers as of 31 July 2018, from more than 20 countries, with the majority originating from neighboring South Sudan, Somalia, Eritrea, Sudan, and Yemen.²⁶ Among these, 50.2 percents are women and girls, 59.4 percent are children, while 18.4 percent are youth aged between 15 and 24 years old.²⁷

Refugees have found a haven across the whole country, including in the capital, Addis Ababa,²⁸ but the majority of refugees in Ethiopia are located in Tigray, Afar, Benishangul-Gumuz,

²¹ CESCR GC 13 (n 16) Para 6&31

²² The African Refugee Convention (n 11) Preamble, Para 1: UNHCR 'Guidelines on Protection and Care of Refugee Children'(n 4)

²³ Refugee Proclamation 1110/2019, Federal Negarit Gazeta, No. 38, 27 February 2019(Refugee Proclamation 1110) art 24

²⁴ United Nations Secretary-General, 'Leaders' Summit on Refugees' (20 September 2016), Pledge 4

²⁵ Ibid

²⁶ UNHCR' 'Compilation Report of the 3rd Cycle, 33rd Session' (2019) 1< <http://www.hopr.gov.et.>>

²⁷ Ibid

²⁸ United Nation Volunteers 'Description of Refugee Sites in Ethiopia' (2019) UNHCR <<https://vmam.unv.org/calculator/entitlements>> accessed 7 July 2020

"UNHCR has 26 offices in the country, including the UNHCR Representation in Ethiopia (in Addis Ababa), as well as Sub and Field Offices in five Regional States: Afar (Alsatian, Barnacle), Benishangul-Gumuz (Assosa, Store, Bambassi, Sherkole, Tango), Gambella (Gambella, Dimmer, I tang, Punned), Somali (Jigjig, Melkadida, Aw-barre, Sheder, Kebribeyah, Dollo Ado, Bokolmanyo, Kobe, Hilaweyn, Buramino) and Tigray (Shire, Mekele, Embamadre, Shimelba)".

Gambella, and the Somali Regional States.²⁹ The last four Regions are the least developed regions in the country, characterized by harsh weather conditions, poor infrastructure, low administrative capacity, and a high level of poverty.³⁰

As noted above Benishangul Gumuz is among the least developed Region, which consists of five refugee camps including Tsore.³¹ This camp contains thousands of South Sudanese refugees, most of them being children and women in need of special care and protection as vulnerable groups.³²

Nevertheless, although Ethiopia is under obligation to protect refugees' rights to education in general and the right to education of refugees living in Tsore Camp in particular under international, regional, and national laws, practically various challenges impede refugees living in Tsore camp from enjoying the right to education.

This research, therefore, seeks to examine the practical situation of refugees living in Tsore Camp in terms of exercising their right to education and to explore the barriers that deter their right to education and thereby provide the means to overcome the challenges.

1.2 Statement of the problem

Ethiopia is a party to the Refugee Convention, its Protocol, and the African Refugee Convention. However, Ethiopia has made reservations on articles 17(2), 22(1), and 8 of the Refugee Convention, i.e. refugees' right to employment, primary education, and the right to own property respectively.³³

Interestingly, Ethiopia is a party to other international human rights instruments, like UDHR, ICESCR, CRC, and African Charter, which expressly provide for the right of everyone to access

²⁹ Ethiopia Country Refugee Response Plan (2020-2021) 5

³⁰ Ibid

³¹ United Nation Volunteers, 'Description of Refugee Sites in Ethiopia' (2019) UNHCR <<https://vmam.unv.org/calculator/entitlements>> accessed 7 July 2020

³² Ibid

³³ UNHCR, Convention Relating to the Status of Refugees, Geneva 28 July 1951, Ethiopia 7-8 <<http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3d9abe177&query=1951%20Refugee%20Convention>> accessed 11 April 2020

educational opportunities and have free elementary education.³⁴ Furthermore, this is affirmed by the Refugee Convention through expressly providing the supplementary of the rights provided by the same law instead of impairing rights granted by other laws to refugees.³⁵ Thus, everyone is entitled to enjoy these rights irrespective of their status as a citizen or refugee.

Although the former refugee law did not recognize the right to education of refugees, the new refugee law recognized the right to education.³⁶ Concerning primary education, it confers an equal right to refugees with its nationals as provided under Article 24(1). And regarding secondary and higher education the same law provides most favorable treatment to refugees than accorded to foreign nationals as provided under Article 24(2&3).

In addition, on the leaders' submit on refugees, Ethiopia pledged to provide all levels of education, and to expand schools and other necessary inputs for refugees without discrimination and within available resources.³⁷

Thus, even though, Ethiopia has made a reservation on refugees' right to education under the 1951 Refugee Convention, it is still obliged to protect refugees' right to education under international standards and its new proclamation and policy commitment mentioned above.

Accordingly, Ethiopia is bound by international and national laws to protect refugees' right to free elementary education and the same applies true to refugees living in Tsore refugee Camp regardless of their status equally with its citizens. However, although education is a base for a better future for the refugees, woefully, there is no school at Tsore refugee Camp except

³⁴ UDHR (n 12) art 26(1) : UNCESCR (n 14) art 13(2(a): CRC (n 13) art 28 (1(a): African Charter (n 15) art 15

³⁵ Refugee Convention (n 9) art 5

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention

³⁶ Refugee Proclamation 1110 (n 23)

Although the former refugee law does not expressly recognize almost all refugees right in general and refugees right to education in particular, instead, it cross refers other laws. Accordingly, concerning refugee rights and duties in general it stipulates the applicability of the rights and duties enunciated in the Refugee Convention and African Refugee Convention. Nevertheless, concerning refugees' right to education, it warrants the applicability of rights and restrictions provided by relevant laws for aliens, regardless of Article 21 (1 (d), which cross refers the Refugee Convention and OAU Refugee Convention. Thus the former law provided less protection for refugees' right to education as compared with other rights by making the Refugee Convention and OAU Refugee Convention inapplicable in case of refugees right to education.

³⁷ United Nations Secretary-General, 'Leaders' Summit on Refugees' (20 September 2016) pledge 4

elementary school.³⁸ Nevertheless, this elementary school built with the help of humanitarian organizations is not sufficient in quantity, inaccessible to everyone, uses the unsuitable language of instruction, and so on.³⁹ Regarding secondary education the problems are worse than primary education unlike the case of the latter there is no secondary education constructed by the government or/and humanitarian organizations.⁴⁰ This, in turn, forced them to attend their secondary education at the school constructed for the host community i.e. its curriculum and teaching method prepared taking into account the host community's culture, history, languages, and the like.⁴¹ Thus, this suggests sufficient quantity problems, suitability with culture, norm, language, and others, are far grave than the case of primary education. Moreover, there is also various deviation at higher education level, inter-alia, in terms of access to studies, recognition of foreign certificate (diploma& degree), permanent TVET.⁴²

Thus, Ethiopia is not in conformity with its obligation. Consequently, the violation of the right to education affects other rights, thereby highly endangers their future.

There are various responsible factors for this deviation which emanates both from the law and practices. Lack of clarity is among the legal challenge, for instance;- the new refugee proclamation concerning primary education confers equal with its nationals for refugees as provided under art 24(1), while regarding secondary and higher education the same law under art 24(2&3) provides most favorable treatment accorded foreign nationals to refugees. However, nothing is stated how and in terms of what the government will do that, nor the regulation is to clarify these issues in a specific manner. This creates a suitable condition for the government to deviate from its obligation. Moreover, the lack of a strong institutional framework that implements refugees' right to education is also among the legal factor that hinders the same right.

³⁸ Interview with Yohan Joseph, Vice Director, Tsore's Refugee Elementary School (Assosa, 13 September 2019), (Problem Identification Stage)

³⁹ Ibid

⁴⁰ Interview with Babekir Mesade , Refugee (Tsore, 25 September 2019) (Problem Identification Stage): Ibid

⁴¹ Ibid

⁴² Ibid

The practical factors are inter-alia, lack of resources, governments' failure to allocate budget, the heterogeneity of refugees in terms of ethnicity, culture, language, and the like.⁴³ The absence of livelihood and insufficiency of donor assistance also adversely affects refugees' education, because due to the insufficiency of donor assistance to fulfill their basic needs, they interrupt their education and work as daily labor with meager payment and they engage in illegal activities, like theft, contraband, illegal hunting, to satisfy their basic needs.⁴⁴ Obviously, these all situations in turn adversely affect their dignity.

The adverse effect of the violations of refugees' right to education is not restricted to refugees' wellbeing, instead; - it could also create socio-economic and security problems in the society. As noted out earlier, the insufficiency of donor assistance forced them to strive for survival by engaging in illegal activities.⁴⁵ This increases the crime rates, and the increase of a crime rate, in turn, became a threat to peace and security for the environment.⁴⁶ Besides, their illegal activities would put them at odds with the surrounding community. These all, in turn, results in chaos and instability of the environment, thereby difficult to live in for the refugees on the one hand, and for the host community on the other hand.⁴⁷

Moreover, while Ethiopia has been struggling to overcome absolute poverty, the presence of a large number of refugees without access to education may create an extra economic burden. This in turn may aggravate poverty at the national level as a whole.

Thus, the violations of refugees' right to education would have multifaceted adverse impacts i.e. in addition to refugees' wellbeing, it also creates socio-economic and security problems for the society.

⁴³ Interview with Yohan (n 38)

⁴⁴ Interview with Mohammed Borid, Teacher, Tsore's Refugee Elementary School (Assosa, 14 September 2019) Interview with Hashem Logira, Police Officer, Assosa Correction Center (Assosa, 17 September 2019) : Interview with Christopher Zameta, Assosa Correction Center Inmate (Assosa, 17 September 2019) : Interview with Ahmed Hames, Assosa Correction Center Inmate (Assosa, 17 September 20120) (Problem Identification Stage)

⁴⁵ Ibid

⁴⁶ Interview with Hashem (n 44)

⁴⁷ Ibid

Therefore, for the reasons stated above, the study will investigate the practical situation concerning the education of refugees living in Tsore refugee Camp, the challenges that hinder their right to education, and the mechanisms to redress the problems thereof.

1.3 Objective of the study

1.3.1 General objective

The general objective of this study is to assess the practice of the right to education in Tsore refugee camp and its major challenges.

1.3.2 Specific objectives

The specific objectives of the study include:

- To examine the availability, adequacy, and accessibility of schools for refugees living in Tsore camp including for refugees with disabilities and those serious economic problems;
- To investigate the suitability of curriculum and teaching methods for refugees especially in terms of its appropriateness for their specific cultural and linguistic context; and
- To explore the challenges that impede the right to education refugees living in Tsore refugee camp.

1.4 Research questions

The study seeks to address the following research questions:

- Do refugees living in Tsore refugee camp have access to education and, if so, is it being provided in sufficient quantity, accessible for all, acceptable, and adaptable manner?
- Are the curricula and teaching methods acceptable for refugees, that is, is it suitable with their culture, and the instruction of language based on their choice?
- What are the barriers that hamper refugees' right to education in Tsore refugee camp?

1.5 Research methodology

1.5.1 Study design

The research explored the practice of the right to education of refugees living in Tsore camp and its legal and practical challenges. The study bases on both doctrinal and empirical data. Thus, the study is mixed type: doctrinal and non-doctrinal.

The purpose of the study is to assess the practice of the right to education of refugees living in Tsore camp, and challenges hindering the same right. The objective to be attained requires deep investigation. Hence, the study employed the qualitative method to attain the objectives of the study since the purpose of this method is to qualify or clarify something which fits with the study at hand.

1.5.2. Selection of study area and informants

Research in general needs time, energy, and resource, and empirical research requires more time energy and finance. Despite this, however, the fund and time allotted for us to undertake our study were inadequate. These problems were worsened by the Corona Virus pandemic. Because of all these, the researcher decided to choose and focus on one camp among the five camps found in the region. In doing so, the researcher has undertaken a prior investigation to select the camp with the worst conditions in protecting refugees' rights in general and their right to education in particular. Thus, the Tsore refugee camp was selected since the camp is in the worst situation and needs a priority as compared with the other camps.

Turning to sample, qualitative research unlike quantitative research does not strive to generalize data but rather, provides an in-depth view on the topic.⁴⁸ As a result, “the sample size is a small mass; thus, the small size selected out of a huge one will be typical or representative of the whole”.⁴⁹

Based on the above generally accepted assertion, an interview was conducted with the informants and key informants.

Accordingly, the study employed a non-probability sampling technique, specifically the quota sampling method for selecting the informants. This method for selecting informants from the population, involves some criteria like age, sex, education, experience. The reason for selecting this method is to collect diverse information by using sex, education, and duration in the camp as

⁴⁸ Kothari C.R, ‘Research Metrology: Methods and Techniques’ (2nd edn. New Age International: New Delhi, 1990) 3

⁴⁹ Id 59

criteria. To be specific, sex is used as a criterion based on the assumption that the degree of challenges faced by men and women may vary. And educational status is used as a yardstick to get information across all levels of education i.e. at elementary, secondary, and higher education as far the concern of the study is education. And duration in the camp is taken on the belief that the longer stays in the camp, the likely the more to clarify the issue under investigation.

Therefore, from a total of 15,282 refugees living in Tsore refugee camp, 30 refugees are selected for in-depth interviews and focus group discussion (Hereinafter FGD), accordingly, refugees were selected for in-depth interviews, and the remaining 6 refugees for FGD.

For selecting key informants the study employed an expert sampling technique, which is one component of the purposive sampling technique. This method enabled the author to select participants who have awareness and experience about the situation of refugees living in Tsore camp in terms of enjoying the right to education and the challenges. Accordingly, key informants having different positions and responsibilities, and in a position to give information concerning refugees education in Tsore refugee camp were selected for interview. This, in turn, helped the researcher to collect adequate information on the issue under investigation. Hence, a total of 9 key informants are selected for interview. From this, 4 persons in the camp with different positions, including their supervisors were interviewed. The interviews were conducted with 5 education officers from the Administration of Refugees and Returnee Affairs (Hereinafter ARRA), United Nations Higher Commissioner for Refugees (Hereinafter UNHCR), Norwegian Refugee Council (Hereinafter NRC), Plan International Ethiopia (Hereinafter PIE), and Benishangul Gumuz Regional State (Hereinafter BGRS) Education Bureau.

Turning to the form of the interview the study used semi-structured interviews throughout the interview. In this form, strict adherence to the interview questions by the researcher is not required. Accordingly, the author prepared interview guidelines but in cases, the author deemed feasible, inter-alia: - changed the order of questions, forward follow up questions from the participants' respond though the questions are not included in the guideline at the outset, and added and deleted questions as appropriate. This in turn enhanced the collection of sufficient data for the study.

The detailed criteria used for selection are discussed in each method and tools of data collection below.

1.5.3 Data collection methods and instruments

In conducting this research both primary and secondary data sources were used. The data from primary sources were gathered from in-depth interviews, key informants interviews, FGD, personal observation, and legal documents. Secondary data were collected from books, journals, research papers, reports, and the internet.

1.5.3.1 Interview

As noted before, an in-depth interview was conducted with 24 refugee informants living in Tsore refugee camp. This total number is classified by sex (12 female and 12 male), educational status, (at elementary, secondary, and higher education, 8 informants from each), and duration in the camp (those staying more than a year in the camp).

As outlined previously, sex is used as a criterion based on the assumption that the degree of challenges faced by men and women may vary. Educational status is used as a yardstick to get information across all levels of education i.e. from primary to tertiary. And, the duration of stay in the camp is taken on the belief that the longer the interviewee stays in the camp, the more likely it is that he or she would provide better information on the issues under investigation.

Before proceeding to the main questions the author introduced himself to the respondents and explained to them the insensitive nature of the subject of the study and the possibility of anonymity. As a result the participant freely responded to the questions without any fear. During the interview, they are allotted enough time. These all, in turn, enabled the researcher to get adequate information relevant to the study.

1.5.3.2 Focus group discussion (FGD)

FGD is very important for its cooperative group effect in a situation where the interaction between group members stimulates discussions concerning the subject of the study.⁵⁰ The

⁵⁰ Ibid 11

researcher employed FGD with the view to generate more data that might not be obtained through interviews.

Accordingly, FGD was conducted with 6 refugees living in Tsore refugee camp. They are selected based on sex, educational status, and duration of stay in the camp. To this effect 3 males and 3 females; from primary, secondary, and higher education, 2 informants from each, and those staying in the camp more than a year selected.

1.5.3.3 Key informants interview

As mentioned earlier, an interview was conducted with 9 key informants having different positions and responsibilities with refugees' right to education. Accordingly, 4 persons in the camp with different positions, including their supervisors, were interviewed. Moreover, the study interviewed 5 education officers from ARRA, UNHCR, NRC, PIE, and BGRS Education Bureau i.e. one officer from each institution.

