

St. MARY'S UNIVERSITY
SCHOOL OF GRADUTE STUDIES



CHILDREN'S RIGHTS AND ENFORCEMENT TO GET
MAINTENANCE (THE CASE OF GONDAR TOWN WEREDA
COURT, AMHARA REGIONAL STATE, ETHIOPIA)

BY
ABDURHMAN ISSA WASSIE

ADDIS ABABA, ETHIOPIA AUGUST, 2020

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ADDIS ABABA, ETHIOPIA AUGUST, 2020

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List of Abbreviations

ACRWC	African Charter on the Rights and Welfare of the Child
ANRS	The Amhara National Regional State
CRC	Convention on the Rights of the Child
CPC	Civil Procedure Code of Ethiopia
CRPD	Convention on the Rights of Persons with Disabilities
CSA	Central Statics Agency
FDRE	Federal Democratic Republic of Ethiopia
FIDA	International Federation of Women Lawyers
ICCPR	International Covenant on Civil and Political Rights
IFSW	International Federation of Social Workers
ILO	International labor organization
MoLSA	Ministry of Labor and Social Affairs
MoWCYA	The Ministry of Women, Children and Youth Affairs
RFC	The Revised Family Code of Ethiopia Proclamation No.215/ 2000
UN	Untied Nations
URESA	The Uniform Reciprocal Enforcement of Support Act

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Table of Contents

Declaration.....	i
Approval of Board of Examiners.....	ii
List of Abbreviations.....	iii
Acknowledgement.....	iv
Table of contents	v
List of tables.....	viii
Abstract.....	ix
1. CHAPTER ONE: INTRODUCTION.....	1
1.1 Background of the Study.....	1
1.2 Statement of the Problem.....	2
1.3 Research Questions.....	4
1.4 Objectives of the Study.....	4
1.4.1 General Objective.....	4
1.4.2 Specific objectives.....	4
1.5 Scope and Delimitation of the Study.....	4
1.6 Significances of the Study.....	5
1.7 Limitations of the Study.....	5
1.8 Operational Definitions of Key Terms.....	5
1.9 Thesis Structure.....	6
2. CHAPTER TWO: LITERATURE REVIEW	7
2.1 The General Concept of Child Maintenance.....	7
2.2 The Concept of the Best interest of the Child.....	9
2.3 The Rights of Children to get Maintenance under (Major) International Human Rights Instruments.....	11
2.3.1 The Convention on the Rights of the Child (CRC).....	11
2.3.2 The Hague Convention on Child Support and other forms of Family Maintenance.....	12

2.4 The rights of Children to get Maintenance under Regional Human Rights Instruments.....	13
2.4.1 African Charter on the Rights and Welfare of the Child.....	13
2.5 Child Maintenance System in Anglo Saxon and Nordic Countries, the United States of America, and Ghana.....	14
2.5.1 Child Maintenance System in Anglo Saxon and Nordic Countries.....	14
2.5.2 Experience of Child Maintenance system in the United States of America.....	16
2.5.2.1 Child Maintenance under the United States of America Law.....	16
2.5.2.2 Institutional Framework of Child Maintenance in United States of America.....	17
2.5.3 Experience of Child Maintenance System in Ghana.....	18
2.5.3.1 Child Maintenance under Ghana Laws.....	18
2.5.3.2 Institutional Framework of Child maintenance in Ghana.....	19
2.6 Protection of the Rights of a Child to get Maintenance under Ethiopian Child policy and Legal Framework.....	19
2.6.1 The Child Policy of the Federal Democratic Republic of Ethiopia.....	19
2.6.2 Age and Birth Registration of Children under Ethiopian law.....	20
2.6.3 Child Maintenance under Ethiopia law.....	21
2.7 Studies on a Child Right to Maintenance and Enforcement.....	23
3. CHAPTER THREE: RESEARCH METHEDODOLOGY.....	27
3.1 Description of the Study Area.....	27
3.2 Research Design.....	27
3.3 Sampling Technique.....	27
3.4 Sample Size.....	28
3.5 Data Sources and Data Collection Instruments.....	29
3.5.1 In-depth Interviews.....	29
3.5.2 Review of Written Documents.....	29
3.5.3 Court decided Cases analysis.....	30
3.6 Data Analysis Method.....	30
3.7 Ethical Consideration.....	30

