Affirmative action for women in higher education and the civil service: The case of Ethiopia
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Chapter 1
Introduction

1.1 Background

Although women are believed to constitute more than half of the world’s population, they are, however, invariably deprived of access to and equal share of resources and opportunities. The causes for such inequalities are deeply-rooted in religions, cultures, legal systems, political institutions and social attitudes in different societies. Despite the fact that most legal barriers have been removed and non-discriminatory laws have become applicable worldwide since the mid-20th century, women still remain far-off from reaching equality to men. In fact, they continue to be among the most disadvantaged in all realms of life due to the legacies of the past.

Similarly, women in Ethiopia faced a variety of legal, economic and social constraints. They are victims of harmful traditional practices and domestic violence; they were deprived of access to education, training, employment and political participation reinforced by stereotypical attitudes. Burdened with domestic labor, they are debarred opportunities from taking part in the labor force, and therefore underrepresented in public and professional life, often confined to clerical occupations at best, and to low-paying semi-skilled jobs like garment manufacturing and food processing.

Being disadvantaged in education and subjected to cultural taboos and restrictions, women’s participation in the public sphere remains minimal and consequently could not become equal beneficiaries from the growing economy. It should also be pointed out that women in Ethiopia bear the greater burden of poverty as the result of, among other things, gender-based division of labor, which is not only prescribed by tradition and culture but also reiterated by laws. Even the Ethiopian civil code of 1960 affirmed the woman’s inferior position in various provisions debarring them from exercising their right to equality in matrimonial relations and confer the male partner as the sole head of
the family and in charge of family property, and hence the utmost decision maker in every aspect of family life (Ethiopian Civil Code, 1960: Articles 635, 641, 644 and 646). Although some positive steps have been adopted by the government to improve the position of women in recent years, they still lag behind in the areas of higher education and the civil service. Redressing such historical imbalances has, therefore, become imperative to the wellbeing of the society in general and women in particular by way of bringing about equal access, to resources, satisfactory social equity and gender equality. It becomes apparent that for the successful advancement of women, enabling conditions, practices and opportunities must be provided. In order to bring more women into the public sphere, it is deemed essential that the structural problems pertaining to gender need to be addressed at all levels. Analysis of this lopsided and highly structured gender relation was conducted, therefore, with a purpose of altering the phenomena to the betterment of women’s position. One of the strategies that must be adopted to expedite the bridging process is believed to be ‘affirmative action’. This constitutes the rationale to assess the nature and role of affirmative action policies and programs in effectively bringing about gender equality.

1.2 Motivation

Affirmative action policies as means of rectifying age old discriminatory practices have been controversial issues worldwide. Such controversies have existed in countries like the USA and India in which affirmative action is believed to have a long history and in South Africa where the concept of affirmative action was introduced recently. As far as Ethiopia is concerned, diverse viewpoints exist as to the relevance of affirmative action for women. Some vehemently argue that affirmative action is necessary as a means of achieving gender equality while others contend that affirmative action should be abolished to enable women to compete at an equal footing with men. Such on-going debates are conducted in various gender forums and workshops organized in Ethiopia.

What has transpired from all the discourses and debates, and in view of the persistence of patriarchal attitudes and deep-rooted stereotypes, it can be hypothesized that it would be a long time before women in Ethiopia can have the opportunity to compete equally in
higher education and the civil service. Hence, in order to compensate for the past disadvantages and to enable women to compete equally in the foreseeable future, proponents believe that gender must be taken seriously in higher education and the civil service, and further propose that preferential treatment need to be provided so that women definitely achieve equality with men. On the opposite spectrum, opponents maintain that a special treatment for women is a breach of the right to equal protection guaranteed under the Ethiopian Constitution. Against this backdrop it would, therefore, be ideal to evaluate affirmative action programs, their implementation procedures and attitudes of officials at higher education and the civil service, women and other personnel towards this notion.

Although authorities of various Ethiopian higher learning and employing institutions claim that they have amended admissions and recruitment policies in order to pertain them to the new laws and policies, yet women’s representation lags behind compared to that of men. The overwhelming majority of employees in top positions and university students in traditionally-male dominated disciplines and areas of specializations still remain men. Women are still underrepresented in higher positions and overrepresented in low-paid jobs. For over a decade now, higher education and the civil service have failed to design, implement and monitor affirmative action programs for women effectively. It is, therefore, clear that the readiness of institutions for changing the position of women remained minimal and that of reluctance. The persistence of gender imbalances has, therefore, necessitated a critical review of the so called affirmative action policies. The lack of clearly formulated policies and institutional clarity has given rise to wide ranging interpretations. This study, therefore, does critically examine the policies and practices anchored in the existing framework of affirmative action. It should also be pointed out that the research under review is, by no means, designed nor is it intended to serve one’s interest and subjective biases. Of course, in the context of the research on gender issues, which is the overarching theme of the study, the considerations which the researcher has chosen, can be clearly stated to incorporate notions of gender equality, social justice with a clear intent of doing away with any form of imbalance and inequality related to gender.
1.3 Aim and Scope