Tsore Camp workers are selected on the assumption that they know better the circumstances and challenges affecting the right to education of refugees in Tsore Camp since they are working there. On the other hand among the 5 education officers, 4 officers were selected from ARRA, UNHCR, NRC, and PIE since they are officers under study at hand and they engage in assisting refugees to enjoy their right to education. And the remaining 1 (one) education officer is from the BGRS Education Bureau. This is to know, how the government treats its nationals since doing so enhances to juxtapose it with the situation of refugees, thereby determining whether the government is in line with its obligation, which is required to treat refugees equally with its nationals in terms of elementary education.

Thus they are selected for interview on the belief that they are in a position to give information, which is relevant to achieve the objective of the study.

A like the refugee informants, before the interview they are put in caution, then brief background information and objectives of the research explained. Enough time is allotted to get adequate information. Moreover, as raised repeatedly semi-structured interview method all through including an interview with key informants used. Thus, follow-up questions were forwarded for further clarity.

1.5.3.4 Personal observation

In addition to the above-mentioned data collection instruments, the researcher made direct observations in the camp with a checklist. The researcher observed, inter-alia, the school, adults, children observed during the interview process since education affects all. Besides, informal communication is made with teachers in the school.

1.5.3.5 Document analysis

Document analysis is used to gather necessary information that strengthens data collected from the informants. Accordingly, official reports of UNHCR, international human rights institutions, legal documents, and other secondary studies were used. Moreover, during the data collection process, the researcher requested documents related to the management of refugees' right to education and others relevant to the study but was unsuccessful.

1.5.4 Data analysis and interpretation

The data gathered from primary and secondary sources were analyzed and interpreted qualitatively. Accordingly, the author reviewed the raw data obtained from different sources, categorized data, and cleaned redundant and irrelevant data by using words. Then the researcher formulated legal issues and examined the relevant data in line with the legal issues thereof. Consequently, the author arrived at the conclusion that addresses the research questions and objectives. Furthermore, the data collected from the various sources were triangulated and incorporated into meaning full manner to reflect a clear picture of the study.

1.5.5 Description of the study area

In Benishangul Gumuz Regional state, there are five (Assosa, Bambasi, Sherkole, Tongo, and Tsore) refugee camps. The refugees came from different parts of the world, and mainly from South Sudan, Sudan, Somalia, and Syria. Tsore refugee camp is among the refugee in the region and was established in 2015. The camp is located 21 km from Assosa City, which is the capital city of the Benishangul Gumuz Regional State and is again around 682 km from the capital city of Ethiopia, Addis Ababa.

1.6 Significance of the study

This study will have several advantages. It will contribute in improving the right to education of refugees living in Tsore camp and beyond. It will serve also as a source for the legislator/s for amendment of the provisions regulating refugees' right to education. And it will serve as a reference for prospective junior student researchers. It is also significant to the academic community since they may take the advantage of this research after publication. Moreover, the study will also have relevance in putting baseline information to the potential workers who will like to conduct a study on other regimes of refugee right in the study area or other study areas.

1.7 Scope and limitation of the study

Even though there are refugees in different camps in the Benishangul Gumuz region of Ethiopia and studying these refugees could have been significant to understand their situation in a more comprehensive level, this study is geographically limited; - it only considers refugee right to education in Tsore refugee camp. Even within this camp, the problem that the researcher has investigated is limited to the major challenges affecting refugees' right to education due to time and resource constraints.

The researcher had encountered several constraints while undertaking this research including shortage of time, financial constraint, and lack of cooperation from some informants in giving information and documents necessary. The other critical constraint was the Corona Virus pandemic. To overcome these limitations the researcher effectively used this limited time and resources, and the author tried to persuade the informants on the benefit of the study both generally and for individuals living in refugee camps to secure their cooperation.

1.8 Literature review

Since the issue of a refugee is an international concern many scholars across the world have written on the fundamental human rights of refugees including the right to education. However, in the case at hand, the researcher will examine only the most relevant works of literature for this study.

Accordingly Christopher K in the “Protecting Eritrean Refugees’ Access to Basic Human Rights in Ethiopia: An Analysis of Ethiopian Refugee Law” states that Ethiopia has in many cases failed to protect the rights of refugees and to ensure that refugees have full access to fundamental human rights, such as wage-earning employment, education, housing and freedom of movement.⁵¹ The research explores refugees’ access to fundamental human rights including the right to education. However, it is narrow as it only elaborates on the situation of Eritrean refugees in Addis Ababa.

In her “Working towards inclusion–Refugees within the national systems of Ethiopia”, H  l  ne A examines the progress and the critical challenges impeding the inclusion of refugees within the national systems of Ethiopia with a particular focus on health, water, education, and child protection.⁵² However, very little is discussed on the right to access education since the subject matter is broad.

The other is Sabelo K. “The Right to Education of Asylum Seeker and Refugee Children” which reviews the application of the law on the right of refugee children to education and the challenges inhibiting this right.⁵³ Nevertheless, this study is limited to refugee children in South Africa.

Thus, the above-reviewed studies have addressed various issues, but this does not mean that they are free from gaps. Although the principles and standards they discussed the treatment of refugees apply to all refugees living in Ethiopia, their study is restricted to a specific area or has little said about the right to education. For instance, Christopher’s study is limited to the situation of Eritrean refugees in Addis Ababa. Moreover, Helen’s work about the integration of refugees in terms of health, water, education, and child protection, etc. says little things about the right to education due to the wider nature of the subject matter.

Therefore, to avoid redundancy this study addressed the situation of refugees living in Tsore refugee camp in terms of education. And it is examined in-depth since the scope is limited to the

⁵¹ Christopher Kapangalwendo, ‘Protecting Eritrean Refugees’ Access to Basic Human Rights in Ethiopia: An Analysis of Ethiopian Refugee Law’ (LL.M Thesis, University of South Africa 2017) 71.

⁵² H  l  ne Atrafi, ‘Working towards Inclusion–Refugees within the National Systems of Ethiopia’ (2017) UNHCR, New Issues in Refugee Research Paper Research Paper 284/2017, 5.
<www.unhcr.org=ISSN 1020-7473 > accessed February 2020.

⁵³ Sabelo Kenneth, ‘The Right to Education of Asylum Seeker and Refugee Children’ (LL.M Thesis, University of Cape Town 2017) 4

right to education. This in turn, apparently contributes to filling the gaps of preexisted related literature.

1.9 Ethical considerations

During the data collection processes, the researcher followed the ethical guide line to protect the rights and privacy of the participants as well as the interest of the study. Accordingly, a letter of permission was obtained from Jimma University for the respective informing institutions. Informed consent is also secured from the participant before the interview i.e. they are not forced to participate without their fair and free will. Moreover, the participants are given the privilege of not expressing their names and other identities for their safety. In sum, for the interest of the participant on one hand, and the interest of the study, on the other hand, the integrity, morals, and safety of the participant were not compromised during the research processes.

1.10 Organization of the study

The study has four chapters. The first chapter covers the introductory part. The second chapter considers the history of refugees' protection, conceptual framework, and legal frameworks pertinent to refugees' right to education at the international, regional and national levels. The third chapter provides finding and analysis: it addresses the situation of refugees found in Tsore refugee camp in terms of education and challenges affecting this right. The final chapter presents the conclusion and recommendations to redress the problem. Bibliographies and appendices were also attached at the end of the thesis.

Chapter Two

Conceptual and Legal Frameworks of Refugee Education

2.1 Introduction

Under chapter one the introductory part is dealt with. This chapter devotes itself to the conceptual and legal frameworks. In doing so, after a brief background, the concept of refugees' and refugees' right to education under international standards and domestic laws will be examined.

Refugee protection has been a part of the history of nations for as far back as three thousand five hundred years ago.⁵⁴ This protection usually came as part of agreements between the sovereign states on how to handle the prisoners of war and emigrants from each state.⁵⁵

And scholars state that “states did not regard the responsibility for and the accommodation of refugees as an unwelcome situation, thus, refugees were welcome and their arrival was seen as a contribution to enhancing the power of the host state and its economy”.⁵⁶ Micheal also affirmed the welcome of refugees by noting that “State governments sought to influence and facilitate immigration into their territories while ensuring that emigration was kept to a minimum”.⁵⁷

However, Feller said, “it was after the First World War that an awareness of the international responsibility to protect refugees began”.⁵⁸ Furthermore, it is disclosed that “during this period, the High Commissioner for Russian refugees and several other institutions were established to assist the Commissioner in ensuring that the right of refugees was protected”.⁵⁹ And “institutions like the Nansen International Office for Refugees, the Office of the High Commissioner for Refugees coming from Germany, the Office of the High Commissioner of the League of Nations for Refugees and the Intergovernmental Committee on Refugees all assisted in carrying out this

⁵⁴ UNHCR, ‘Flowing across Border’ <<http://www.unhcr.org/pages/49c3646c125.html>> accessed 23 November 2020.

⁵⁵ Ibid

⁵⁶ Ibid; James Hathaway and Michelle Foster, ‘The Law of Refugee Status’ (2nd edn, Cambridge University Press 2014)1

⁵⁷ Michael Marrus, ‘The Unwanted: European Refugees in the Twentieth Century’ (Temple University Press 1985) 6-7

⁵⁸ Erika Feller, ‘The Evolution of the International Refugee Protection Regime’ (2001) 5 WASH. U. J. L. & POL’Y 129, 129-139, 130.

⁵⁹ Gilbert Jaeger, ‘The History of the International Protection of Refugees’ (2001) 83 INT’L. REV of the Red Cross 843, 727-737, 728

responsibility”.⁶⁰ In addition Jeager states “the refugee protection was restricted to a limited category of individuals, however gradually the class of people protected became extended and began to cover more regions and more categories of people fleeing their country”.⁶¹ Eventually, the international law regime relating to refugees culminated in the establishment of the United Nations Convention Relating to the Status of Refugees in 1951.⁶²

Taking this as background, let us discuss the conceptual and legal frameworks in the following sections respectively.

2.2 Conceptual framework of refugee

There is no generally accepted definition of refugee, but this is not to say that there is no legal definition adopted by specific instruments since the term refugee has a precise meaning in international and regional refugee laws. Accordingly, the following subsections will analyze the meaning of refugees under the UN Refugee Convention as well as the expanded refugee definition under the OAU Refugee Convention and the new Ethiopian refugee proclamation respectively.

2.2.1 The concept of a refugee under the 1951 refugee Convention

The Convention Relating to the Status of Refugees represents a commitment by states to the protection of the rights of refugees, however firstly identifies whom it considers to be a refugee. Accordingly, a refugee is defined by the Convention on the Status of Refugees as ‘any person...owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.’⁶³

⁶⁰ Ibid

⁶¹ Ibid

⁶² Refugee Convention (n 9) <<http://www.refworld.org/docid/3be01b964.html>> accessed 8 July 2020

⁶³ Refugee Convention (n 9) art 1 (a) (2)

This definition initially included a date limit which has been expunged under the 1967 Protocol to the Convention on the Status of Refugees.⁶⁴

The above-provided definition of a refugee under the UN Refugee Convention connotes that such a person must meet the following criteria:

2.2.1.1 He must be outside his country of origin or habitual residence

A refugee under the Convention must be a person who is outside his country of origin or habitual residence. A person is usually not regarded as a refugee for as long as he remains within his state. According to Andrew “such a person would make an application for asylum after he has left the country from which he is fleeing”.⁶⁵ Further, other scholars affirm that “Asylum is only possible for a person who is outside the territory of his country”.⁶⁶ He must have come within physical access of international borders which makes it possible for him to access the protection offered under the Charter. Chmini also states that “the crossing of an international border is one of the primary distinctions between a refugee and an internally displaced person”.⁶⁷

2.2.1.2 Well-founded fear

A mere flight of country of nationality or habitual residence does not constitute a refugee instead the flight must have been based on a well-founded fear of persecution. The fear of persecution is the distinguishing and defining factor of who is to be regarded as a refugee.⁶⁸

There are divergent views concerning what constitutes a well-founded fear of persecution.⁶⁹ Two consensus can be derived from the various positions: First that the refugee must be in ‘terror of persecution’ and secondly that this fear of terror is founded upon the information.⁷⁰ In other words, for a determination regarding a well-founded fear of persecution to be made, the person

⁶⁴ Protocol to the Refugee Convention(n 10) art 1 (2)

⁶⁵ Andrew Shacknove, ‘Who Is a Refugee?’ (1985) 95 Chicago J.L 2, 274-284
< <http://www.jstor.org/stable/2380340>> accessed 3 November 2020

⁶⁶ Hathaway & Foster (n 56) 17

⁶⁷ B Chimni, ‘International Refugee Law; A Reader’ (Sage Publication: New Delhi, 2000) 390.

⁶⁸ Ibid 91

⁶⁹ Fatima Khan & Tal Schreier, ‘Refugee Law in South Africa’ (Cape Town: Juta & Co 2014) 29 Journal of Refugee Studies 3, 43

⁷⁰ Hathaway and Foster (n 56) 91

involved must have a terror of persecution and this feeling of terror must be based upon evidence.⁷¹

In addition to commentators and jurists, the concept of ‘well-founded fear’ has been addressed by courts. In the *R v. Secretary of State for the Home Department*,⁷² the Court said that “the requirement that an applicant for refugee status had to have a ‘well-founded fear of persecution if he was returned to his own country meant that there had to be demonstrated a reasonable degree of likelihood that he would be so persecuted, and in deciding whether the applicant had made out his claim that his fear of persecution was well-founded the Secretary of State could take into account facts and circumstances known to him or established to his satisfaction but possibly unknown to the applicant to determine whether the applicant’s fear was objectively justified”.

Moreover, the US Supreme Court in the *Cardoza* case⁷³ ruled that “To show a ‘well-founded fear of persecution, an alien need not prove that it is more likely than not that he or she will be persecuted in his or her home country”. As can be deduced from the judgment, the Court handles the concept in favor of the claimant by exempting the claimant from proving the likelihood of persecution in his/her home state.

2.2.1.3 Grounds for flight

Furthermore, the terror feared must be based upon the grounds stated in the UN Refugee Convention. These grounds include race, religion, nationality, and/or membership of a particular social group or political opinion.⁷⁴ A fear not founded upon one or more of these factors would not bring a person within the definition of a refugee as recognized under the UN Refugee Convention. According to Hathaway, these factors are directed towards fear arising based on fundamental socio-political disfranchisement’.⁷⁵ Thus, the UN Refugee Convention seeks to

⁷¹ For further readings on the Subjective-objective debate; Hathaway (n 56) 91-181

⁷² *R v. Secretary of State for the Home Department* [1987] AC 958, (UK House of Lords, 16 December 1987) available at (<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6b67f40>) Last visit on February 12, 2021

⁷³ *Immigration and Naturalization Service v. Cardoza-Fonseca* [1987] U.S.L.W. 4313, (US Supreme Court, 9 March 1987) available at (<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6b68d10>) Last visit November 25, 2020

⁷⁴ Refugee Convention (n 9) art 1(2)

⁷⁵ Hathaway and Foster (n 56) 391

protect those whose fundamental rights have been breached and who have become deprived of their basic human rights.

The European Court of Human Rights [ECtHR] has expounded the requirement of ‘grounds for flight’. In the T.I. case,⁷⁶ the Court ruled that “The reading of Article 3, in line with Article 1 of the European Convention of Human Rights [ECHR] imposes an obligation on the Contracting States not to expel a person to a country where substantial grounds have been shown for believing that he would face a real risk of being subjected to treatment contrary to Article 3. And having regard to the absolute character of the right guaranteed, Article 3 may extend to situations where the danger emanates from persons or groups of persons who are not public officials, or from the consequences to health from the effects of serious illness”.

The ECtHR in *Chahal v. the UK*,⁷⁷ also addressed the issue that, “...whenever substantial grounds have been shown for believing that an individual would face a real risk of being subjected to treatment contrary to Article 3 if removed to another State, the responsibility of the Contracting State to safeguard him or her against such treatment is engaged in the event of expulsion [...]. In these circumstances, the activities of the individual in question, however undesirable or dangerous cannot be a material consideration”.