4. CHAPTER THREE: RESEARCH METHEDODOLOGY	31
4.1 Introduction.....	31
4.2 Background of the informants.....	31
4.2.1 Socio-demographic profiles of key informants.....	31
4.2.2 Socio demographic profiles of in-depth interview participants.....	32
4.2.3 Socio demographic profiles of the clients (Custodial parent informants).....	33
4.3 Discussion.....	35
4.3.1 Enforcement of a child maintenance awards.....	35
4.3.1.1 Enforcement by the agreement of both parties.....	36
4.3.1.2 Enforcement by income or wage assignment.....	38
4.3.1.3 Enforcement through attachment of movable or immovable property....	38
4.3.1.4 Enforcement through imprisonment of the debtor.....	40
4.3.2 Practical challenges to execute child maintenance.....	44
4.3.2.1 Enforcement of child maintenance while parents living apart.....	44
4.3.2.1 Other problems for the effective enforcement of child maintenance.....	45
4.3.3 Institutions mandated to enforce child maintenance.....	47
5 CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS	51
5.1 Conclusion	51
5.2 Recommendations	53
References.....	55
APPENDICES.....	57

List of tables

Table 1 Socio-demographic profiles of key informants.....	32
Table 2 Profiles of in-depth interview informants	33
Table 3 Demography of the custodial parents' informant (clients).....	34 .

ABSTRACT

Children need the support and love of both parents. This is usually done when parents live together. However, when parents get separated the custodial parent mostly women are exposed to fulfill the responsibility of upbringing children singlehandedly. The purpose of this research is to assess the enforcement of the right of the child to get maintenance in Gondar town Wereda's court of law. Qualitative research methodologies were employed. Interviews, document, and case analysis were used as data gathering instruments, thus 5 key informants, 4 in-depth interview informants, and 10 custodial parents were interviewed, and 8 real court decided cases were used to make the study more plausible. The data were interpreted and analyzed qualitatively. The findings revealed that enforcement problem of child maintenance awards are evident in the study area, most of the court's order were not executed fully and regularly. There are no adequate laws which help to effectively execute child maintenance awards and there are no adequate institutional frameworks for effective enforcement of child maintenance matters. Finally, this study suggests the establishment of child maintenance (child support) agency, the enactment of laws that help to effectively execute child maintenance awards, the establishment of birth registration institution that works strictly in the national, regional and local level, and creating awareness about children right including the right to get maintenance for the noncustodial parents are recommended to enforce children right to get maintenance effectively.

Key words: *court of law, custodial parent, noncustodial parent, child maintenance, enforcement*

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Children, like the other segments of human being are endowed with human dignity and inalienable human and child rights, but the means and method of protecting and ensuring their rights in the practical life of a society is always a mystery that seeks legal and judicial solutions. Children are the most precious and vulnerable member of the family, for that reason almost all nations in the world including Ethiopia, give special protection to family simply because family is the natural and fundamental small unit of the society where children raised and nourished. (Art 34 of FDRE constitution)

The twentieth century has seen a dramatic shift in the law regarding the relationship between parents and children, both internationally and nationally. (M Bekink, 2012). Whereas in the past the emphasis was on the rights and powers of parents, the emphasis nowadays has moved towards a child-centered approach with the interest of children at the forefront. (Ibid) Today, parental authority is concerned more with parental responsibilities and duties which should be exercised in the interest of children rather than with parental rights and powers. (Ibid)

The concept of child support dates back to the eighteenth century when the well-known jurist Blackstone asserted that parents had a moral duty to provide and to care for their children. (Wash.U.J.2014.) Despite this early recognition of a child's right to support, courts did not enforce the right until the twentieth century. (Ibid)

A child means every human being below the age of eighteen years and unless under the law applicable to the child majority is attained earlier. International human rights instruments specifically protect and advance the rights of children. Because of their physical and mental immaturity, children as a vulnerable group within the society have specific and unique interests different from those of adults and these interests deserve special and separate protection. The right to special measures of protection belongs to every child because of his or her status as a minor. (Nihal J 2002)

In all actions concerning children whether undertaken by public organizations such as social welfare institutions, courts of law, administrative authorities or legislative bodies or private organizations, the best interests of the child shall be a primary consideration.