It follows that the main thrust of this study is to assess the changing position of women in Ethiopia vis-a-vis the reforms under the consecutive regimes with special regard to the nature and features of their participation in higher education and the civil service. This study specifically aims at comprehending the underlying features of the imbalances in gender relations. In light of this, it will explore the relevance of affirmative action policies to narrowing the gap and to ultimately bringing about a profound change in the position of women in Ethiopia. In doing so, the study investigates the extent to which affirmative action is implemented in selected sectors of the public domain. In light of the above, the research is intended to undertake the following activities:

- Review the literature on affirmative action in general and more specifically to selected countries with a view to utilizing their experiences in order to be able to give recommendations that would contribute to the effective implementation of affirmative action programs at higher education and the civil service in Ethiopia.

- Assess the status of women from a historical vantage point of gender relations in Ethiopia.

- Survey the present affirmative action programs in various sectors of the government institutions. Besides, the extent to which the programs are recognized and enforced will be considered.

- Analyze the attitudes of non-beneficiaries and beneficiaries and perceptions of affirmative action and assess the knowledge and understanding of the principles of affirmative action by all relevant parties.

- Examine the laws on affirmative action in Ethiopia and evaluate their implementations.

- Identify the challenges facing affirmative action implementations in higher education and the civil service.
- Find how best to implement affirmative action programs in institutions of higher education and the civil service in order to address past discrimination against women and promote gender equality.

The present research is confined to the period of the consecutive Ethiopian regimes starting from 1930 up to the present. This time frame was selected for a number of reasons. In the first place, it was during these consecutive regimes that modern Ethiopia had to undergo a series of fundamental political, social, economic, legal-constitutional and structural changes in which reforms were enacted affecting the position of women. It was during this time frame that women were consciously exposed to various activities and practices including education and social services. From this point of view, this period can be marked as an important historical phase of women’s variable inclusion in the transformation processes regardless of the continuing inequality and imbalance in the gender relations that have persisted unabated. This study specifically focuses on affirmative action programs targeted to women with a view to change their position in higher education and the civil service. The examination of the implementation of affirmative action is limited to that of regular students of higher education and employees in the civil service. This is because the scope of the research is limited only to the public segment of society.

1.4 Statement of the problem

Despite changes in the laws and policies over the past decades to help overcome the age-old patriarchal practices against women, the traditional views still remain as deeply ingrained in society. Needless to say, this has resulted in the continuing subordinate position of women in the Ethiopian society. In light of this, the position of women in Ethiopia was one of the most serious issues that has been debated among politicians and scholars alike, and subjected to scrutiny of changes over the past decades. Although some sporadic and spontaneous steps were occasionally taken to improve the position of women during the consecutive regimes in the past (Imperial Era (1930-1974) and the Military regime (1974-1991)), it could be safely said that fully-fledged policy reforms toward gender equality were officially enacted and took an
institutional shape in the current federal system of government which has been in place since 1991. Since then, the government has clearly demonstrated its commitment to redress the age-old discriminations against women. This commitment towards gender equality has been shown in a variety of ways, including the adoption of the 1993 Women’s Policy, the 1995 Federal Democratic Republic of Ethiopian Constitution, the 2000 Revised Family Code and the 2005 Criminal Code, the 2003 Civil Servants Proclamation, the establishment of the Women’s Affairs Office at the Prime Minister’s Office and Departments in various ministries and the introduction of affirmative action measures. To that end it can be said that Ethiopia has embarked upon legislative changes to remove the impediments to gender equality.

Despite such encouraging developments, progress has been, nevertheless, disappointingly slow in translating policy commitments into effective targets, plans and programs for implementation, both in terms of increasing the representation of women in the civil service and higher education and enabling them to succeed in their jobs and in education after admission. This study also focuses on evaluating the legislation and results of affirmative action and attitudes and perceptions of beneficiaries and non-beneficiaries of the program.

In order to guide this research, a two-fold statement is formulated:

- Whether or not the concept and principle of affirmative action is anchored on a solid grounding in order to be able to respond to the enacted legislation and implementation strategies in the Ethiopian socio-cultural and economic circumstances.