2.2.1.4 Causal link

Foster and Hathway assert that “there must be a causal link between the fear of persecution and the grounds for flight i.e. the refugee must have fled his country due to those fears”.⁷⁸ The phrase ‘*by reasons of*’ as used in the definition of a refugee in the UN Refugee Convention implies that there must be a link between the fear and one of the grounds listed in the section.⁷⁹ The fear of

⁷⁶ T.I. v. United Kingdom, App no 43844/98 (ECtHR, 7 March 2000) para 14 available at (<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6b6dfc>) Last visit on January 15, 2021

⁷⁷ *Chahal v. United Kingdom* App no 70/1995/576/662 (ECtHR, 11 November 1996) para 80 available at (<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6b69920>) Last visit on March 10, 2021

⁷⁸ Id 393

⁷⁹ Ibid

persecution and subsequent flight could be based on more than one of the listed grounds, in which case, the causal connection would be founded upon each of those grounds.⁸⁰

In the case of a person with more than one nationality, “the country of his nationality” shall mean each of the countries of which he is a national. Such a person cannot claim refugee protection until he has availed himself of the protection offered by each of these countries. Only when all of these countries present him with a fear of persecution based on one or more of the Convention grounds can he then claim refugee status under the UN Refugee Convention.⁸¹

The Federal Court of Australia considers the issue of multiple nationality case by case bases. The Court, in Kim case,⁸² said, “Given the objects of the [1951] Convention, it can hardly have been intended that person who seeks international protection to which, but for a second nationality he or she would be entitled, would, as a consequence of a formal but relevantly ineffective nationality, be denied international protection and, not being a “refugee”, could be sent back to the country in which he or she feared, and had a real chance of being persecuted. [...] [Thus] findings that a person has dual nationalities but lacks a well-founded fear of persecution in one of the countries of nationality will not necessarily preclude a finding that the person is a refugee.”

In addition to the case of multiple nationalities, the issue of manifold habitual residence is addressed. The Canada Court in Thabet case⁸³ provides that, “Where a claimant has been resident in more than one country, it is not necessary to prove that there was persecution at the hands of all those countries; but it is necessary to demonstrate that one country was guilty of persecution and that the claimant is unable or unwilling to return to any of the states where he formerly habitually resided”. The decision of the court favors for the claimant by granting such a

⁸⁰ Michigan Guidelines on Nexus to a Convention Ground <<http://www.refworld.org/docid/3dca7b439.html>> accessed 29 March, 2020 Para 4; Hathaway and Foster (n 56)368

⁸¹ Refugee Convention (n 9) art 1 (A) (2)

⁸² Jong Kim Koe v Minister for Immigration; Multicultural Affairs [1997] FCA 306 (Federal Court of Australia, 2 May 1997) p 9, available at (<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6b6eb4>) Last visit on March 13, 2021

⁸³ Thabet v. Canada; Minister of Citizenship and Immigration [1998] F.C. 421, (Canada Federal Court of Appeal, 11 May 1998) available at (<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=47bda9972>) Last visit on December 21, 2020

person to claim refugee protection upon proof of likelihood of prosecution in one of the states, rather than of all countries where he formerly habitually resided.

In the following subsection, the expanded Refugee definition under the OAU Refugee Convention will be considered.

2.2.2 Refugee definition under the OAU refugee Convention and the Ethiopian refugee Proclamation No. 1110/2019

The 1969 OAU Refugee Convention contains an extended definition of a refugee, which includes individuals displaced as a result of external aggression, foreign occupation, or events seriously disturbing public order.⁸⁴ Micah justifies that, “this treaty was adopted to suit the prevailing contextual situation in Africa at the time, which was characterized by liberation struggles against colonialism and domination of one racial group over another. Instead of conflicts in general subsiding, however, following the adoption of the OAU Refugee Convention, Africa has experienced an upsurge in civil wars and natural disasters, resulting in an unprecedented increase in displaced populations and refugee situations. The expanded refugee definition has accordingly allowed millions of displaced people to seek asylum and safety in neighboring countries”.⁸⁵

The OAU Refugee Convention adopts the UN Refugee Convention definition and broadened it as noted earlier. Accordingly, the OAU Convention confirms the UN Refugee Convention definition and starts by defining a refugee as ‘a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it’.⁸⁶

⁸⁴ Art. 1(2) of the OAU Refugee Convention defines a refugee as: ‘every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality’.

⁸⁵ Rabkin Micah, ‘Extending the limits or narrowing the scope? Deconstructing the OAU refugee definition thirty years on’, (2005) UNHCR Evaluation & Policy Analysis Unit Research Paper 113/2006, 1 <www.unhcr.org> accessed 02 October 2020

⁸⁶ African Refugee Convention (n 11) art 1(1)

Besides, the OAU Refugee Convention goes further and provides that ‘... the term ‘refugee’ shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence to seek refuge in another place outside his country of origin or nationality’.⁸⁷

Oloka argues that “the African Refugee Convention expanded refugee definition, however, it is opposed that although the expanded definition has widened the grounds for refugee status, it is more objective than subjective, because it obliges member states to grant refugee status to any person who leaves his country of origin due to external aggression, occupation, foreign domination or events seriously disturbing public order, regardless of whether or not they meet the ‘subjective’ criteria of the UN Refugee Convention which requires that the asylum seeker should justify a well-founded fear of persecution”.⁸⁸ Secondly, Oloka criticizes, “the expanded definition is too vague, difficult to determine the main cause of flight, and appears to have been included to allow group-based refugee status determination (*prima-facie* determination)”.⁸⁹ Opponents also argue that the expanded definition has resulted in a mass migration of populations for reasons not directly related to refugee status being justifiably granted.⁹⁰

The notion of a refugee under the new Ethiopian refugee proclamation is simply the verbatim copy of the UN Refugee Convention and the African Refugee Convention Definition of refugee as enunciated under articles 2 and 5 of the same law and hence warrants no further discussion.⁹¹

This section dwelled on the discussion of the concept of a refugee under the UN and African Refugee Conventions, as well as under the new Ethiopian refugee proclamation. Now let turn to the next section, which is devoted to examining the legal frameworks about refugees’ right to education at the international and domestic levels.

⁸⁷ African Refugee Convention (n 11) art 1(2)

⁸⁸ Oloka Onyango, ‘Human Rights, the OAU Convention and the Refugee Crisis in Africa: Forty Years after Geneva’ (1991) 3 Int’l J. Refugee L., 453-460

⁸⁹ African Refugee Convention (n 11) Preamble, Para 3

⁹⁰ Rwelamira, M.R, ‘Two Decades of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problem in Africa’(1989) 1 Int’l J. Refugee L., 4, 557-561

<<http://www.refugeelawreader.org/en/iii-african-framework-for-refugee-protection/iii-1-overview-of-african-regional-legal-instruments-for-refugee-protection.html>> accessed 03 October 2020

⁹¹ Refugee Proclamation 1110 (n 23) art 2 (7) and art 5

2.3 Legal frameworks

Jackie and Rebecca state that “the importance of education has been widely acknowledged and it is recognized that education plays a particularly significant role for children whose lives are affected by war, violence, displacement, and the general disruption of normal life”.⁹² Further, they assert that it offers a form of physical protection in a safe learning space away from the dangers of war and persecution; it also provides psychosocial protection in the form of interaction with other classmates and teachers with opportunities to be creative and exchange concerns and ideas.⁹³ Moreover, Rouke offers, “the education of refugees allows them to maximize their skills, rebuild their lives and enhance long-term peace and stability both in their host country and their country of origin”.⁹⁴

According to Rouke, education also helps to improve the mental stability of refugee children by providing an environment and structure that generates in them a sense of normalcy even though they are in an unfamiliar country and had left their home country due to crisis.⁹⁵ The overall benefit of education is also demonstrated in integration, as they are better suited to become part of a community by having increased access to job opportunities and social enhancement.⁹⁶

Education is recognized as a basic right to which every person is entitled.⁹⁷ The former UN Special Rapporteur on the Right to Education stated in her report that ‘women, men, boys and girls of all ages and backgrounds- whether migrants, refugees, asylum-seekers, stateless persons, returnees or internally displaced persons have the right to education.’⁹⁸

Taking into account the multiple importance of education in general and for refugees, in particular, the laws at the international, regional and national level protect the right of education. Thus the next subsections deal with these laws.

⁹² Jackie Kirk & Rebecca Winthrop, ‘Promoting Quality Education in Refugee Contexts: Supporting Teacher Development in Northern Ethiopia’ (2007) 53 *International Review of Education* 5/6, 715-723

⁹³ Ibid

⁹⁴ Michael Rourke, ‘Education for Syrian Refugees: The Failure of Second-Generation Human Rights during Extraordinary Crisis’ (2014) 78 *Alb. L. Rev.* 711, 725

⁹⁵ Ibid

⁹⁶ Ibid

⁹⁷ United Nations High Commissioner for Refugees ‘Educating Refugees Around the World’ available at <<http://unhcr.org>> accessed 21 August 2020

⁹⁸ UN Special Rapporteur ‘Report on the Right to Education: the Right to Education of Migrants, Refugees and Asylum-seekers’ (2010) <<http://www.right-to-education.org/issue-page/marginalisedgroups/migrants-refugees-and-internally-displaced-persons>> accessed 19 August 2020

2.3.1 International instruments relating to refugees right to education

2.3.1.1 The 1951 refugee Convention

The Refugee Convention is a law that protects refugees. It provides for socio-economic and other rights which all contracting parties to the refugee convention must guarantee for refugees within their territory.⁹⁹ Moreover, the Refugee Convention under article 5 states that ‘*nothing shall be deemed to impair any rights and benefits granted by a contracting state to refugees apart from this convention*’ clearly indicating that refugees are entitled to rights in subsequent human rights documents.¹⁰⁰ In other words, as the refugees' convention noted refugees right is not limited to refugees convention instead they are entitled to rights provided under other human rights instruments.

Accordingly, the Refugee Convention under article 22 guarantees ‘refugees right to equal treatment with nationals concerning elementary education.’¹⁰¹ And concerning secondary and higher education, it provides that ‘... refugees treatment as favorable as possible than other aliens ... in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.’¹⁰²

Hathway expounded that “this shows a clear commitment by contracting parties to provide at least the most basic forms of education to refugees and their children.”¹⁰³ It seeks to ensure that refugees have access to education on a level of equality with the nationals of the state of refugee”.¹⁰⁴ This is unlike the earlier Refugee Conventions of 1933 and 1938 that only provided that refugees enjoy access to education in the manner enjoyed by other foreigners in the state.¹⁰⁵ The Refugee Convention of 1951, thus, provides that basic elementary education be provided for all without qualification and irrespective of their status as refugees. Most importantly, there should be no differentiation between lawful and unlawful refugees in the provision of

⁹⁹ Hathaway and Foster (n 56) 594

¹⁰⁰ Refugee Convention (n 9) art 5

¹⁰¹ Refugee Convention (n 9) art 22(1)

¹⁰² Refugee Convention (n 9) art 22(2)

¹⁰³ Hathaway and Foster (n 56) 954

¹⁰⁴ Hathaway and Foster (n 56) 954

¹⁰⁵ United Nations Department of Social Affairs, “A Study of Statelessness,” UN Doc. E/1112, Feb. 1, 1949 (United Nations, ‘Statelessness’) 58

education.¹⁰⁶ As a minimum standard, the Refugee Convention maintains that all foreigners should enjoy the same standard of education.¹⁰⁷

However, the Refugee Convention does not make any specific provision with regards to what constitutes elementary education and the specifics are usually left to each state to determine.¹⁰⁸

Elementary education differs from one country to another but would usually range between four to eight years.¹⁰⁹ The UNHCR regards standard primary education as covering grades one to eight implying eight years of primary school education.¹¹⁰ At any rate, the consensus among commentators and jurists is that the minimum core content of the right to education includes: the right to compulsory and free primary education; the free choice of education without interference by the state or a third party; and the right to education in the language of one's choice.¹¹¹ The treaty thus recognizes the right to education as accruing to everyone and not only nationals or those who have been granted asylum status.

Regarding secondary and higher education the convention provides favorable treatment for refugees, but not less favorable than that accorded to foreigners in similar circumstances, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas, and degrees, the remission of fees and charges and the award of scholarships.¹¹² Madsen states that “paragraph 2 provides that member states should accept the authenticity and quality of certificates obtained in the country of origin to ensure that refugees have access to tertiary education. This provision does not, however, include recognition of foreign certificates for purposes of recognizing a profession or employment”.¹¹³

¹⁰⁶ Rosa de Costa, ‘Rights of Refugees in the Context of Integration: Legal Standards and Recommendations’(2006) in UNHCR, Legal and Protection Policy Research Series (POLAS) 2/2006, 80 < <http://www.unhcr.org>> accessed June 2020

¹⁰⁷ Goodwin-Gill, ‘The Refugee in International Law’ (2nd edn. Oxford: Clarendon,1996) 298-299

¹⁰⁸ Nehemiah Robinson ‘Convention relating to the Status of Refugees: Its History, Contents and Interpretation’ (1953)Republished by UNHCR, Geneva, 1997)103

¹⁰⁹ Rosa De Costa (n 106)

¹¹⁰ UNHCR ‘Education Field Guidelines’ (Geneva, February 2003) 21 Para.3.1.1

¹¹¹ Fons Coomans, ‘Clarifying the Core Elements of the Right to Education’ (Edn, Van Hoof, 1995), 17-19

¹¹² Refugee convention (n 9) art 22(2)

¹¹³ Grahl-Madsen, ‘A Commentary on the 1951 Refugee Convention’ (1997) 70, <<http://www.unhcr.org/3d4ab5fb9.pdf>.> accessed 3 June 2020

Thus, in terms of secondary and higher education the convention provides refugees equal treatment with other foreigners instead of equal with nationals unlike in the case of elementary education.

2.3.1.2 The Universal Declaration on Human Rights (UDHR)

At the core of this framework is the UDHR, which provides that ‘everyone has the right to education... and education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all based on merit.’¹¹⁴ Although the Universal Declaration on Human Rights is a declaration and it is *stricto sensu* non-binding, it was stated in 1986 at the United Nations International Conference on Human Rights that the provisions of the declaration constitute ‘an obligation for the members of the international community.’¹¹⁵ Furthermore, the Universal Declaration on Human Rights is now considered as part of customary international law and as such binding on all states.

2.3.1.3 The International Covenant on Economic, Social and Cultural Rights (ICESCR)

The ICESCR goes beyond the Refugee Convention and recognizes the right to education under article 13.¹¹⁶ In doing so, article 13(1) provides that ‘The States Parties to the present Covenant recognize the right of everyone to education.’¹¹⁷ And according to article 13 (2), it states that ‘Primary education shall be compulsory and available free to all’ and ‘secondary and higher education shall be made equally accessible to all, based on capacity, ...in particular by the progressive introduction of free education.’¹¹⁸

Therefore, the ICESCR obliges state parties to provide compulsory primary education to all at zero cost regardless of nationality. However, regarding education other than elementary education like secondary and higher education states are bound to realize progressively

¹¹⁴ UDHR (n 12) art 26(1)

¹¹⁵ Office of the High Commissioner for Human Rights (OHCHR), Fact Sheet No. 2 (Rev. 1): The International Bill of Human Rights, Geneva, June 1996. Cited in: Undocumented Children in Europe: Invisible Victims of Immigration Restrictions, PICUM (Platform for International Cooperation on Undocumented Migrants), 2008, 12.

¹¹⁶ ICESCR (n 14) art 13

¹¹⁷ Ibid

¹¹⁸ Ibid

depending on the available resource as opposed to elementary education which imposes an immediate obligation on the state. The ICESCR mandates all state parties to ensure that there is a national plan for implementing this provision in their countries.¹¹⁹

Furthermore, as determined by the committee on economic, social, and cultural rights, the right to education comprises four interdependent elements, namely, availability, accessibility, acceptability, and adaptability.¹²⁰

Availability requires functioning educational institutions and programs have to be available in sufficient quantity, for example, the sufficiency of buildings, teaching materials, and trained teachers.¹²¹

The accessibility element calls that educational institutions and programs have to be accessible to everyone, without discrimination.¹²² Accessibility element in turn has three components, these are, non-discrimination, physical accessibility, and economic accessibility. The non-discrimination component provides that education must be accessible to all, especially for the most vulnerable groups, in law and fact, without discrimination on any of internationally prohibited grounds.¹²³ The physical accessibility component enunciates that education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location.¹²⁴ Economic accessibility provides that education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13 (2) with primary, secondary and higher education: whereas primary education shall be available “free to all”, States parties are required to progressively introduce free secondary and higher education.¹²⁵

The acceptability element demands that the form and substance of education, including curricula and teaching methods, have to be acceptable to students (e.g. relevant, culturally appropriate, and of good quality, the suitable language of instruction).¹²⁶ Adaptability calls that education has to

¹¹⁹ ICESCR (n 14) art 14

¹²⁰ Committee on Economic, Social and Cultural Rights (21th session) ‘General Comment of the Committee on the Right to Education’ (8 December 1999) UN Doc E/C.12/1999/10, GC No. 13 (CESCR GC 13) Para 6

¹²¹ Ibid Para 6 (a)

¹²² Ibid Para 6 (b)

¹²³ Ibid

¹²⁴ Ibid

¹²⁵ Ibid

¹²⁶ Ibid Para 6 (c)

be flexible to adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.¹²⁷

The committee also determined that education must be accessible especially to the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds as enshrined under article 2 (2) of the ICESCR.¹²⁸

In nutshell, educational institutions and programs should be available in sufficient quantity and accessible for everyone including refugees. Moreover, the form and substance of education should be acceptable and adaptable for refugees.