Child maintenance is a regular and reliable financial support that helps to cover a child's everyday living costs (Patricia. K, 2000). The parent who is unable to care the day-to-day affairs of the child should pay child maintenance to the other parent. Child maintenance is normally arranged as a fortnightly, weekly or monthly payment. (Ibid)

Maintenance entails the duty to support, assist and sustain in respect of basic needs as well as other normal wants. Therefore, it covers the basic needs and wants such as food, shelter, apparel, education, health, recreation, comfort and so on. (Ibid)

The right to supply maintenance is very essential right of a child which is the center of other rights such as the right to life, adequate standard of living, education and health. Considerable attention should be given to protect, respect and fulfill this right of the child. Especially after divorce, the child lives with one of the parents and in such case the cost of bringing the child up should be shared reasonably between both parents. (Patricia.K, 2000) The obligation to supply child maintenance is important because the child should be spared from financially problem even after termination of marriage to fulfill his/her basic needs. (ibid)

Basically, this research paper tries to investigate the major practical problems facing to enforce the right of child to get maintenance in Gondar town Wereda court. This study area was selected purposively because it is the capital city of central Gondar zone, it can be a representative of other towns administration found in the zone, easy accessible to get information and there was also significant amount of case flow in Gondar Wereda court in relation to child maintenance.

1.2 Statement of the Problem

It is essential to the child to include and to help them express their views and concerns especially when termination of contact between parents is being considered. The important aspect from the perspective of a child is that, whatever the outcome of the decision, they must be involved in the process. Social workers must support children to seek legal representation, if the child is to be

separated from either of his or her parents then it is important for him/her to know why this decision is made, whether through poor parenting, abuse, marital breakdown or adoption. (IFSW, 2009)

Besides knowing the reason, since they are minor who are not attained majority must get financial support for their basic needs and wants in reaching a better future. The international human rights instruments and national laws recognize that parents have the responsibility to provide financial assistance for their children even after their separation. Even though the legal instruments state the responsibilities of parents to supply maintenance to their children, for different reasons parents failed to do so. As divorce became increasingly common, studies showed that the children and the custodial parent often were left in poverty.

According to the report from Gondar Wereda court in 2018/19, currently numerous cases are going to Gondar Wereda court in relation to child maintenance. The court rendered large number of child maintenance awards, but substantial amount of the decisions are not fully, at least partially executed mainly because of different reasons. Especially in relation to those persons engaged in private economic activity which doesn't have well known periodical payments like farmers, drivers, merchants and, daily laborers, it is difficult to consistently execute this right of children. There is inadequate institutional frame work which supports the justice system. Due to this reasons parents fail to realize their duty to supply maintenance for their child.

Though the rights of the child to get maintenance is very important right and the foundation of several rights such as the right to life, adequate standard of living, education, health and so on considerable attention is not given yet. Parent's failure to supply maintenance adversely affects the right of the child. In this case the state should intervene and protect the rights of the child to get maintenance. If both of them failed to fulfill the duty, it will be clear that human rights violation. Therefore, it is essential to identify practical problems related to the right of the child to get maintenance and its enforcement.

1.3 Research Questions

This study was basically aimed at answering the following major research questions.

- To what extent (limit) do the domestic laws protect the right of a child to get maintenance?
- What are the practical problems in the execution of Gondar Wreda Court decisions with regard to parents' obligation to supply child maintenance?
- How the institutional frame works are functioning to protect the right of the child to get maintenance?

1.4 Objectives of the Study

1.4.1 General Objective

The general objective of this study is to identify the gaps in legislation and institutional frameworks to promote, protect and fulfill the rights of a child to get maintenance and practical problems of its enforcement in Gondar town Wereda Court.