- Whether or not the necessary institutional and regulatory mechanisms are in place to effectively implement affirmative action programs for women in particular in the sectors under review.

1.5 Research questions
The implementation of affirmative action for women in Ethiopia is analyzed in this research taking account of its strengths and weaknesses. In view of this, the study addresses the following questions:

1. What kind of affirmative action programs are commonly implemented in higher education?

2. How do affirmative action programs work in the civil service?

3. What are the rationale and the results of implementing affirmative action in higher education and the civil service in Ethiopia?

4. What strategic actions can be adopted to effectively implement affirmative action programs and increase women’s representation in higher education and the civil service?

5. What gaps and limitations do exist in the federal and state legislation on higher education and the civil service for ensuring effective implementation of affirmative action programs and why?

6. Which capacity gaps do exist in the executive institutions and what ramifications do they entail with respect to the execution of affirmative action programs?

7. What lessons of best practices could be drawn from other countries’ experience?

1.6 Research design

In conducting this research, the researcher has reviewed applicable laws and regulations pertaining to the provision of affirmative action in Ethiopia with special emphasis on higher education and the civil service. In doing so, this study has carried out a thorough examination of a range of national legal and policy documents and related literature on affirmative action for women in Ethiopia and beyond. In addition, key personnel drawn from various institutions were interviewed that include women parliamentarians, civil servants, representatives in women’s organizations, academics and officials from various ministries at both the federal and regional levels (See Annex 1).
The specific instruments employed in data gathering include observation, interviews, questionnaires and literature review. Personal observations in the communities, stimulated by respondents and their activities were carried out by the researcher. Interview methods consist of open-ended as well as informal discussions on topics relevant to the application of affirmative action. Content analysis encompasses review of literature, legal texts, program reports etc. In addition, secondary data is collected through extensive review of published and unpublished documents. These include reports, minutes of meetings and PhD dissertations. Further, the researcher has carried out desk research on the legal systems and on the established mechanisms. An in-depth analysis of the theories and laws relevant to affirmative action both in and outside Ethiopia has been carried out by the researcher.

At the international level, relevant information was gathered from different libraries including the University of Amsterdam, the Royal Tropical Institute in Amsterdam, Institute of Social Studies library in The Hague, the library of the University of Fribourg in Switzerland, the library of the University of Oslo in Norway and the Library of Congress in the United States. Finally, internet sources have been utilized. At the national level, a review of literature was collected from libraries and archives in the Addis Ababa University, in the Ethiopian Civil Service University, Mekelle University (Tigray) and Semara University (Afar). Specialized collections such as the Ethiopian Women’s lawyers Association and resource centers including the Ministry of Foreign Affairs, the Ministry of the Civil Service, the Ministry of Education were visited in the course of the preparation of this dissertation.

The researcher has also carried out field research in both Tigray and Afar regional States. These regional States are believed to represent different socio-cultural and religious norms; while Tigray is a predominately Christian community; Islam is a predominant religion in Afar. Overall, the Tigray regional State could relatively be in a better position in terms of women’s participation in the public sector while the position of women in Afar regional State, having low level of overall socio-economic development records, is worse in terms of their participation in higher education and the civil service. However, in both regional States, what is commonly shared relates to the existence of cultural and religious influence exerted by the society could demonstrate women’s low participation in the public sector.
Data collection

The data were collected on a four-part questionnaire. Part one requires background information of the respondents: Gender, Age, Academic qualifications and Occupation. Part two deals with questions related to the understanding and relevance of affirmative action. The third part consists of questions related to the effectiveness of affirmative action in terms of implementation in the institutions. Questions related to constraints and challenges facing affirmative action at the respective institutions constitute the fourth part. Data were collected from both closed and open-ended questionnaires (See Annex 3).

The sampling method was adopted by taking account of women as beneficiaries of affirmative action programs. All stake holders were represented in the sample, including parliamentarians, employees, lecturers, students, members of women’s groups as well as Heads of women’s departments. Students constitute one group in this analysis and were selected from different years of study; namely senior and junior students. Students in this sample were mainly from Universities, Colleges and Training Institutes. The instructors at the said institutions constitute another group for analysis. Parliamentarians and civil servants comprise another group.

The questionnaires were distributed to instructors, students, employees and parliamentarians. An open-ended interview schedule was designed to investigate both men’s and women’s views and opinions on affirmative action. Interviews were conducted with officials, who were Heads of Regional Bureaus, Gender Departments and gender experts. All data were carefully scrutinized.