2.3.1.4 The Convention on the Rights of a Child (CRC)

Simmons offers that “International law provides legal protection that pre-dates the legal protection offered in some societies and offers a platform from which advocates of child rights can promote the rights of children”.¹²⁹

Foremost among these treaties is the 1924 Declaration on the Rights of the Child which was in response to the challenges faced by children as a consequence of war.¹³⁰ The need to ensure the protection of children who are too often a major casualty of war has been extensively provided for in the Convention Relating to the Status of Refugees and the Convention on the Rights of the Child.

Jason states that “some international institutions such as the United Nations General Assembly, the United Nations Committee on the Rights of the Child, and the United Nations High Commissioner for Refugees have also been established, with the responsibility to ensure that the protection offered by the various treaties are enjoyed by refugee children”.¹³¹

On its part, the Convention on the Rights of a Child (CRC) provides that state parties recognize the right of a child to education and this right shall be realized by all children based on equal

¹²⁷ Ibid Para 6 (d)

¹²⁸ ESCR Committee’s GC 13 (n 16) Para 6&31

¹²⁹ Beth Simmons, ‘Mobilizing for Human Rights: International Law in Domestic Politics’ (Cambridge University Press 2009) 307

¹³⁰ Geneva Declaration on the Rights of the Child (adopted 26 September 1924) [1924] LN OJ Spec. Supp. 21, 43 (1924 Declaration)

¹³¹ Jason Pobjoy, ‘A child’s right framework for assessing the status of refugee children’ (Satvinder,edn, Singh Juss & Colin Harvey,2013) : Edward Elgar, ‘Contemporary Issues in Refugee Law’ (Northampton, 2013) 91-92.

opportunity.¹³² Article 28 of the CRC places an obligation on all state parties to ‘make primary education compulsory and available free to all’ and ‘...secondary and higher education available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need’. Moreover, the same law requires state parties to ‘take measures to encourage regular attendance at schools and the reduction of dropout rates.

Article 28(3) of the CRC specifically provides for international cooperation in matters relating to education to ensure the eradication of ignorance and illiteracy across the world.¹³³ This provision emphasizes the importance of education and maintains that the actualization of this right by a child should not be limited by the child’s nationality or territorial boundaries. And article 2 of the CRC emphatically states that the rights outlined in the convention shall be enjoyed by every child with no regard to the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or other status.¹³⁴ Thus, all state parties guarantee the right of education under article 28 to every child irrespective of such a child’s nationality or legal status.

2.3.1.5 Other International legal instruments

The Convention against Discrimination in Education affirms that the principle of non-discrimination and equality applies to the right to education.¹³⁵ Accordingly, this Convention prohibits any discrimination on whatsoever ground to make education truly accessible to all including refugee children.¹³⁶

¹³² CRC (n 13) art 28

- a) Make primary education compulsory and available free to all;
- b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- d) Make educational and vocational information and guidance available and accessible to all children; and
- e) Take measures to encourage regular attendance at schools and the reduction of dropout rates.

¹³³ CRC (n 13) art 28(3)

¹³⁴ CRC (n 13) art 3

¹³⁵ UNESCO Convention against Discrimination in Education (adopted in 14 December 1960, entered into force 22 May 1962) art 1(1)

¹³⁶ Ibid

Rosa states that it is thus evident that although legal differentiation between nationals and non-nationals may be permissible under certain international instruments and concerning certain rights, these differentiations do not apply to the right to education.¹³⁷ Asylum seekers should be accorded their full rights under these instruments the same way as nationals and permanent residents.¹³⁸

Rourke reinforced that the international legal framework shows that the right to public education is distinct from other rights enjoyed by refugees.¹³⁹ Cholewinski also affirms that, unlike other social and economic rights which remain unclear whether they apply to only refugees that have been granted asylum status or to all refugees irrespective of their status, the right to education applies to all refugees irrespective of their legal status.¹⁴⁰ Further, Lee provides that the enjoyment of the right to education is not dependent on the ability of a person to live in their own country, and to so limit such rights would be to violate a person's fundamental human rights.¹⁴¹

These treaties are clear in their language. The language used is inclusive showing that it applies to everyone and it is the right of every child to access free primary education wherever the child is and irrespective of his legal status in that state.¹⁴² This is not to be limited by any national policy or by the fact that a refugee child does not have the necessary documentation. The right to education is absolute and should not be limited in any way whatsoever.

Furthermore, the Ethiopian government pledged to provide primary, secondary and tertiary education to all qualified refugees without discrimination and within available resources.¹⁴³ And

¹³⁷ Rosa de Costa (n 106) 81

¹³⁸ Ibid

¹³⁹ Rourke (n 94) 728

¹⁴⁰ Ryszard Cholewinski 'Economic and Social Rights of Refugees and Asylum Seekers in Europe' (2000) 14 *Geo. Immigr. L.J.* 709, 711: Ibid

¹⁴¹ Luke Lee, 'The Right to Compensation: Refugees and Countries of Asylum' (1986) 80 *Am J. Int'l L.* 532, 539

¹⁴² Rourke, (n 94) 728

¹⁴³ United Nations Secretary-General, 'Leaders' Summit on Refugees' (20 September 2016), Pledge 4. Ethiopia pledges to:

- ❖ Increasing enrollment of pre-school age refugee children from the current 46,276 (44%) to 63,040 (60%)
- ❖ Increasing enrollment of primary school age children from the current 96,700 (54%) to 137,000 (75%)
- ❖ Increasing enrollment of secondary school age children in secondary school from the current 3,785 (9%) to 10,300 (25%)
- ❖ Increasing opportunities for higher education enrollment from the current 1,600 to 2,500 students

to expand schools and other necessary inputs within available resources based on the available international cooperation and following the education policy of the country.¹⁴⁴

2.3.2 Regional legal instruments relating to refugees' right to education

As mentioned repeatedly in addition to international laws the right to education is recognized under the regional human rights standards.

Accordingly, at the regional level, the African Charter under art 17 enunciated that 'Every individual shall have the right to education.'¹⁴⁵ The African Charter provides the right to education in a generic way. Unlike the international standards, it does not provide the different degree of obligation on the state across the levels of education i.e. in the case of elementary, secondary, and higher education levels. However, albeit the above gaps since it guarantee the right to education for every person without any reservation, we can safely conclude that refugees are also entitled to the right to education under the African Charter.

Moreover, at the regional level, there is the African Refugee Convention which is intended to govern the refugee problems in Africa. However, the African Refugee Convention other than providing the term refugee¹⁴⁶ in a broad manner as well as the principle of non-discrimination¹⁴⁷ does not contain any provision on the socio-economic rights including refugees' right to education.

Thus, it does not make any difference if we read and apply it in isolation to other human rights instruments, so to make it effective it should be read and applied in tandem with other international and regional human rights standards.

2.3.3 Refugees rights to education under national laws

As pointed out so many times, in addition to international and continental laws the right to education is recognized under the national laws. Accordingly, first, we will try to see the right to education in general and refugees' right to education in particular, then after refugees' right to education under the new Ethiopian Refugee law will be grasped.

¹⁴⁴ Ibid

¹⁴⁵ African Charter (n 15) art 17(1)

¹⁴⁶ The African Refugee Convention (n 11) art 1(2)

¹⁴⁷ The African Refugee Convention (n 11) art 4

2.3.3.1 The FDRE Constitution

When we see the right to education under the FDRE constitution, which is the mother law of the land, a cursory reading of it seems that the right to education is only a right of Ethiopian citizens. This can be inferred from the classification of fundamental rights and freedoms into two categories in the Constitution; namely, human rights provided in articles 14-28 and democratic rights guaranteed in articles 29-44.¹⁴⁸ Moreover, article 10 of the Constitution partially affirmed the same position, under the second paragraph by enunciating that ‘human and democratic rights of citizens and peoples shall be respected’.¹⁴⁹ Thus, the rough reading of the constitution indicates that since the right to education, impliedly recognized under article 41(4), is a democratic right, is exclusively reserved to Ethiopian citizens excluding non-Ethiopian citizens like foreigners and refugees.

Nevertheless, the thorough reading of the constitution signifies the opposite of the above position .i.e. the right to education applies to everyone, whether citizens or non-citizens including refugees. This is evident from the following counts. First, even if the right to education is placed under the category of democratic rights, the FDRE Constitution indicates, on an article-by-article basis, whether a certain right applies to everyone or citizens only. For example, the Constitution indicates that electoral rights and the right to self-determination are citizens' rights.¹⁵⁰ Conversely, concerning education the Constitution provides that ‘the State should allocate ever-increasing resources to provide... to education...’¹⁵¹ thus, it does not contain the proviso ‘*Every Ethiopian*’ which connotes the exclusion of non-citizens, instead it imposes an obligation on the state to provide education progressively, thereby, impliedly recognize the right to education. Second, this is in line with Ethiopian international human rights commitments since the constitution makes the international standards part of Ethiopian law and the interpretation of the bill of rights provisions in line with international standards under articles 9 and 13 respectively.

¹⁴⁸ The Constitution of the Federal Democratic Republic of Ethiopia,(adopted on 8 December 1994, entry in to force 21 August 1995) Proclamation 1/1995, Federal Neg. Gaz., No. 1, year 1, Addis Abeba, 21 August 1995, (The FDRE constitution)

¹⁴⁹ Ibid

¹⁵⁰ The FDRE Constitution (n 148) art 38 and 39

¹⁵¹ Ibid art 41 (4)

To be clear, the Constitution provides that ‘all international agreements ratified by Ethiopia are an integral part of the law of the land’.¹⁵² The Constitution further provides that ‘the fundamental rights and freedoms specified in chapter three (including democratic rights) shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights, and International instruments adopted by Ethiopia’.¹⁵³ Accordingly, the constitution makes international agreements and covenants ratified by Ethiopia part and parcel of Ethiopian law. Moreover as provided under art 13 (2) of the constitution the fundamental rights provided under chapter three including democratic rights, (democratic rights, in turn, incorporates the right to education) should be interpreted in line with international human rights instruments adopted by Ethiopia.

Thus, although the apparent reading of the constitutional provisions seems to grant the right to education exclusively to citizens, the in-depth reading as illustrated above indicates the reverse .i.e. the right to education recognized impliedly and applicable for everyone, for nationals and foreigners including refugees.

2.3.3.2 The Ethiopian refugee Proclamation No. 1110/2019

While we proceed to see refugees’ right to education under new Ethiopian refugee law, as noted out repeatedly, in terms of access to elementary education, article 22(1) of the Refugee Convention obliges states to grant refugees treatment similar to that of nationals. Nevertheless, Ethiopia has made a reservation on article 22(1) and declared that it only considers this provision as a recommendation and not a legally binding obligation.¹⁵⁴ For other levels of education, implies secondary and higher education, article 22(2) of the Refugee Convention states that hosting states should grant ‘treatments equal with other aliens’.¹⁵⁵

As pointed out at the outset, the good thing is, however, even if the former refugee law (Proclamation No. 409/2004) intensifies the Ethiopian government’s reservation to the refugees’ rights to education without addressing the issue of access to education, the new refugee law

¹⁵² Ibid art 9 (4)

¹⁵³ Ibid art 13(2)

¹⁵⁴ UNHCR, Convention Relating to the Status of Refugees, (Geneva 28 July 1951, Ethiopia) 7-8

<<http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3d9abe177&query=1951%20Refugee%20Convention>> 11 April 2020

¹⁵⁵ Refugee Convention (n 9)

provides the issue of access to education. Accordingly, the new Ethiopian refugee proclamation under article 24¹⁵⁶ guarantees refugees and asylum seekers the right to receive the same treatment as Ethiopian nationals concerning access to pre-primary and elementary education.¹⁵⁷ Furthermore, in respect to secondary and higher education, the same law provides that ‘...refugees and asylum seekers may receive the most favorable treatment as accorded to foreign nationals...in particular, as regards access to studies, the recognition of foreign school certificates, diplomas, and degrees, the remission of fees and charges and the award of scholarships.’¹⁵⁸

In terms of access to primary education, the new refugee law like the Refugee Convention and other international human rights instruments, grant refugees *treatment similar to that of nationals* (emphasis added) as clearly enunciated under article 24(1).¹⁵⁹ However, for other levels such as secondary education, Technical and Vocational Education and Training (TVET), and tertiary education, article 24(3) of the refugee proclamation provides the *most favorable treatment as accorded to foreign nationals (emphasis added)*.¹⁶⁰ Fasil argues that, in such context, the scope of the right to education includes ‘access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges, and the award of scholarships.’¹⁶¹ Thus, in terms of secondary and higher education, the refugee proclamation provides better protection for refugees than the refugee convention.

In this section, the laws at the international, regional and domestic levels pertinent to refugees’ right to education are scrutinized. The next section dwells on summarizing the core points of the chapter.

¹⁵⁶ Refugee Proclamation 1110 (n 23)

¹⁵⁷ Refugee Proclamation 1110 (n 23) art 24 (1)

¹⁵⁸ Refugee Proclamation 1110 (n 23) art 24 (3)

¹⁵⁹ Refugee Proclamation 1110 (n 23)

¹⁶⁰ Refugee Proclamation 1110 (n 23)

¹⁶¹ Fasil Mulatu, ‘Recommendations for Reform of Ethiopia’s Refugee Legislative and Policy Framework in Light of International and Regional Standards’(2017) 28

2.3 Conclusion

Although the degree differs upon the passage of time the existence of refugees is as old as humankind. Regarding the definition of refugee, there is no generally accepted legal definition but there are working definitions adopted by specific instruments. For instance, the 1951 Refugee Convention under article 1 defines ‘a refugee as a person who is outside of his country or habitual residence due to a well-founded fear of persecution on the grounds of race, religion, nationality, and membership of a particular social group or political opinion’. The African Refugee Convention provides an extended definition of refugee, which adds external aggression, foreign occupation, or events seriously disturbing public order as grounds for flight. The new Ethiopian proclamation under articles 3 and 5 reproduces the definition provided by the above instruments.

Turning to the legal frameworks concerning education, the right to education in general and refugees’ right to education, in particular, is recognized at international, regional, and national levels. Accordingly, regarding primary education various international human right instruments like UDHR, ICESCR, CRC, and African Charter, provides the right to education for everyone and make primary education compulsory and free. On the other hand concerning secondary and higher education they require states to make secondary and higher education accessible to all based on capacity. In addition, the refugee convention and the new Ethiopian refugee law which specifically governs refugees guarantees equal treatment of refugees with nationals’ in terms of primary education, while regarding secondary and higher education the same laws warrant, favorable treatment for refugees, but not less favorable than that accorded to foreigners. Further, the Committee on Economic Social and Cultural rights demands states to avail education in sufficient quantity, accessible to everyone, acceptable, and adaptable.

Chapter Three

The Practice of the Right to Education in Tsore Refugee Camp

3.1 Introduction

Under chapter two conceptual and legal frameworks are discussed. To be specific, the concept of the term refugee and the pertinent laws for refugees' right to education at the international, regional and national levels are reviewed.

This chapter examines the practice of the right to education in Tsore refugee camp and the major challenges inhibiting this right based on the data collected from primary and secondary sources. The chapter has four sections. The first section is this introductory part. The second section addresses the practice of the right to education in Tsore refugee camp at all levels of education, namely, primary, secondary and higher levels respectively. The third section explores the legal and practical challenges hindering the right to education in Tsore refugee camp. The last section provides a concluding remark. Let us start with the practice of the right to education in Tsore refugee camp.

3.2 The practice of refugees right to education in Tsore camp

3.2.1 Primary education

As discussed in the previous chapter, various international human rights instruments applicable to the refugees provide the right to education for everyone and make primary education compulsory and free.¹⁶²

Moreover, the refugee convention which specifically governs refugees at the international level enunciates that ‘the contracting states shall accord to refugees the *same treatment as is accorded to nationals* concerning elementary education’ (Emphasis added).¹⁶³ Domestically, it also considers the refugees right to education in terms of elementary education, even if the former refugee proclamation amplifies the Ethiopian government’s reservation the new refugee proclamation converse to the former law affirms the refugee convention by providing that ‘every recognized refugee or asylum seeks *shall receive the same treatment as accorded to Ethiopian nationals* with respect to access to pre-primary and elementary education (Emphasis added).¹⁶⁴

Thus, the right to education is entitled to everyone including refugees as clearly guaranteed under many international human rights instruments. Additionally, the phrase ‘the same treatment as accorded to nationals’¹⁶⁵ which is provided both under the refugee convention and the new refugee proclamation have numerous legal effect although not clearly stated.