1.4.2 Specific Objectives

The proposed research will further look in particular and seek to achieve the following specific objectives. These include:

- To identify whether or not the rights of the child to get maintenance is enforced properly as per decided by the Court.
- To investigate the practical challenges in the execution of Gondar Wreda Court decisions with regard to parents' obligation to supply maintenance to their child.
- To explore how the institutional frame works are functioning to protect the right of a child to get maintenance.

1.5 Scope and Delimitation of the Study

Geographically, the study focuses on Gondar city administration specifically on Gondar Wereda court. Therefore the experiences and practices covered by this study represent only the selected study area and the findings cannot be generalize to other Wereda Courts of central Gondar Zone. Though

Gondar Wereda Court has been and is made decisions towards different rights of a child, this study attempted to cover only those issues related to children rights to maintenance and enforcement.

1.6 Significances of the Study

The findings of this research will provide a deeper understanding of children rights to get maintenance and enforcement while parents are separated due to different personal reasons, especially within the Ethiopian context. Furthermore, it will also help the humanitarian experts from variety of disciplines to recognize and advocate the necessity of child maintenance and enforcement. In spite of the fact that, the existing national laws are friendly with Children's rights, these laws governing the rights of children are kept in a scattered way. For the sake of effective implementation of children's rights, this study will give clues to enact child bill or act which specifically deals with the rights of the child, because this act will be crucial or vital not only to cover substantive rights of children in suitable way but also to establish institutional frameworks essential for the full implementation and realization of children's rights. Moreover, the result of the findings of this research paper will serves as building block for any interested individuals, professionals or groups who are interested and willing to carry out further and detailed studies on related topics. And it could help somehow to imitate policy concerns, which are necessary to tackle the problems of children after parents are separated.

1.7 Limitations of the Study

Since the research area is far away from my residence, there were financial constraints for transportation and accommodation fees. Though interviewing the participants such as judges, public prosecutors, and social workers was managed, it was difficult to access the court decided cases on child maintenance. Moreover, when I was about to complete gathering all the necessary data from all of the respondents the country enacted a state of emergency due to COVID-19 pandemic so this hindered me a bit, however, with an exertion of time and resource, and participants willingness, I managed to collect all the available and reliable data for the study.

1.8 Operational Definitions of Key Terms

Child: Biologically, a child is a human being between the stages of birth and puberty. The legal definition of child generally refers to a minor, otherwise known as a person younger than the age of majority. (The free dictionary.com. retrieved 5 January 2013)

Court: is the judicial branch of government that has the responsibility for conducting fair, and impartial trials that determine the innocence or guilt of accused persons. (Working Together to Address Issues Concerning Persons with Developmental Disabilities” 2nd Edition, 2006

Child Maintenance: is an ongoing, periodic payment made by a parent for the financial benefit of a child following the end of a marriage or other relationship, it is paid directly or indirectly by a non-custodial parent to the custodial parent, a caregiver, a guardian or the state. (www.gov.uk. Retrieved 16 March 2018)

Convention is an agreement between sovereign states for regulation of matters affecting all of them. For example, the UN convention on the rights of children.

Custodial Parent is a parent having sole or primary legal right to take care of a child (such as a child whose parents are divorced).

Defendant: a person who is being sued or accused of a crime in a court of law.

Enforcement: is to make a law active or effective, to make sure that people do what is required by a law.

Non-Custodial Parent: of or being a parent who does not have sole custody of a child or who has custody a smaller proportion of the time.

Pro bono: being, involving or doing professional legal services donated especially for the public good (pro bono work).

1.9 Thesis Structure

This thesis consisted of five chapters, the first chapter gives the general background of the study, statement of the problem, research questions, objectives, scope and limitations of the study and operational definitions. Chapter two provides review of the related literature on the matters of children right to get maintenance and its enforcement from global, regional, and national levels. Chapter three discusses, and justifies the methodologies used for the study which involves research design, study population and sampling, data collection instruments and methods, data analysis and also some ethical issues. The findings from the key informants, in-depth interview informants, client informants, court decided cases and documents presented, analyzed and interpreted in chapter four, the final chapter has conclusions and recommendation.