It should also be underlined that the field research has involved three visits by the researcher to the Afar region and two field trips to the Tigray regional states to be able to obtain a firsthand impression and observation regarding changes in women’s position in the regions. The first visit to the Afar region was in February 2007 followed by the
second visit to the western parts of the same region on March 2007. The third trip took place from 25 October 2007 to 25 November 2007. The field research to Mekelle of the Tigray region took place in April 2006 and in May 2008. Since then, successive interviews and informant discussions in Addis Ababa, Semara and Mekelle, and e-mail, telephone, personal communications, interviewing individuals, government officials at different levels, NGOs, gender experts, academics and other stakeholders in Ethiopia were conducted.

1.7 Significance of the research

Affirmative action is a highly debated issue around the world. Proponents of affirmative action argue that it is essential to remedy women’s age old discriminations while its opponents contend that employing affirmative action could cause reverse discrimination. Consequently, there is a vast scholarly literature on affirmative action worldwide. However, due to the absence of a detailed research in the area, under review in Ethiopia and the controversial issues revolving around it, there is little understanding and awareness of affirmative action. As a result, women often encounter difficulties in the course of the implementation of affirmative action programs effectively.

This study can therefore provide the basis and can serve as reference point and provide institutions with a framework within which to formulate detailed affirmative action policies in future. Thus, this research could have both an academic contribution and practical utilities to advance affirmative action policies, implementation strategies and monitoring systems. This study can also contribute to the existing study on gender relations in Ethiopia.

1.8 Limitations

To date, there is a lack of adequate data as to the extent to which the implementation of affirmative action has changed the position of women in Ethiopia. To the knowledge of the researcher, no comprehensive empirical research has been conducted on the effects of affirmative action for women in higher education and the civil service which make it
difficult to cross-check information on recorded data. At the regional states level, a poorly organized documentation and archival systems, unavailability and inaccessibility of information constitute the major challenges for conducting this study. Although relatively better organized, federal institutions lack complete documentation of information and data. Due to the apparent dichotomy between the urban and rural settings, the free flow of information was limited to the extent that no resource centers were established in the rural areas. Therefore, undertaking this research mainly had to rely on available rather scanty data in the main institutions based in the capitals.

1.9 Structure

The structure of the study involves review and interpretations of the relevant principles and concepts within the Ethiopian context. In addition, it deals with how the concepts are incorporated in the relevant policy documents. The study also examines the enforcement of national laws and international conventions as reflected in affirmative action programs in Ethiopia. Two sectors, namely higher education and the civil service are selected to assess the policy impact. This research is, therefore, focused on the evaluation of affirmative action as stipulated in the Constitution parallel with the principle of equality.

Accordingly, the study is organized into seven main chapters. Chapter one provides a brief introduction on sources and research methodology. The theoretical and conceptual framework of affirmative action is dealt with in the second chapter. Further, this chapter explains the ‘pros and cons’ of affirmative action and the distinctive features of the principles of both formal and substantive equality. The third chapter deals with the practice of affirmative action in three case studies, namely, the United States of America, India and South Africa. Chapter four discusses the historical development of women’s position in Ethiopia and the impediments that hinder women’s participation in the education and employment spheres. The legal texts both under international and national laws are critically analyzed in chapter five. Chapter six evaluates the results of affirmative action in various institutions of both the federal and regional governments. This chapter also assesses the attitudes and perceptions of beneficiaries and non-beneficiaries of affirmative action programs and further investigates the prevailing
Chapter 2


It is widely acknowledged that women are marginalized in all aspects of life leading to enormous disparity and discrimination in the socio-economic and political spheres of life. Such a continued discrimination has necessitated corrective measures in order to combat the resulting inequalities. To promote gender equality and the development of women, states have paid continuous attention to the formulation of laws, policies and regulations and implement positive measures regarding women’s rights. However, since its inception, the principle of affirmative action has achieved both recognition but also rejection worldwide. Supporters mainly invoke the need for affirmative action in order to reverse the negative effects caused by ages of discrimination and to create an equal opportunity for all including the disadvantaged in societies. Opponents, conversely claim that individuals should be chosen based on merit and no group should be favored over another based on any grounds or status.

This chapter reviews the relevant literature on the subject of affirmative action and intends to establish the relevant theoretical underpinning for affirmative action. The chapter is divided into four sections. Section one provides definitions to affirmative action. The meaning, nature and scope of affirmative action are dealt with in the second section. The third section describes the theories of affirmative action and summarizes the broad range of arguments for and against affirmative action. What makes the debates on affirmative action unique is that both opponents and proponents of the program of affirmative action have sought to justify their respective positions by reference to their adherence to the ideal of equality. The principle of equality and affirmative action is discussed in the fourth section. It overviews the significance and meanings of the notion of equality and discusses the different approaches to equality, namely, formal equality,