Among others, the proviso ‘equal with national’ has the following implications: the government is bound to provide education for refugees in general and refugees living in Tsore refugee Camp in particular equal with its nationals. And the education should be provided sufficiently for refugees with an equal level provided for nationals. Besides, the government is obliged to prepare curricula and teaching aids and methods acceptable for refugees equal with the degree it prepares for its nationals, for instance, it should take into account their culture, including language, and should be based on their own choice. This should again be equivalent to the government’s commitment to its nationals paying due attention to their history, culture, values,

¹⁶² UDHR (n 12)art 26(1): ICESCR (n 14) art 13 (1 & 2(a): CRC (n 13) art 28 (1(a): African Charter(n 15) art 17(1)

¹⁶³ Refugee Convention (n 9) art 22 (1)

¹⁶⁴ Refugee Proclamation 1110 (n 23) art 24(1)

¹⁶⁵ Refugee Convention (n 9) art 22 (1): Refugee Proclamation 1110 (n 23) art 24(1)

and medium of communication is in their mother tongue of their own choice. The government should also provide education for everyone, for example, it should facilitate education for refugees with disabilities equal with its nationals accommodating for persons with disabilities (PWDs).

These obligations of the Ethiopian Government must take full account of the four interdependent elements of the right to education (availability, accessibility, acceptability, and adaptability) which are determined by the Committee on Economic, Social, and Cultural Rights.¹⁶⁶ Let us see the reality in Tsore Refugee Camp.

3.2.1.1 The presence of education in sufficient quantity

At this juncture, we will see the presence of the elementary school and the sufficiency of classrooms in Tsore refugee Camp.

Concerning the availability and quantity of education, one of the key-informant stated that:

“There is an elementary school established by the fund received from humanitarian organizations like UNHCR, PIE, and NRC. The disturbing thing is that more than 98 students learn in a single classroom.”¹⁶⁷

Similarly, the FGD informants and the refugee respondents revealed that:

“There is elementary education built with the support of humanitarian organizations even though it is not sufficient i.e. the numbers of classrooms are not proportionate with our numbers”.¹⁶⁸

As indicated above, the Ethiopian government is obliged to treat refugees equally with its national in terms of elementary education.¹⁶⁹ Accordingly, the government is obliged to provide elementary education for refugees and a mere presence of school is not sufficient i.e. the number of classrooms and other standards should also be in proportion with the number of refugee

¹⁶⁶ Committee on Economic, Social and Cultural Rights (21th session) ‘General Comment of the Committee on the Right to Education’ (8 December 1999) UN Doc E/C.12/1999/10, GC No. 13 (ESCR Committee’s GC 13) Para 6

¹⁶⁷ Interview with Dessalegn Tsegaw, Education Officer, ARRA (Assosa, 14 August 2020) : Interview with Daniel Zelalem, Education officer, NRC (Assosa, 13 August 2020)

¹⁶⁸ Focus Group Discussion (FGD) with Refugees (Tsore, 11 August 2020): Interview with Ebied Abdulahi, Refugee (Tsore , 3 August 2020): Interview with Nada Ibrahim, Refugee (Tsore, 3 August 2020)

¹⁶⁹ Refugee Convention (n 9) art 22 (1): Refugee Proclamation 1110 (23) art 24(1)

students.¹⁷⁰ In practice, however, as the respondents explained although there is elementary education built by the fund obtained from humanitarian organizations, woefully beyond 98 refugee students living in Tsore refugee Camp study in a single classroom. Conversely, in the school built for Ethiopian nationals, an interview conducted with BGRS education bureau education plan officer, shows that although the standard is 40 students per classroom, 62 students learn in a single classroom.¹⁷¹ This shows leaving the realization of the higher protection refugees entitled, the government is not providing the minimum protection, which guarantees refugees' equal treatment with nationals in terms of elementary education. Thus, the Ethiopian government's is not in compliance with its obligation because beyond 98 refugee students living in Tsore refugee Camp study in a single classroom, whereas Ethiopian national students learn 62 students learn per classroom, in spite that the government is obliged to treat refugees equal with its nationals as minimum protection.

3.2.1.2 Sufficiency of qualified teachers

As extensively discussed in the previous chapter Ethiopia is bound to provide qualified teachers in sufficient quantity, the minimum protection is treating refugees equally with its national's in terms of access to both elementary education and qualified teachers.¹⁷² Let's look into the practice.

Regarding the presence of qualified teachers in sufficient quantity, the respondents stated as follows:

*“There are no sufficient qualified teachers: there are various unqualified teachers at Tsore elementary school, especially at elementary school first phase (grade 1-4) the problem is worse, most uncertified refugees that completed grade 10,11 and 12 hired with incentive money (low payment)”.*¹⁷³

Although, the Ethiopian government is under obligation to provide qualified teachers in sufficient quantity, like the case of sufficient classroom problem, as exemplified by the

¹⁷⁰ ESCR Committee's GC 13 (n 16) Para 6 (a)

¹⁷¹ Interview with Husane Ahmed , Education Plan Officer, BGRS Education Bureau (Assosa, 14 August 2010)

¹⁷² Refugee Convention (n 9) art 22 (1): Refugee Proclamation 1110 (n 23) art 24(1): GC 13 (n 16) Para 6 (a)

¹⁷³ Interview with Desalegn (n 167): Interview with Daniel (n 167): Interview with Nyalakim Andrew, Refugee (Tsore ,3 August 2020): Interview with Nataha Butrus , Refugee (Tsore ,3 August 2020)

respondents there is the problem of qualified teachers in Tsore elementary school, especially at elementary first phase i.e. grade 1-4 most of the teachers are uncertified that only completed grade 10, 11 and 12. In contrast, as illustrated by BGRS education bureau education plan officer, there are no unqualified teachers that teach Ethiopian national students, i.e. they are qualified, accordingly, teachers at the elementary first stage (grade 1-4) are diploma holders and a second phase (grade 5-8) teachers are diploma and degree holders.¹⁷⁴

As illustrated, the government is not treating refugees equally with its national in line with its duty since Ethiopian national students are taught by qualified teachers while refugees were taught by uncertified teachers although the problem is grave at the elementary first phase (grade 1-4). Thus, forgetting the higher protection, the government was not in conformity with its minimum obligation, which requires the government to treat refugees equally with its citizens in terms of access to qualified teachers.

3.2.1.3 Curriculum and teaching methods

As mentioned many times curricula and teaching methods, have to be acceptable to students. Passing to the acceptability of curricula and teaching methods in reality the respondents stated that:

“Although the elementary school is funded by the humanitarian organizations the curriculum is Ethiopian education curriculum. This in turn makes them difficult to understand since the Ethiopian education curriculum is prepared taking into account Ethiopian history, custom and values which is quite different from their own story, custom, and values.”¹⁷⁵ In the same vein, the refugee informants stated that *“we faced difficulty in understanding the education delivered for us since it’s quite different from our culture, values, and story.”¹⁷⁶*

As the informants (refugees and key informants) expressed, although the education is funded by humanitarian organizations, the education curriculum is an Ethiopian education curriculum,

¹⁷⁴ Interview with Husane (n 171)

¹⁷⁵ Interview with Anonymous Respondent, Education in Emergency Officer, PIE (Assosa, 14 August 2020): Interview with Daniel (n 167)

¹⁷⁶ Interview with Naji Jafar, Refugee (Tsore ,4 August 2020): Interview with Rejina Harun, Refugee (Tsore ,4 August 2020)

which is prepared taking into account Ethiopian culture, customs, and values that are different from the values and customs they grow in. Consequently, this creates difficulty for refugees to understand since it is different from their own culture, custom, and the like. On the other hand, an interview conducted with Husane shows for its nationals the government prepared the teaching curriculum based on their history, culture, and values. This in turn made education easily understandable (acceptable) for them.¹⁷⁷

Although the government is bound to prepare an education curriculum for refugees by taking into account their history, culture, custom, and values, contrary to the law the government applies an Ethiopian curriculum which is prepared to take into consideration the Ethiopian history, culture, custom and values and so on. Thus, this is a blatant violation of refugees' right to learn in acceptable curriculum and teaching methods.

3.2.1.4 Suitable language of instruction

As observed refugees have the right to learn by suitable language and based on their choice as enunciated by international standards and domestic law.¹⁷⁸ Despite this normative obligation regarding the suitable language of instruction the key informants stated:

“Although the refugees have the interest to study in their mother tongues like Maban, Denga, Nuer, Shilluk and Burndayo, the language of instruction is English against their interest. Miserably, English is chosen by funding organizations, not by the refugees’ choice.”¹⁷⁹

Likewise, refugee informants presented:

“We prefer to study in our mother tongue. Our interest in addition to our mother tongue is to study in Amharic, Oromigna, and Bertgna languages to make life easier when we

¹⁷⁷ Interview with Husane (n 171)

¹⁷⁸ ESCR Committee's GC 13 (n 16) Para 6 (c): Refugee Proclamation 1110 (n 23) art 24(1)

¹⁷⁹ Interview with Getay Melkamu ,Director , Tsore Primary School (Tsore, (Tsore ,12 August 2020): Interview with Anonymous, (n 175)

move out of the camp to get services, but in vain, education delivered in English without taking our choice into account.”¹⁸⁰

Regarding suitable language, as stated by respondents above, although refugees have the right to choose a suitable language of instruction, English is imposed on them by funding organizations as a medium of communication. Furthermore, as the informant expressed education is delivered in English, even though their choice is to study in their mother tongues such as *Arabic, Maban, Denga, Nuer, Shilluk, and Burndayo*. Besides, they want to study Amharic, Oromigna, and Bertena to make life easier since these languages are vastly used by the surrounding host communities but unsuccessful. In the case of nationals as opposed to refugees, an interview conducted with Ahmed showed that in schools for Ethiopian nationals in the region especially at elementary education, they study in their mother tongue-based on their consent, thus, education is delivered in their mother tongue and based on their free will.¹⁸¹ The nationals study education based on their own choice of language and suitable for them, but not for refugees living in Tsore refugee Camp, contrary to the law which requires the government to treat refugees equally with its national at elementary education including the suitable language of instruction.

3.2.1.5 The accessibility of education for everyone

Education should be accessible for all without discrimination regardless of sex, disabilities, economic status, thus, minimally the government is bound to take positive measures to the extent that takes for its nationals in the same circumstances.¹⁸² In practice, however, there was a great deviation as examined below.

About the accessibility of education for all, for instance for refugees with disabilities director of the school shared that:

¹⁸⁰ Interview with Una Bela, Refugee (Tsore ,4 August 2020): Interview with Kella Awod, Refugee (Tsore ,4 August 2020)

¹⁸¹ Interview with Husane (n 171)

¹⁸² ESCR Committee’s GC 13 (n 14) Para 6 (b): Refugee Convention (n 7) art 22 (1): Refugee Proclamation 1110 (n 21) art 24(1)

“Education is not accessible for refugees with disability due to absence of materials and trained teachers.”¹⁸³ likewise, the UNHCR education officer presented that “for refugees with disabilities there are neither inputs nor trained teachers other than suitable building. So, we can say that there is no education for refugees with disabilities.”¹⁸⁴

In the same vein, in regards to accessibility of education to refugees under high economic problems the respondents mentioned that:

“For the refugees' student under economic problem noting is facilitated, this, in turn, forced them to interrupt their education. Thus, we can say that education is not accessible to refugees with high economic crisis”.¹⁸⁵

In the case at hand, it is beyond contention that refugees deserve better treatment as being disabled and refugees at the same time make them more vulnerable and put them in need of special care and protection. However, in practice as demonstrated above, other than building there was neither input necessary to deliver education for refugees with disabilities nor trained teachers that can deliver education for them. Besides, nothing is undertaken for refugees under serious economic problems, thus, this situation forced them to interrupt their education. Unlike the case of refugees, in schools built for Ethiopian national students, an interview conducted with the regional education plan officer, identified that concerning special needs students various tasks were performed by the government. For instance, for those who have eyesight problems the government bought and gave them eyeglasses, and for students with hearing difficulties, education was delivered in sign language by the teachers who took sign language training. Besides, for the students under high financial problems, the government supports them to save them from dropout.¹⁸⁶ As a result, this practice amounts to discrimination which is prohibited under international, regional, and national laws.

¹⁸³ Interview with Getay (n 179)

¹⁸⁴ Interview with Gemechu Bekele , Education Officer, UNHCR (Assosa, 13 August 2020)

¹⁸⁵ Interview with Anonymous Informant (n 175): Ibid

¹⁸⁶ Interview with Husane (n 171)

3.2.2 Secondary education

Alike elementary education, numerous international human rights instruments recognize the right to secondary education and provide that ‘secondary education shall be made generally available and accessible to all based on capacity.’¹⁸⁷

Moreover, the refugee convention and the new Ethiopian refugee law regarding secondary and higher education provides favorable treatment of refugees, but not less favorable than that accorded to foreigners in similar circumstances, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.¹⁸⁸

These laws in secondary education unlike the case of elementary education do not accord refugees equal treatment with nationals, instead, they gave the minimum protection by granting refugees favorable treatment accorded to other aliens, but in any way, the protection should not be less favorable than other foreigners.

3.2.2.1 Access to studies and their adequacy in quantity

Different international laws recognize the right to secondary education for everyone including refugees’,¹⁸⁹ and the refugee convention and the refugee proclamation laws specifically governing refugees goes further and provides favorable treatment for refugees, but not less favorable than that accorded to foreigners, in various aspects, including access to studies inadequate manner.¹⁹⁰ In practice, however, there is a great departure as stated below.

About the availability of secondary school and the sufficiency of the class rooms’, the informants explained the fact in Tsore Camp as follows:

“There is no secondary school within the camp that is built for refugees. Consequently, they attend their secondary education outside of the camp along with the host community. This resulted in the shortage of classrooms: sorrowfully above 100 students attend

¹⁸⁷ UDHR (n 12) art 26(1); ICESCR (n 14) art 13 (2(b); CRC (n 13) art 28 (1(b)

¹⁸⁸ Refugee convention (n 9) art 22(2); Refugee Proclamation 1110 (n 23) art 24(3)

¹⁸⁹ UDHR (n 12) art 26(1); ICESCR (n 14) art 13 (2(b); CRC (n 13) art 28 (1(b)

¹⁹⁰ Refugee convention(n 9) art 22(2); Refugee Proclamation 1110 (n 23) art 24(3)

education in a single classroom.”¹⁹¹ Likewise, the refugee respondent illustrated the fact in the same manner.¹⁹²

As indicated above there is no secondary education within the Camp which is constructed by the government or/and agencies. Hence, they are forced to move and attend their secondary education in the secondary school built for the host community outside of the camp. Education of the refugees along with host communities created a shortage of classrooms, beyond 100 students attended education in a classroom.

Thus, in Tsore Camp, refugees’ right to access to studies at the secondary level was highly violated than the primary level in the following counts. There was an elementary school built for refugees although not sufficient, but there is no secondary school built for refugees. Furthermore, the shortage of classroom problems was worst at the secondary school level as compared to the primary ones.

3.2.2.2 Curriculum and suitable language of instruction

Education curriculum and language of instruction are required to be acceptable.¹⁹³ The degree of government compliance with this legal obligation is provided below.

As to the curriculum and teaching methods in secondary school, the refugees’ interviewee showed:

“There is no secondary education within the camp built for us instead we study outside of the camp along with the host community. But in this school, the education curriculum is based on the Ethiopian curriculum. Moreover, the language of instruction is English.”¹⁹⁴

Similarly, the key informant states that *“Ethiopian curriculum and teaching methodology*

¹⁹¹ Interview with Kemal Yakob , Social Worker , Tsore Refugee Camp (Tsore, 12 August 2020) : Interview with Gemechu (n 184)

¹⁹² Interview with Adem Kider , Refugee (Tsore ,5 August 2020): Interview with Madina Aguet , Refugee (Tsore ,6 August 2020)

¹⁹³ GC 13 (n 16) Para 6 (c)

¹⁹⁴ Interview with Nyalor Ton , Refugee(Tsore ,6 August 2020): Interview with Baja Lule , Refugee(Tsore ,5 August 2020)

do not work for refugees as they are attending their education in a school built for host community with no adaptation efforts made to it."¹⁹⁵

As expounded above, in secondary education like elementary education, the education curriculum is Ethiopian education curriculum applicable for refugees without any alteration and the education is delivered in English irrespective of their choice. Thus, refugees' right to study in a suitable language of instruction and acceptable curriculum was violated.