CHAPTER TWO

LITERATURE REVIEW

This section briefly discusses about the general concept of child maintenance, the best interest of the child, and the rights of children to get maintenance under major international, regional and regional human rights instruments, the experiences of Child Maintenance System (legal and institutional frameworks) in Anglo Saxon and Nordic Countries, the United States of America, and Ghana.

2.1 The General Concept of Child Maintenance

For the purpose of child maintenance, parents' definition is, the child's biological parents (mother or father) as well as adoptive parents. (Nick. W, 2006). Parenthood and parental responsibility are very important to understand the concept of being parent. (ibid) The focus of parentage is on the actual or presumed genetic link between the parent and child; parenthood is concerned with the ongoing status that an adult has in relation to a child; whilst parental responsibility is really a sort of trusteeship over the child. (ibid)

There is no working definition of child maintenance which can serve for all, but for the purpose of this thesis the researcher has taken the definition given by Anna Cordon, for her, "a child maintenance regime was the system under which parents meet their formal financial liabilities in respect of children with whom they did not live."(Anne. C, 2001, p. 292.)

In the broadest sense, child maintenance is defined as "a regular contribution from a non-resident parent towards the financial cost of raising a child, usually paid to the parent with whom the child lives most of the time." (ibid)

Child maintenance includes the child's basic living needs: such as housing, food, clothing expenses, as well as medical cost, education, after school activities, and vacations. (Nick. W, 2006) Therefore, it integrates almost all basic rights of a child such as the right to food, education and health. Thus safeguarding this right means facilitating the child to lead joyful and healthy life.

Children need the support and love of both parents. When the spouses live together it is quite known they share the responsibility of upbringing of the child. However if they are separate, it is only the parent living with the child or the custodial parent that takes this responsibility. (ibid) This adversely affects the lives of the child and the custodial parent which usually led them to poverty. Child

maintenance policy has been developed to secure the living standards of children after parental relationship dissolution with the objective that child maintenance will reduce the poverty of children whose parents do not live together. (Mia. H, 2011)

Every parent married or not has a legal duty to pay for the support of his or her child. Both parents share the responsibility to pay for the support of their child. This is true, even if there was no marriage, if the noncustodial parent is not involved in the child's upbringing and even if the parent is a minor when the child is born. (Mary L. B, 2004) For example, in case of a minor parent an Illinois court has rendered the following decision:

In one Illinois case, a father who was 15 years old at the time his child was born to his girlfriend argued that because he was a child himself, he should be protected from having to pay child support. The court rejected this argument, finding that the child's right to support outweighed the parent's right. (ibid)

This decision of the Illinois court obviously shows how much emphasis is given for the maintenance rights of the child.

The responsibility for the child is not based on marriage and partnership but rather on parental obligation towards the child. From the parental point of view, it is the legal responsibility of both parents to take charge of the child's care, education and maintenance in accordance with their abilities, regardless of whether the child is in the care of one or both parents. (Mia. H, 2011)

Child maintenance schemes have become more important with the growing number of divorces and the increased prevalence of lone-parent families across countries. (ibid) Further, it is well documented that lone parents and children living in lone-parent families have a high likelihood of poverty and deprivation across countries. (ibid) This suggests that child maintenance is an important source of income for lone parents. Increased emphasis on child maintenance should be viewed as a means of decreasing child poverty rates for lone-parent families thereby lessening the negative effects of lone parenthood. (ibid)

The best interest of the child means considering the child before a decision affecting his/her life is made. The principle of best interest of the child is the priority to be given to matters affecting the welfare of the child. (A. Glenn Mower, 1997). This is a principle that has established itself through all matters and legislation affecting the well-being of the child. The CRC article 3 provides that in all

actions concerning children whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies the best interests of the child shall be a primary consideration.

Problems relating to child maintenance can have a huge impact on the lives and wellbeing of families even more so when times are hard and it is important that practitioners are aware of the resources that are available to help with this. (ACPF, 2011). Most court files clearly show that decisions on child maintenance are decided arbitrarily without considering the best interest of the child. (ACPF, 2011). Therefore, it is mandatory for the judicial system whenever deciding matters in relation to child maintenance to take in to consideration this basic principle.