3.2.2.3 The recognition of foreign school certificate

The refugee convention and the refugee proclamation provide appropriate treatment for refugees, but no less appropriate than accorded to foreigners for secondary education and recognition of foreign school certificates.¹⁹⁶ But, there is a deviation in practical life as illustrated below.

About the recognition of foreign school certificates, the interviewee responded:

*"To carry out their education, students should pass placement exam given by the school while having a foreign school certificate."*¹⁹⁷

The refugees' informants also presented that:

*"The school receives our foreign school certificate but passing placement exam is mandatory to continue our education. Thus, our foreign school certificate is not recognized i.e. it is indifferent whether we possess our foreign school certificate or not."*¹⁹⁸

Although the refugee convention and the new Ethiopian refugee law accords refugees' right to recognition of foreign school certificates, in practice, the informant and key informants flagged above refugees' foreign school certificates are not recognized. The reason was that a refugee's foreign school certificate was received for a puppet, instead of scoring pass mark was a prerequisite to continue their education whether they possessed or not foreign school certificate.

¹⁹⁵ Interview with Anonymous Informant (n 175): Interview with Gemechu (n 184)

¹⁹⁶ Refugee convention(n 9) art 22(2): Refugee Proclamation 1110 (n 23) art 24(3)

¹⁹⁷ Interview with Abrham kukum, Supervisor, Tsore Refugee Camp (Tsore ,12 August 2020): Interview with Dessalegn (n 167): Interview with Anonymous (n 175)

¹⁹⁸ Interview with Abreham Abel, Refugee (Tsore ,5 August 2020): Interview with Nyankim Tut , Refugee (Tsore ,6 August 2020)

So, alike the preceding cases the government was not in compliance with its obligation in terms of recognition of foreign school certificates.

3.2.2.4 The cost and other necessary charges of education

According to the international and national laws refugees have the right to be treated favorably than other aliens but in any means not less favorable than other foreigners with fees and other charges of education.¹⁹⁹ Having this theoretical obligation in mind the practice was:

The informants responded that:

“The necessary materials for education including scholastic materials like pen, pencil, exercise book are fully covered by humanitarian organizations mainly by UNCHR. However, there is a high dropout in secondary education due to insufficient donor assistance to fulfill their basic needs forced them to drop out from their education and engage in informal works to sustain their lives.”²⁰⁰

On the same hand, the refugee informants and the FGD responded:

“Actually education charge and other necessary materials cost is fully covered by the benevolent organizations but the insufficiency of ration forced us to interrupt our education and became daily laborer”²⁰¹

As the respondent illustrated, although there is no secondary school within Tsore refugee Camp build for refugees, education equipment including scholastic materials, such as pen, pencil, exercise books, were fully sponsored by humanitarian organizations mainly by UNHCR. Despite this, there was a high rate of dropout since sustaining life precedes education. Insufficiency of donor assistance forced them to interrupt their education and strive for survival by engaging in informal works.

¹⁹⁹ Refugee convention(n 9) art 22(2): Refugee Proclamation 1110 (n 23) art 24(3)

²⁰⁰ Interview with Hakim Yosef , Social Worker , Tsore Refugee Camp (Tsore ,12 August 2020): Interview with Gemechu (n 184)

²⁰¹ Interview with Rubeyda Samuel , Refugee (Tsore ,6 August 2020): Interview with Sanito Tone , Refugee (Tsore ,5 August 2020): FGD (n 168)

In nutshell, this was a clear indication that the problems in secondary education were worse than elementary education in accessing to studies, its adequacy in sufficient quantity, and suitability of education curriculum and teaching methods.

3.2.3 Higher education

Several international human rights instruments require states to make higher education accessible to all based on capacity by every appropriate means.²⁰² Unlike elementary education higher education is not compulsory and free instead they are accessible based on students' ability.

Besides, the refugee convention and the new Ethiopian refugee law regarding secondary and higher education provides that ' favorable treatment for refugees, but not less favorable than that accorded to foreigners in similar circumstances, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.²⁰³ Let us pass on the reality in Tsore refugee Camp Vis-a-Vis the position of the law.

3.2.3.1 Access to studies and tuition and other charges

As per several international human rights instruments states are bound to make higher education accessible to all based on capacity by every appropriate means.²⁰⁴ Additionally, the Refugee Convention and the Ethiopian refugee proclamation guarantees favorable treatment for refugees that accorded to other foreigners regarding higher education in many aspects, inter-alia, as regards access to studies and the remission of fees and charges.²⁰⁵ Let us begin with the practical situation of refugees living in Tsore Camp in terms of access to studies and the remission of fees and charges.

The TVET, questions were posed to Daniel and he responded that:

“NGOs occasionally gave technical and vocational training for refugees by fully covering the cost. However, it is project-based i.e. there is no permanent and fully

²⁰² UDHR (n 12) art 26(1); ICESCR (n 14) art 13 (2(c); CRC (n 13) art 28 (1(c)

²⁰³ Refugee convention (n 9) art 22(2); Refugee Proclamation 1110 (n 23) art 24(3)

²⁰⁴ UDHR (n 12) art 26(1); ICESCR (n 14) art 13 (2(c); CRC(n 13) art 28 (1(c)

²⁰⁵ Refugee convention (n 9) art 22(2); Refugee Proclamation 1110 (n 23) art 24(3)

responsible institution established for refugees to give them vocational and technical training.”²⁰⁶

The refugees’ informants also explained:

*“We got a short period of technical and vocational training occasionally prepared by NGOs. Nevertheless, there are no permanent TVET institutions established for us and we don’t get the opportunity to go and train in the place where the TVET College is situated.”*²⁰⁷

As can be deduced from the above informants’ response, refugees living in Tsore refugee Camp got project-based technical and vocational training, other than this there are neither permanent TVET institutions established for refugees nor do they get the opportunity to go and acquire the training in the place the TVET institutions located, contrary to international and domestic laws.

The good thing was that although the training was infrequent, all costs were covered by humanitarian organizations, inter-alia, refugees were not asked to pay any training fees. In addition to tuition fees, other educational materials necessary for training were given by benevolent organizations.

Thus, in terms of the remission of fees and charges for training, refugees’ right is better protected, but refugees’ right to access to studies was violated.

In regards to higher education access other than TVET the key informants presented:

“There are two ways of joining the higher education institutions. The first and the ordinary means is if they took the national entrance exam and score the passing mark. The other means is if they pass the special exam prepared only for refugees. Fortunately, if refugees once join in either means the whole education fees, such as tuition fees (if any), transportation and scholastic materials costs like exercise books, pen, and pencil

²⁰⁶ Interview with Daniel (n 167)

²⁰⁷ Interview with Umi Nile, Refugee (Tsore ,7 August 2020): Interview with Jermaya Tomas , Refugee (Tsore ,7 August 2020)

are fully sponsored by donor organizations.”²⁰⁸ The refugee respondents replied similarly.²⁰⁹

Refugees’ joined higher education institutions in two forms. Accordingly, on the one hand, a person who took the entrance exam which is given at the national level and scores pass mark gets higher education opportunities like any Ethiopian national. On the other hand, a person, who passes the special exam prepared in the respective Camp for refugees, only joins higher education. And interestingly, once the refugees join higher education institutions in either means the whole education costs like tuition fees (if any), transportation, and scholastic materials (Exercise books, pens, etc..) fully sponsored by donor organizations, principally by UNHCR.

Hence, we can conclude that there is better protection for refugees in the case of universities as compared with TVET, in terms of access to studies.

3.2.3.2 The award of scholarship

Similar to the preceding case several international human rights instruments require states to make higher education accessible to all,²¹⁰ and the Refugee Convention and the Ethiopian refugee proclamation specifically guarantees favorable treatment for refugees that accorded to other foreigners regarding higher education, particularly in the award of scholarship.²¹¹

In practice, however, the respondent complained:

“Regarding the award of scholarships in 2017 there were some activities commenced by humanitarian organizations, accordingly in 2019 the refugees filled scholarship forms but interrupted, although the reason is beyond our awareness.”²¹²

²⁰⁸ Interview with Dang Teyate , Deputy Supervisor, Tsore Refugee Camp (Tsore ,12 August 2020): Interview with Daniel (n 167)

²⁰⁹ Interview with Luke Mathew , Refugee (Tsore ,7 August 2020): Interview with Adot Alier , Refugee (Tsore ,7 August 2020): FGD (n 168)

²¹⁰ UDHR (n 12) art 26(1): ICESCR (n 14) art 13 (2(c): CRC (n 13) art 28 (1(c)

²¹¹ Refugee convention (n 9) art 22(2): Refugee Proclamation 1110(n 23) art 24(3)

²¹² Interview with Rebecca Dele, Refugee (Tsore, 10 August 2020): Interview with Micheal Lule , Refugee (Tsore ,10 August 2020): Interview with Hakim (n 200)

As demonstrated, regarding the award of scholarships for refugees' nothing is done other than filling of forms in 2019, even that is interrupted due to unknown reasons. Despite, the law at the international and domestic level requires the state to provide higher education, particularly award scholarships to refugees based on competency, but the government failed to provide it at all. Thus, there was against the right to access to scholarship of refugees living in Tsore refugee Camp.

3.2.3.3 The recognition of foreign school certificate, diploma, and degree

The Refugee Convention and the Ethiopian refugee proclamation specifically governing refugees guarantee refugees the right to the recognition of foreign school certificates, diplomas, and degrees in a black and white letter.²¹³ In practice, however, there is great noncompliance alike the previous cases as illustrated subsequently.

Accordingly, the respondent said:

“The recognition of foreign certificate, diploma and degree is systematically denied since it has a stringent bureaucracy, thereby, needs time and huge finance. But refugees’ foreign diploma and degrees are informally recognized and hired to teach elementary students within the camp, although the payment is in the form of incentive money instead of regular wages.”²¹⁴

On the other hand, refugees’ interviewee pointed out that:

“The task of the recognition of foreign certificates, diplomas, and degrees is not an easy task because it needs passing a rigid bureaucracy. This in turn requires a huge amount of money we can’t afford since it requires going to Addis Ababa. Thus these all, in turn, make it difficult to continue our higher education.”²¹⁵

The bureaucracy attached to the recognition of foreign school certificates, diplomas, and degrees needs a huge amount of money that can’t be afforded by refugees. This, in turn, prevented them

²¹³ Refugee convention(n 9) art 22(2): Refugee Proclamation 1110 (n 23) art 24(3)

²¹⁴ Interview with Daniel (n 167): Interview with Dang (n 208)

²¹⁵ Interview with Paul Hassen, Refugee (Tsore, 10 August 2020): Interview with Rubeyda Samuel, Refugee (Tsore, 10 August 2020)

to continue their higher education. Nevertheless, their foreign diploma and degree informally recognized to hire them in Tsore Camp elementary school, thereby, they teach, although the payment is very low, paid in incentive form rather than in the form of a regular salary. In general, there were no recognition foreign school certificates, diploma and degrees of refugees living in Tsore refugee Camp since it's systematically denied through attaching a stringent bureaucracy contrary to international and national laws.

An important thing to be noted here is that the position of the author is not in favor of unconditional recognition of any documents brought by refugees. Instead, the researcher favors taking into account refugees' serious economic problem, the presence of special treatment for them, like the establishment of regional branch office mandated to authenticate their documents and providing financial support for refugees', otherwise, it results in the systematic denial of the rights to recognition of their foreign documents.

In this section, the practice of the right to education in Tsore refugee camp at all levels: primary, secondary, and territory education is dealt with. The next section deals with the major legal and practical challenges impeding this right.

3.3 The challenges that hinder refugees right to education

The challenges that hinder the right to education of refugees living in Tsore refugee Camp were many that emanate from both the law and practice. Let see the major barriers.

3.3.1 Lack of livelihood and Girls' early marriage

As the interviewees flagged previously, the absence of livelihood for refugees subjected them to entirely depend on donor aid and assistance for their survival, but due to the insufficiency of donor assistance they interrupt their education and involve in informal works to sustain their life. Accordingly, they weed, collect crops belonging host community with low payment i.e. birr 30-40 per day.²¹⁶

Moreover, other respondents stated that:

²¹⁶ Interview with Gemechu (n 184): Interview with Hakim (n 200)

“The absence of refugees’ livelihood and insufficiency of donor assistance to persist their lives forced them to interrupt their education, thereby; they struggle for survival through engaging in any illegal activities, inter-alia, they steal host community’s animals and crops, they illegally cut trees to make charcoal and timber, they illegally hunt wild animals and they engage on the illegal trade of firearms, perfumes, and other items. This leads to conflict with the host community. Eventually became a cause for instability.”²¹⁷

Obviously, these situations violated their right to live a dignified life, which was the right the very object of human rights law established to protect. Its adverse effect was not restricted to refugees' wellbeing, instead, it also creates socio-economic and security problems in the society. As noted out earlier, the absence of livelihood and insufficiency of donor assistance and ration forced them to interrupt their education and strive for survival by engaging in several illegal activities. Meanwhile, increased crime rates thereby became a threat to peace and security in the area. Their illegal activities also caused a clash with the society living around the camp. These collectively caused chaos and instability.

In countries like Ethiopia that are struggling to overcome absolute poverty, the presence of a large number of uneducated refugees without allowing them to contribute their role in economic development campaigns results in an extra economic burden. This in turn may aggravate poverty at the national level at large.

To put bluntly, in addition to its adverse impact on refugees’ welfare it also generates socio-economic and security problems in the surrounding local communities.

The respondents rose the below points about early marriage among the refugees as a challenge:

“Most female refugees marry at an early age; this became a cause to interrupt their education. So, this is again among the major barrier to female refugees’ education.”²¹⁸

As deducted from the informant statement, female refugees’ marriage at an early age became aground to interrupt their education. Thus, based on the above-examined facts, it can be safely

²¹⁷ Interview with Hashem Logira, Police Officer, Assosa Correction Center (Assosa, 17 September 2019):

Interview with Gemechu (n 184): Interview with Hakim (n 200)

²¹⁸ Interview with Daniel (n 167) : Interview with Dang (n 195)

said that the absence of livelihood and insufficiency of donor assistance as well as female refugees' early marriage were among the major challenges to refugees' education.

3.3.2 Language

As the informants,²¹⁹ as well as key informants,²²⁰ exemplified earlier the language of instruction is chosen by funding organizations instead of refugee students' choice. Accordingly humanitarian organizations chose English as a medium of instruction despite that refugees have their mother tongue. Moreover, refugees chose to study Amharic, Oromifa, and Bertina to make life easier while they went out of camp since these languages have large speakers in the host community but in vain.

Thus, instruction language was neither suitable for refugees nor based on refugees' choice. This in turn makes them ineffective because they cannot understand English well since it's their secondary language. Therefore, the unsuitable language of instruction is among the major challenge for refugees' education in Tsore Camp.

3.3.3 Unacceptable curriculum

As clarified before though the language of instruction is English, the education curriculum is the Ethiopian curriculum, which is prepared taking into account Ethiopian history, culture, and values imposed on refugees as it is without any modification by considering refugees history culture, and values. As a result, this makes it difficult for refugees to grasp education.²²¹ Hence this makes the suitability of the curriculum with refugees' culture, values, etc. questionable. So based on this clear situation we can determine this as one major challenge among others.

3.3.4 Diversity of ethnicity, language, and culture

An interview conducts with Getay²²² and Desalegn²²³:

“Though refugees came from the same country, they are diversified in terms of ethnicity, language, culture, values and so on. Each ethnicity in turn has various clans. As a result,

²¹⁹ Interview with Una and Kella (n 180)

²²⁰ Interview with Gemechu (n 184): Interview with Getay (n 179)

²²¹ Interview with Daniel (n 167): Interview with Naji and Rejina (n 176)

²²² Interview with Getay Getay (n 179)

²²³ Interview with Dessalegn (n 167)

accommodating these diversities requires a huge amount of budget. Thus due to budget constraints English as a language of instruction and Ethiopian education curriculum as it is imposed on refugees in line with the saying that 'having something is better than nothing.'

As noted many times Tsore primary school is established by the fund obtained from humanitarian organizations. And due to scarcity of resource funding organizations directly apply English as the language of instruction and Ethiopian education curriculum for refugees. Similarly in secondary education refugees study with the host community out of the Camp which is the Ethiopian curriculum. Therefore, diversity of Ethnicity, Language, and culture inhibits refugees' right to education in Tsore Camp.

3.3.5 Lack of qualified teachers

The informants raise the absence of qualified teachers as a challenge and state that “*due to shortage of resource most teachers are unqualified, especially at elementary school first phase (grade 1-4) most unqualified refugees hired with incentive money (low payment).*”²²⁴

As clarified before repeatedly, for refugees living in Tsore refugee Camp other than the primary education built by the fund received from humanitarian organizations, there are no educations neither built by the government nor by the government in cooperation with humanitarian organizations. And government's failure to collaborate in line with its duty creates budget constraints. To mitigate the budget crisis humanitarian organizations employ unqualified teachers with a meager payment, the problem is worse in the primary level first phase i.e. 1-4 grades. Consequently, education is unthinkable without having qualified teachers since sufficient qualified teachers are among the major parameters for quality education. Thus, the lack of qualified teachers also highly hinders refugees' right to education.

3.3.6 Host community prejudice towards refugees

The respondent states that:

'As I told you earlier there is no secondary school in Tsore refugee camp at all. As a result, refugees continue their secondary education in a secondary school outside the camp along with the host community. Their merge with host community students, in turn,

²²⁴ Interview with Daniel (n 179): Interview with Dang (n 208)

*creates a shortage of classrooms, chairs, books, and so on, unhappily beyond 100 students taught in a single classroom. Accordingly, nationals consider refugees as a source of these problems (shortage of classroom, chair, books, and so on) and they insult refugees, this host student prejudice became among a ground for refugees to interrupt their education.*²²⁵

As illustrated above due to the absence of education in Tsore refugee Camp refugees continue their secondary education in the secondary school outside the camp along with the host community. Their mix with host community students creates a shortage of classrooms, chairs, books, and so on. These problems in turn create host students' prejudice towards refugee students, even they insult them. Prejudice and insult, in turn, produces unpleasant feeling for refugees and became a ground to leave their education. Therefore, host Community student prejudice towards refugees is a challenge that obstructs refugees' right to education.

3.3.7 Legal and institutional frameworks challenges

As noted earlier, in addition to the above-explored challenges, legal and institutional frameworks barrier also inhibits refugees' right to access to education in general and refugees living in Tsore refugee Camp in particular. Let us examine it.

While we commence from the FDRE constitution, which is the mother law of the land, it is beyond contention that, recognizing a given right clearly and expressly under the supreme law of the land plays a paramount role in the protection of the same right. However, as examined in the preceding chapter the constitution failed to do so concerning the right to education in general and refugees' right to education in particular by merely stating that '*the State has the obligation to allocate ever-increasing resources to provide to social services including education...*'²²⁶

Other than this stipulation nothing is stated about the right to education in the constitution.

Thus, we can conclude that the constitution does not recognize the right to education, even to infer the right to education under the constitution it needs a broad and elastic interpretation. Therefore, this is among the major legal challenge for refugees' right to education since the government may violate this right, taking this gap as an advantage.

²²⁵ Interview with Gemechu (n 184) : Interview with Kemal (n 191): FGD (n 168)

²²⁶ Ibid art 41 (4)

Proceeding to the new refugee law, it replicates the 1951 Refugee Convention as it is, accordingly, concerning primary education it confers equal with its nationals as provided under article 24(1), regarding secondary and higher education the same law provides most favorable treatment accorded for foreign nationals to refugees as guaranteed in article 24(2&3).²²⁷

The problem is that these provisions are too generic, for instance, in regards to primary education it imposes a duty on the government to treat refugees equal with national but nothing is stated how and in terms of what the government will do that nor regulation enacted to clarify these and other issues in a specific manner. Thus, this generates a suitable condition for the government to abuse its power and highly contributes to the government's nonconformity of its duty.

Passing to institutional frameworks problem, ARRA is the main government entity responsible for implementing all policies relating to refugees and returnees in accordance with the 2019 Refugee Proclamation. Accordingly, ARRA is given the power to determine the status of refugees and to implement other refugee rights including refugees' rights education.²²⁸ However, in reality, ARRA highly deviates from its obligation. For instance, ARRA other than coordinating insufficient budget acquired from a humanitarian organization does not facilitate the allocation of budget by the government for refugees' education. Thus, ARRA is ineffective in implementing refugees' right to education in Tsore refugee camp.

The other institutional challenge is the absence of institutions established at the regional level to authenticate refugee documents. Refugees to get the recognition of their foreign certificate, diploma and degree they are required to go to Addis Abeba and pass bureaucracy, which requires huge money. As a result, due to the absence branch office established for authentication of documents near refugees, they are not in a position to go to the central office because of financial problems.

Under this section, the practical and legal challenges adversely affecting the right to education in Tsore refugee camp are explored. The next section provides the concluding remarks of the chapter.

²²⁷ Refugee Proclamation 1110 (n 23)

²²⁸ Refugee Proclamation 1110 (n 23) art 8

3.4 Conclusion

This chapter examined the practice of the right to education in Tsore refugee camp and its challenges. There is elementary education built for refugees but not sufficient and most of the teachers are unqualified. Furthermore, the curriculum and teaching method is not acceptable for refugees and unsuitable language of instruction used. It is also inaccessible for refugees with disabilities and serious economic problems. Conversely, in the elementary school built for Ethiopians, it is far better than the case of Tsore elementary school. Accordingly, there is a great disparity in terms of the adequacy of classrooms and the qualification of teachers. And the education is easily acceptable for them and they study in their mother tongue. In addition, various supports are made for students with disabilities and economic problems.

Turning to secondary education, there is no school built for refugees, thus they attend their education with the surrounding community out of the camp in an overcrowded scenario. Furthermore, like elementary cases, the curriculum and teaching methods are not acceptable for refugees. The recognition of their foreign documents' is also systematically denied. Thus, the problems in secondary education are worse than in the elementary case.

Passing to a higher level, the opportunity is rarely accessible for refugees and they are not also awarded a scholarship. And like the case of secondary-level refugees, foreign school documents are not recognized. Therefore, refugees' right to education in Tsore refugee camp are highly violated at all levels of education: primary, secondary, and territory levels.

There are various legal and practical responsible factors for this. The major practical challenges are a budget constraint, governments' failure to allocate budget, the absence of livelihood and insufficiency of donor assistance, host community prejudice towards refugees, and refugee girls' early marriage. In addition to these practical factors, the major legal barriers are, the FDRE constitution's failure to provide refugees' right to education unequivocally, the new proclamation's duplication of the provisions which is provided by the UN Refugee Convention in a generic way regarding refugees education. The absence of strong institutions implementing refugees' rights in general and their right to education in particular, and the lack of regional branch office established to authenticate refugee documents are also the major factors for the violation of the right to education in Tsore refugee camp.

Chapter Four

Conclusion and Recommendations

4.1 Conclusions

Education is important for a bright future in general including refugees. Taking this into account the right to education in general and refugees' right to education, in particular, is acknowledged at the international and domestic levels. Accordingly, regarding primary education various international human right standards like UDHR, ICESCR, CRC, and African Charter provides the right to education for everyone and make primary education compulsory and free. On the other hand concerning secondary and higher education, they require states to make accessible to all based on merit. Furthermore, the Committee on Economic Social and Cultural Rights requires states to provide education in sufficient quantity, accessible for all, as well as adaptable and acceptable curriculum and teaching methods. Besides, the refugee convention and the Ethiopian refugee law which specifically governs refugees guarantees equal treatment of refugees with nationals' in terms of primary education, while regarding secondary and higher education the same laws warrant, favorable treatment for refugees, but not less favorable than that accorded to foreigners.

In practice, there is a great deviation from the law in Tsore refugee camp at all levels of education. With regards to elementary education, although there is elementary education built for refugees it is not sufficient in quantity and the students are attending their education in an over-crowded scenario and most of the teachers are unqualified. Moreover, the curriculum and teaching method is not friendly for refugees since it is prepared based on Ethiopian culture, custom, and value and used the unsuitable language of instruction against their choice. Elementary education is not accessible for refugees with disabilities and serious economic problems; thus, it's not accessible for everyone. In contrast, the elementary school built for Ethiopian nationals is far better than the case of Tsore camp elementary school in all aspects. Accordingly, there is a great disparity in terms of the adequacy of classrooms and the qualification of teachers. And the education is easily acceptable for them since the teaching curriculum is prepared based on their history, culture, and values and they study in their mother tongue-based on their consent. Furthermore, various tasks are undertaken for students with

disabilities and serious economic problems. Thus, the government failed to treat refugees equally with its national to elementary education contrary to international and domestic laws.

Proceeding to secondary education, there is no school neither made by the government or agencies, as a result, they go to schools constructed for the host community outside of the camp and they taught their education in an overcrowded situation worse than the elementary case. Furthermore, like the case of elementary education the curriculum and teaching methods are not acceptable for refugees since it's different from their customs and cultures as well as inappropriate languages of instruction are employed. Thus, the problems in secondary education are worse than elementary education level in terms of access to studies, its adequacy in quantity, and suitability of education curriculum and teaching methods.

Coming to a higher level, the higher education opportunity is rarely accessible for refugees and they are not also awarded a scholarship. And like the case of secondary level refugees foreign school certificates, diplomas and degrees are not recognized. However, even though the training opportunity is rare, all costs like tuition fees, scholastic materials, and other necessary equipment expenses were fully covered by benevolent organizations.

There are several responsible factors that emanated from both the law and practice. The major practical challenges are, governments' failure to allocate budget, the absence of livelihood and insufficiency of donor assistance, host community prejudice towards refugees, and refugee girls' early marriage. In addition to these practical factors, the major legal barriers are, the FDRE constitution failure to provide refugees the right to education in a clear manner, the new Ethiopian refugee proclamation's duplication of the Refugee Convention in a generic way regarding refugee education without any clarification, nor regulation enacted to provide in detail. This, in turn, generates suitable conditions for the government to deviate from its obligation. Moreover, there are institutional barriers, the ineffectiveness of ARRA which is principally mandated to implement refugees' rights including education, and lack of regional branch office established to authenticate refugee documents are also the major factors for the violation of the right to education in Tsore refugee camp.

4.2 Recommendations

As explored in this study the challenges that hinder the right to education of refugees living in Tsore refugee camp are multi-sided, that emanated from the law and practice. As a result, in line with the findings of this study, the below major commendations are forwarded for joint action:

- The House of Peoples Representative (HPR) should amend article 24 of Ethiopian refugee proclamation or the Council of Ministers (CM) should enact a regulation, thereby, this article which generally states ‘equal treatment of refugees with nationals regarding elementary education’ and ‘favorable treatment than other foreigners’ in terms of secondary and higher education should be stipulated in a clear and specific way by providing the standards;
- There is a need for generating the level of awareness of the refugee community in Tsore Camp by stakeholders on the severe and adverse impact of females’ early marriage on socio-economic, health, and their education. Likewise, awareness should also be created for the host community to change their erroneous perception and prejudice towards refugees, thereby, help them by knowing their situation. Specifically, awareness should be created by agencies working on refugees in general and females in particular, such as UNHCR, PIE, and ARRA;
- It will at the same time be good to consider sustainable means of income-generating activities (IGAs) or livelihood interventions among the refugees in Tsore, to save them from engaging in cheap labor work and illegal activities to sustain their life due to the absence of livelihood and insufficiency of donor assistance. As a principal organ that is mandated to administer refugees, ARRA should perform this task in cooperation with other governmental and non-governmental organizations working on refugees. This in turn enables them to concentrate on their education by saving them from dropout;
- The government should establish a regional branch office close to refugees that authenticate and recognize refugee documents or considering the serious financial problems of refugees the government should provide financial support that enables them to go to the central office and authenticate their document;

- The Ethiopian government instead of relying on humanitarian organization's meager funds should allocate a budget that would enable to build of sufficient classrooms, hiring qualified teachers, to adopt suitable curriculum and teaching methods for refugees. Moreover, the government should allocate finance that enhances education accessible for all refugees, such as for refugees under disabilities, under economic problems, and female refugees, equivalent to its national students at the elementary level since the government is under a duty to treat refugees equal with its national in terms of elementary education by international and national laws. On the other hand, regarding secondary and higher education, the minimum protection 'most favorable treatment equal with other aliens' accorded by international and domestic laws should be properly implemented by allocating budget. Thus, the government should avail educational institutions and programs in sufficient quantity, accessible for all, acceptable and adaptable for refugees living in *Tsore* camp.

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Appendixes

Appendix 1: Interview guidelines

Part One: Interview Guideline for Refugee Informants

A. Guideline for In-depth Interview

1. Introducing the Subject

I am **Alehegn Gerbi** graduating student at Jimma University in Human Rights and Criminal Law. Currently, I am working on a Master's thesis titled: “**The Right to Education of Refugees in Tsore Camp, Benishangul Gumuz Region of Ethiopia**”. I believe that it would be quite useful to directly discuss with you and hear your thoughts on the subject of my inquiry. I assure you that the information provided and views expressed will solely be used for academic purposes and treated with the utmost confidentiality. Hence, I kindly request you to assist me to answer the questions that I raise. I thank you in advance for your cooperation.

2. Respondent Profiles

2.1 Name of Respondent (optional): _____

2.2 Sex: Male ___ Female _____

2.3 Age: _____

2.4 Academic Status _____

2.5 Duration in the Camp _____

3. Interview Questions

3.1 Is there primary education built for you i.e. for refugees living in Tsore refugee Camp?

3.2 Is the elementary school sufficient in quantity in terms of?

3.2.1 Sufficient classrooms and

3.2.1 Qualified teachers?

3.3 Is it accessible to everyone, for instance?

3.3.1 for refugees under disabilities?

3.3.2 for refugees under serious economic conditions?

3.3.2 for male and female refugees equally?

3.4 Are the curricula and teaching methods acceptable to you, specifically?

3.4.1 Is it suitable for your culture, custom, values, and the like?

3.4.2 Is the language of instruction suitable?

- 3.4.3 Is the language based on your own choice?
- 3.5 Is there secondary education provided for you?
- 3.6 Is secondary education sufficient in quantity?
- 3.7 How you being treated in secondary education, specifically concerning?
 - 3.7.1 The recognition of foreign school certificates;
 - 3.7.2 The remission of fees and charges; and
 - 3.7.3 The award of scholarships.
- 3.8 How you treated at higher education, in relation to:
 - 3.8.1 Access to studies;
 - 3.8.2 The recognition of foreign school certificates, diplomas, and degrees;
 - 3.8.3 The remission of fees and charges; and
 - 3.8.4 The award of scholarships.
- 3.9 What are the challenges you faced?
- 3.10 What do you suggest for improvement?

B. Interview Guidelines for Group Discussion

1. Introducing the Subject

I am **Alehegn Gerbi** graduating student at Jimma University in Human Rights and Criminal Law. Currently, I am working on a Master's thesis titled: **“The Right to Education of Refugees in Tsore Camp, Benishangul Gumuz Region of Ethiopia”**. I believe that it would be quite useful to directly discuss with you and hear your thoughts on the subject of my inquiry. I assure you that the information provided and views expressed will solely be used for academic purposes and treated with the utmost confidentiality. Thus, I kindly request you to assist me to answer the questions that I raise. Thank you in advance for your cooperation.

2. Respondent Profiles

- 2.1 Name (Optional): _____
- 2.2 Sex: Male ___ Female _____
- 2.3 Age: _____
- 2.4 Academic Status _____
- 2.5 Duration in the Camp _____

3. Interview Questions

- 3.1 Is there primary education built for you (for refugees living in Tsore refugee Camp)?
- 3.2 Is the elementary school sufficient in quantity in terms of?
 - 3.2.1 Sufficient classrooms
 - 3.2.1 Qualified teachers
- 3.3 Is it accessible to everyone, for instance?
 - 3.3.1 for refugees under disabilities?
 - 3.3.2 for refugees under serious economic conditions?
 - 3.3.2 for both sexes (male and female) refugees?
- 3.4 Are the curricula and teaching methods, acceptable to you, specifically?
 - 3.4.1 Is it appropriate with your culture, custom, and values, and so on?
 - 3.4.2 Is the language of instruction suitable?
 - 3.4.3 Is the language based on your own choice?
- 3.5 Is there secondary education provided for you?
 - 3.6 Is secondary education sufficient in quantity such as in relation to qualified teachers and sufficient classrooms?
- 3.7 How you being treated in secondary education, specifically concerning?
 - 3.7.1 The recognition of foreign school certificates;
 - 3.7.2 The remission of fees and charges; and
 - 3.7.3 The award of scholarships;
- 3.8 How you treated at higher education, in relation to:
 - 3.8.1 Access to studies;
 - 3.8.2 The recognition of foreign school certificates, diplomas, and degrees;
 - 3.8.3 The remission of fees and charges; and
 - 3.8.4 The award of scholarships.
- 3.9 What are the challenges you encountered?
- 3.10 What do you propose for improvement?