Even though lack of economic support from child maintenance is disadvantageous for lone parent families, significant attention is not given to the financial support received from non-custodial parents. (Mia H, 2011) It is obvious that the lack of economic support from this source may be a specific risk factor for lone-parent families. (ibid) If lone parents could receive an income from the child's non-custodial parent it might potentially reduce child poverty among lone-parent families. (ibid)

Many studies indicate that the interest of child in a post separation situation are generally best served when children can maintain continuing and frequent contact with the non-custodial parent and that parent pays child maintenance. (ibid) Therefore the importance of effective enforcement of the right of a child to get maintenance is indisputable.

2.2 The Concept of the Best interest of the Child

The formal legal definition of a 'child' as *a minor means a young person who has yet to attain the age of 18 years.*(Nick. W, 2006) When we come to the definition under Ethiopian law, "Ethiopian laws make use such terms to children as minors, infants, young workers or young persons". (Girmachew & Yonas, 2014). The Revised Family Code defines a minor on article 215 as; *a minor is a person of either sex who has not at wined the age of eighteen years.*

At the present time, the concept of the best interest of the child become popular in many countries across the world .Therefore countries start operating towards promoting the best interest of the child and for this end different international laws have been signed between countries.

There are number of international legal instruments that specifically provide for best interest of the child as a legal norm. So as part of international community, Ethiopia also ratified the two most important international laws such as the United Nations Convention on the Rights of the Child, and the African Charter on the Rights and Welfare of the Child. These two instruments are comprehensive treaties which recognize civil, political, economic, social and cultural rights of children (Girmachew.A and Yonas, 2014).

In addition to devoting one whole article on children's right on article 36, the FDRE constitution emphasize on the recognition to international laws on article 9(4) as follows; *all international agreements ratified by Ethiopia are an integral part of the law of the land.*

Even though Ethiopia ratified CRC and ACRCWC and included them as fundamental parts of the law of the land, the country didn't promulgated CRC and ACRWC in its official law Gazette, the *Negarit Gazeta*. And the frailer to publish these international instruments in the official Gazette has been the cause or stumbling block for their enforcement before the law. (Girmachew A, and Yonas, 2014). And this is because in order to be applied in domestic level these instruments should be published in *Negarit Gazetta*.

As courts are the upper guardians of minor children the cassation bench of the Federal Supreme court passed a landmark decision on November 6, 2007 which solve this dilemma. The court based its argument on Article 3 of the United Nations (UN) convention on the rights of the child (CRC), when revising the decision passed by lower courts on a certain child custody case. "The cassation court has set precedent by recognizing the principle of best interest of the child as the fundamental standard to be considered when deciding the issue of child custody and other concerns that affecting the welfare of children". (Press release by children's legal protection center Feb. 15, 2008) and children's legal protection center recognized this judgment as a mile stone for best interest of the child.

By the virtue of proclamation 454/2005 as interpretation of the law by Federal Supreme court decision with not less than five judges carries the force of law. By now the cassation bench of federal Supreme Court has rendered various decisions relying on these international instruments. (Girmachew.A and Yonas, 2014). Therefore courts of law at federal and regional level are following the lead of this land mark decision. And after this decision based on relevant provisions of the CRC and ACRWC different courts argued based on best interest of the child to pass their decision.

2.3 The Rights of Children to get Maintenance under (Major) International Human Rights Instruments

2.3.1 The Convention on the Rights of the Child (CRC)

CRC was adopted by the United Nations General Assembly on November 20, 1989 and after a ten-year preparatory period it was opened for ratification January 26, 1990. By September 2, 1990 it had received the 20 ratifications required for its entry into effect. (A. Glenn M, 1997).

Its framework is very much on children's rights rather than the duties owed to children by others. The strength of the rights formulation is its recognition of humans as individuals worthy of development and fulfillment. (Nick W, 2006)

Article 6(2) of CRC declares that state parties shall ensure to the maximum extent possible the survival and development of the child. Similarly article 27(1) of CRC requires contracting states to recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. In any event, Article 27(2) of the convention specifies that the child's parents or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

Article 27(4) of the convention on the right of the child provides that;

State Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, State Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

There are different arguments on the extent of the responsibility of parents and state party. The convention in the allocation of jurisdictional line between the parents and the state in the matter of the respective rights, duties and responsibilities has no clear demarcation line. (A. Glenn M, 1997). Rather it tries to strike a role balance that provides the role of parents and states to effectively serve the best interest of the child. (ibid). This balance is sought through provisions designed on the one hand to protect the rights of parents and others responsible for a child's welfare and on the other hand to provide basis for state intervention in to family affairs.(ibid).

These provisions reflect two propositions: first the child's well-being normally is best served through the assumption by parents or legal guardians of primary responsibility for the child, second there are and will be times and circumstances when parents or others in a legal position to do so cannot or will not adequately discharge this responsibility when this situation arises, intervention by the state in the best interests of the child is both necessary and desirable.

The convention establishes the principle that the wellbeing of the child is the responsibility of both parents and states parties. Article 27 of the convention is concerned to the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Paragraph 2 under the same article continues with the statement that the parents or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development. (ibid). The place of a state party in this regard then is noted in Paragraph 3 which commits states parties to take appropriate measures to assist parents and others responsible for the child to implement the right to an adequate standard of living and shall in case of need provide material assistance and support programs, particularly with regard to nutrition, clothing and housing. (ibid).

It can be expected that the interpretation given at any time to the balance struck between the respective roles of parents or guardians and the state will reflect particular biases. (ibid). Those who view with alarm any program, policy, or legal instrument that bestows significant powers on the state and its agencies undoubtedly will place particular emphasis on those passages in the convention that call for certain state actions on behalf of the child and see them as encouraging governmental intrusion into family relationships. (ibid).

2.3.2 The Hague Convention on Child Support and other forms of Family Maintenance

The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance is a multilateral treaty governing the enforcement of judicial decisions regarding child support and spousal support extraterritorially. In 2007, the Hague Conference on Private International Law finished a work on a new multilateral convention on the enforcement of child and spousal support. It is one of a number of conventions in the area of private international law. The convention is open to all states as well as to Regional Economic Integration Organizations as long as they are

composed of sovereign states only. The convention entered into force on 1st January, 2013 between Norway and Albania.

This convention shall apply to maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years according to article 2 of the convention. However, contracting states can make reservation to this provision to persons who have attained the age of 18 years. Contracting state which makes this reservation shall not be entitled to claim the application of the convention to persons of the age excluded by its reservation. As per article 15 of this convention up on certain conditions free legal assistance for child support applications shall be provided by the contracting states.

2.4 The Rights of Children to get Maintenance under Regional Human Rights Instruments

2.4.1 African Charter on the Rights and Welfare of the Child

According to Article 18 of the ACRWC, family is the basis of the society thus it shall enjoy protection and support from the state. The article continues under its sub article two stating that during marriage or after dissolution the state should have taken the necessary steps to ensure equality of rights and responsibilities of spouses and the protection of the child. Article 18(3) of the charter clearly provides that no child shall be deprived of maintenance by reference to the parents' marital status.

As per Article 19 (1) every child has the right to enjoyment of parental care and protection. The primary responsibility of upbringing and development of the child is on the parents and other persons responsible for the child according to article 20 (1) of the charter. In addition to this under article 20 (2) (b) of the same charter, parents are responsible to secure within their abilities and financial capacities conditions of living necessary to the child's development.

State parties in accordance with their means and national conditions are legally obliged to assist parents and other persons responsible for the child and in case of need provide material assistance and support programs particularly with regard to nutrition, health, education, clothing and housing according to article 20 (2) of the charter.

Though the ACRWC provides the rights of the child to the enjoyment of parental care and protection, the legal enforcement of women's and children's rights under family law in the countries of sub-Saharan Africa has generally been weak. (Siobhan E. Laird, 2011). Enforcement of the law is a

persistent problem across the sub-Saharan region principally due to the failure to translate constitutional rights into enforceable legal provisions, widespread corruption among the police and judiciary, poorly resourced law enforcement agencies, and problems of access to formal justice institutions. (ibid)

The case study which is conducted in Ghana shows that among various difficulties to enforce child maintenance agreements include the incompatibility between legislative provisions that require cash payments in a context of subsistence farming and integrated household livelihood strategies that involve material, not financial exchange. (ibid)

This indicates that the enforcement of child maintenance policy and effective enforcement of laws regarding child maintenance is essential in Africa especially in sub-Saharan region in which Ethiopia also found.