Part Two: Interview Guideline for Key Informants

A. Interview Guideline for ARRA

1. Introducing the Subject

I am **Alehegn Gerbi** graduating student at Jimma University in Human Rights and Criminal Law. Currently, I am working on a Master's thesis titled: **“The Right to Education of Refugees in Tsore Camp, Benishangul Gumuz Region of Ethiopia”**. I believe that it would be quite useful to directly discuss with you and hear your thoughts on the subject of my inquiry. I assure you that the information provided and views expressed will solely be used for academic purposes and treated with the utmost confidentiality. So, I kindly request you to assist me to answer the questions that I raise. Thank you in advance for your cooperation.

2. Respondent Profile

- 2.1 Name of Respondent (Optional): _____
- 2.2 Sex: Male ___ Female ___
- 2.3 Age: _____
- 2.4. Academic Status: _____
- 2.5. Represented Institution: _____
- 2.6. Official Capacity: _____
- 2.7. Duration of Engagement with the Institution Represented: _____

3. Interview Questions

- 3.1 Is there primary education built for refugees living in Tsore refugee Camp?
- 3.2 Is the elementary school sufficient in quantity, for example?
 - 3.2.1 Is there sufficient classrooms?
 - 3.2.2 Is there qualified teachers in sufficient quantity?
- 3.3 Is the elementary school accessible to everyone, for instance?
 - 3.3.1 for refugees under disabilities?
 - 3.3.2 for refugees under serious economic conditions?
 - 3.3.2 for both male and female refugees?
- 3.4 Are the curricula and teaching methods acceptable to refugees living in Tsore refugee Camp, specifically?
 - 3.4.1 Is it culturally fitting?
 - 3.4.2 Is the language of instruction suitable?
 - 3.4.3 Is the language based on refugees’ interests?
- 3.5 Is there secondary education provided for refugees in Tsore Camp?

3.6 Is the secondary education provided for Tsore refugees in sufficient quantity?

3.7 How are the refugees treated at secondary education, specifically concerning?

3.7.1 The recognition of foreign school certificates;

3.7.2 The remission of fees and charges; and

3.7.3 The award of scholarships.

3.8 How you treated at higher education, in relation to:

3.8.1 Access to studies;

3.8.2 The recognition of foreign school certificates, diplomas, and degrees;

3.8.3 The remission of fees and charges; and

3.8.4 The award of scholarships.

3.9 What are the challenges?

3.10 What do you recommend for improvement?

B. Interview Guidelines for NRC

1. Introducing the Subject

I am **Alehegn Gerbi** graduating student at Jimma University in Human Rights and Criminal Law. Currently, I am working on a Master's thesis entitled: **“The Right to Education of Refugees in Tsore Camp, Benishangul Gumuz Region of Ethiopia”**. I believe that it would be quite useful to directly discuss with you and hear your thoughts on the subject of my inquiry. I assure you that the information provided and views expressed will solely be used for academic purposes and treated with the utmost confidentiality. Hence, I kindly request you to assist me to answer the questions that I raise. Thank you in advance for your cooperation.

2. Respondent Profile

2.1 Name of Respondent (Optional): _____

2.2 Sex: Male ___ Female ___

2.3 Age: _____

2.4 Educational Background: _____

2.5 Official Capacity: _____

2.6 Represented Institution: _____

2.7 Duration of Engagement with the Institution Represented: _____

3. Interview Questions

- 3.1 Is there primary education built for refugees living in Tsore refugee Camp?
- 3.2 Is the elementary school sufficient in quantity, for example?
 - 3.2.1 Is there sufficient classrooms?
 - 3.2.2 Is there qualified teachers in sufficient quantity?
- 3.3 Is the elementary school accessible to everyone, for instance?
 - 3.3.1 for refugees under disabilities?
 - 3.3.2 for refugees under serious economic conditions?
 - 3.3.2 for both male and female refugees?
- 3.4 Are the curricula and teaching methods acceptable to refugees living in Tsore refugee Camp, specifically?
 - 3.4.1 Is it culturally fitting?
 - 3.4.2 Is the language of instruction suitable?
 - 3.4.3 Is the language based on refugees' interests?
- 3.5 Is there secondary education provided for refugees in Tsore Camp?
- 3.6 Is the secondary education provided for Tsore refugees in sufficient quantity?
- 3.7 How are the refugees treated at secondary education, specifically with regard to?
 - 3.7.1 The recognition of foreign school certificates;
 - 3.7.2 The remission of fees and charges; and
 - 3.7.3 The award of scholarships.
- 3.8 How you treated at higher education, in relation to:
 - 3.8.1 Access to studies;
 - 3.8.2 The recognition of foreign school certificates, diplomas, and degrees;
 - 3.8.3 The remission of fees and charges; and
 - 3.8.4 The award of scholarships.
- 3.9 What are the challenges?
- 3.10 What do you recommend for improvement?

C. Interview Guidelines to UNHCR

1. Introducing the Subject

I am **Alehegn Gerbi** graduating student at Jimma University in Human Rights and Criminal Law. Currently, I am working on a Master's thesis titled: **“The Right to Education and Work of Refugees in Tsore Camp, Benishangul Gumuz Region of Ethiopia”**. I believe that it would be quite useful to directly discuss with you and hear your thoughts on the subject of my inquiry. I assure you that the information provided and views expressed will solely be used for academic purposes and treated with the utmost confidentiality. Accordingly, I kindly request you to assist me to answer the questions that I raise. Thank you in advance for your cooperation.

2. Respondent Profile

1. Name of Respondent (Optional): _____
2. Sex: Male ___ Female ___
3. Age: _____
4. Academic Status: _____
5. Represented Institution: _____
6. Official Capacity: _____
7. Duration of Engagement with the Institution Represented: _____

3. Interview Questions

- 3.1 Is there primary education built for refugees living in Tsore refugee Camp?
- 3.2 Is the elementary school sufficient in quantity, for example?
 - 3.2.1 Is there sufficient classrooms?
 - 3.2.2 Is there qualified teachers in sufficient quantity?
- 3.3 Is the elementary school accessible to everyone, for instance?
 - 3.3.1 for refugees under disabilities?
 - 3.3.2 for refugees under serious economic conditions?
 - 3.3.2 for both male and female refugees?
- 3.4 Are the curricula and teaching methods acceptable to refugees living in Tsore refugee Camp, specifically?
 - 3.4.1 Is it culturally fitting?
 - 3.4.2 Is the language of instruction suitable?
 - 3.4.3 Is the language based on refugees’ interests?
- 3.5 Is there secondary education provided for refugees in Tsore Camp?

- 3.6 Is the secondary education provided for Tsore refugees in sufficient quantity?
- 3.7 How are the refugees treated at secondary education, specifically with regard to?
- 3.7.1 The recognition of foreign school certificates;
 - 3.7.2 The remission of fees and charges; and
 - 3.7.3 The award of scholarships.
- 3.8 How you treated at higher education, in relation to:
- 3.8.1 Access to studies;
 - 3.8.2 The recognition of foreign school certificates, diplomas, and degrees;
 - 3.8.3 The remission of fees and charges; and
 - 3.8.4 The award of scholarships.
- 3.9 What are the challenges?
- 3.10 What do you recommend for improvement?

D. Interview Guidelines to Plan International Ethiopia (PIE)

1. Introducing the Subject

I am **Alehegn Gerbi** graduating student at Jimma University in Human Rights and Criminal Law. Currently, I am working on a Master's thesis titled: **“The Right to Education and Work of Refugees in Tsore Camp, Benishangul Gumuz Region of Ethiopia”**. I believe that it would be quite useful to directly discuss with you and hear your thoughts on the subject of my inquiry. I assure you that the information provided and views expressed will solely be used for academic purposes and treated with the utmost confidentiality. Hence, I kindly request you to assist me to answer the questions that I raise. Thank you in advance for your cooperation.

2. Respondent Profile

- 2.1 Name of Respondent (Optional): _____
- 2.2 Sex: Male ___ Female ___
- 2.3 Age: _____
- 2.4 Academic Status: _____
- 2.5 Represented Institution: _____
- 2.6 Official Capacity: _____
- 2.7 Duration of Engagement with the Institution Represented: _____

3. Interview Questions

- 3.1 Is there primary education built for refugees living in Tsore refugee Camp?
- 3.2 Is the elementary school sufficient in quantity, for example?
 - 3.2.1 Is there sufficient classrooms?
 - 3.2.2 Is there qualified teachers in sufficient quantity?
- 3.3 Is the elementary school accessible to everyone, for instance?
 - 3.3.1 for refugees under disabilities?
 - 3.3.2 for refugees under serious economic conditions?
 - 3.3.2 for both male and female refugees?
- 3.4 Are the curricula and teaching methods acceptable to refugees living in Tsore refugee Camp, specifically?
 - 3.4.1 Is it culturally fitting?
 - 3.4.2 Is the language of instruction suitable?
 - 3.4.3 Is the language based on refugees' interests?
- 3.5 Is there secondary education provided for refugees in Tsore Camp?
- 3.6 Is the secondary education provided for Tsore refugees in sufficient quantity?
- 3.7 How are the refugees treated at secondary education, specifically with regard to?
 - 3.7.1 The recognition of foreign school certificates;
 - 3.7.2 The remission of fees and charges; and
 - 3.7.3 The award of scholarships.
- 3.8 How you treated at higher education, concerning:
 - 3.8.1 Access to studies;
 - 3.8.2 The recognition of foreign school certificates, diplomas, and degrees;
 - 3.8.3 The remission of fees and charges; and
 - 3.8.4 The award of scholarships.
- 3.9 What are the challenges?
- 3.10 What do you recommend for improvement?

E. Interview Guidelines to Tsore Refugee Camp Workers

1. Introducing the Subject

I am **Alehegn Gerbi** graduating student at Jimma University in Human Rights and Criminal Law. Currently, I am working on a Master's thesis titled: **“The Right to Education and Work**

of Refugees in Tsore Camp, Benishangul Gumuz Region of Ethiopia". I believe that it would be quite useful to directly discuss with you and hear your thoughts on the subject of my inquiry. I assure you that the information provided and views expressed will solely be used for academic purposes and treated with the utmost confidentiality. Therefore, I kindly request you to assist me to answer the questions that I raise. Thank you in advance for your cooperation.

2. Respondent Profile

- 2.1 Name of Respondent (Optional): _____
- 2.2 Sex: Male ___ Female ___
- 2.3 Age: _____
- 2.4 Academic Status: _____
- 2.5 Represented Institution: _____
- 2.6 Official Capacity: _____
- 2.7 Duration of Engagement with the Institution Represented: _____

3. Interview Questions

- 3.1 Is there primary education built for refugees living in Tsore refugee Camp?
- 3.2 Is the elementary school sufficient in quantity, for example?
 - 3.2.1 Is there sufficient classrooms?
 - 3.2.2 Is there qualified teachers in sufficient quantity?
- 3.3 Is the elementary school accessible to everyone, for instance?
 - 3.3.1 for refugees under disabilities?
 - 3.3.2 for refugees under serious economic conditions?
 - 3.3.2 for both male and female refugees?
- 3.4 Are the curricula and teaching methods acceptable to refugees living in Tsore refugee Camp, specifically?
 - 3.4.1 Is it culturally fitting?
 - 3.4.2 Is the language of instruction suitable?
 - 3.4.3 Is the language based on refugees' interests?
- 3.5 Is there secondary education provided for refugees in Tsore Camp?
- 3.6 Is the secondary education provided for Tsore refugees in sufficient quantity?

3.7 How are the refugees treated at secondary education, specifically about?

3.7.1 The recognition of foreign school certificates;

3.7.2 The remission of fees and charges; and

3.7.3 The award of scholarships.

3.8 How you treated at higher education, in relation to:

3.8.1 Access to studies;

3.8.2 The recognition of foreign school certificates, diplomas and degrees;

3.8.3 The remission of fees and charges; and

3.8.4 The award of scholarships.

3.9 What are the challenges?

3.10 What do you recommend for improvement?

F. Interview Guidelines to BGRS Education Bureau

1. Introducing the Subject

I am **Alehegn Gerbi** graduating student at Jimma University in Human Rights and Criminal Law. Currently, I am working on a Master's thesis titled: **“The Right to Education of Refugees in Tsore Camp, Benishangul Gumuz Region of Ethiopia”**. I believe that it would be quite useful to directly discuss with you and hear your thoughts on the subject of my inquiry. I assure you that the information provided and views expressed will solely be used for academic purposes and treated with the utmost confidentiality. Hence, I kindly request you to assist me to answer the questions that I raise. Thank you in advance for your cooperation.

2. Respondent Profile

2.1 Name of Respondent (Optional): _____

2.2 Sex: Male ___ Female ___

2.3 Age: _____

2.4 Academic Status: _____

2.5 Represented Institution: _____

2.6 Official Capacity: _____

2.8 Duration of Engagement with the Institution Represented: _____

3. Interview Questions

- 3.1 Does the public elementary school have sufficient classrooms?
- 3.2 Are there qualified teachers in sufficient quantity in the public elementary schools?
- 3.2 Are they accessible to everyone, for instance for students under disabilities?
- 3.3 Are they accessible for students under serious economic problems?
- 3.3 Are the curricula and teaching methods acceptable for students, specifically?
- 3.3.1 Culturally appropriate
- 3.3.2 Suitable language of instruction
- 3.3.3 Is the language of instruction based on their own choice?
- 3.5 What are the challenges?
- 3.6 What do you suggest for improvement?

Appendix 2: List of informants

1. List of refugee informants

No	Name	Age	Sex	Duration in Camp	Date of interview	Place of Interview
1	Anonymous I	14	M	3 year	August 3, 2020	Tsore refugee camp
2	Anonymous II	12	M	2 year	August 4,2020	✓
3	Anonymous III	15	M	3 year	August 3,2020	✓
4	Una Bela	17	M	5 year	August 4, 2020	✓
5	Kella Awod	18	F	2 year	August 4, 2020	✓
6	Anonymous IV	13	F	2 year	August 3, 2020	✓
7	Rejina Harun	16	F	4 year	August 4,2020	✓
8	Nyalakim Andrew	18	F	3 year	August 3, 2020	✓
9	Adem Kider	21	M	5 year	August 5, 2020	✓
10	Baja Lule	16	M	2 year	August 5, 2020	✓
11	Abreham Abel	18	M	4 year	August 5, 2020	✓
12	Sanito Tone	20	M	3 year	August 5, 2020	✓
13	Madina Aguet	16	F	1 year	August 6,2020	✓
14	Nyalar Ton	16	F	4 year	August 6, 2020	✓

15	Nyankim Tut	21	F	2 year	August 6, 2020	✓
16	Rubeyda Samuel	17	F	3 year	August 6, 2020	✓
17	Micheal Lule	26	M	3 year	August 10,2020	✓
18	Paul Hassen	32	M	5 year	August 10,2020	✓
19	Jermaya Tomas	23	M	2 year	August 7,2020	✓
20	Luke Mathew	25	M	2 year	August 7, 2020	✓
21	Rebecca Dele	29	F	4 year	August 10,2020	✓
22	Adot Alier	27	F	5 year	August 7, 2020	✓
23	Rubeyda Samuel	21	F	3 year	August 10,2020	✓
24	Umi Nile	20	F	3 year	August 7, 2020	✓

2. List of focus group discussion (FGD) participant

No	Name	Age	Sex	Duration in Camp	Date of interview	Place
1	Denge Tiyat	28	M	4	August 11,2020	Tsore refugee camp
2	Hawa Harun	16	F	2		
3	Dehiya Danga	23	F	3		
4	Gisma Nyok	18	F	3		
5	Santino Tone	19	M	5		
6	Anonymous V	14	M	4		

3. List of key informants

No	Name	Represented institution	Responsibility	Duration in work	Date of interview	Place of Interview
1	Desalegn Tsegaw	ARRA	Senior education officer	14 year	August 14, 2020	Assosa
2	Husane Ahmed	BGRS Education Bureau	Educational plan officer	7 year	August 14, 2020	✓
3	Gemechu Bekele	UNHCR	Education officer	3 year	Aug 13, 2020	✓

4	Anonymous VI	PIE	Education in emergency officer	2 year	August 14, 2020	✓
5	Daniel Zelalem	NRC	Education officer	5 year	August 13, 2020	✓
6	Abrham Kukum	Tsore refugee Camp	Supervisor	4 year	August 12, 2020	Tsore refugee Camp
7	Dang Teyate	Tsore refugee Camp	Deputy supervisor	4 year	August 12, 2020	✓
8	Hakim Yosef	Tsore refugee Camp	Social worker	2 year	August 12, 2020	✓
9	Getay Melkamu	Tsore elementary school	Director	3 year	August 12, 2020	✓