2.5 Child Maintenance System in Anglo Saxon and Nordic Countries, the United States of America, and Ghana

2.5.1 Child Maintenance System in Anglo Saxon and Nordic Countries

Child maintenance scheme can be classified in to two groups. These are the Anglo-Saxon countries system including United Kingdom, United States and Canada and Nordic and Central Europe countries system including Denmark, Finland, Norway and Sweden and Germany. (Mia. H, 2011). In the former countries system child maintenance is seen as a legal parental obligation, whereas in the latter countries system child maintenance is seen as a matter of social policy. (ibid)

The Parental obligations after separation or divorce vary among countries, in Anglo-Saxon countries, the state is acting to enforce family obligations between parents and children. In the Nordic and some Central European countries if the parent obliged to pay neglects to pay at least a portion of the maintenance is ensured regularly by the state. All Nordic and some Central European countries including Denmark, Finland, Norway and Sweden and Germany have a guaranteed maintenance system in place through which the state guarantees that alone parent receives minimum financial support for the child. (ibid)

In accordance with the enforcement of child maintenance obligations and penalty provisions used in the event of noncompliance, different countries mandated institutions to accomplish this task. (Christine. S and Jacqueline. D, 2009)

In this respect there are three maintenance regimes which are identified as operating: court, agency and hybrid.

In Austria, Belgium, Canada, France, Germany and Sweden courts have the main responsibility for the enforcement of formal child maintenance obligations. However, there were differences in how they accomplished this. In many cases, courts are automatically involved in the determination of child maintenance when parents are divorcing; for example France. In most countries they also acted to ratify agreements made by parents who were separating rather than divorcing. (ibid).

In Australia, Denmark, New Zealand, Norway and the UK an administrative agency is responsible for assessment, collection and transfer of child maintenance payments. These countries represent the agency model.

In Finland, the Netherlands and the US responsibility for the enforcement of child maintenance obligations lay with several institutions, for example with the municipal welfare board and/or the court which represent the hybrid system. (Christine. S and Jacqueline. D, 2009)

In comparison to courts, agency driven systems were identified by country experts as having many advantages including: more consistency across cases, greater transparency, simpler and more efficient administration, reduced levels of parental conflict due to decisions being made by a neutral third party, and relative ease of access for both parents even if one is unwilling. However, it is not straight forward to identify one type of system or enforcement power as being more effective at generating compliance than another two. (ibid)

Child maintenance enforcement is either through voluntary agreements of parents or court order. Voluntary agreement is when the paying parent and the custodian agree about the amount of child support to be paid. Court orders for child maintenance that states how much should be paid to the custodian, and the order can be registered with Child Support Agency. (www.ird.govt.nz/childsupport/).

In New Zealand the parents can register a voluntary agreement with child support agency. This agency receives a valid application to register a voluntary agreement, then collect the payments and pass them on to the custodian. (ibid)

The agency administers voluntary agreements up on fulfillment of certain conditions, that both parties should agree on the amount to be paid to support their child, that the voluntary agreement needs to

be in writing and signed by both parties, that made between the paying parent and the custodian, that the payments made should be qualifying for the child, that the payments should be regular and has easily determined annual rate and finally all parties (custodian and paying parent) and the child must be either New Zealand citizens or ordinarily resident in New Zealand. (A. Glenn Mower, 1997)

Commonly states encourage parents to come up with their own private agreement concerning about child maintenance, the reasons behind encouraging parents to come to a private agreement about child maintenance are to encourage harmonious relations between parents and limiting the scope of state involvement in family life. (Christine S and Jacqueline D, 2009). The social benefit status of parents also impacts on whether they can make private agreements. Parents who are in receipt of social support benefits in the UK, USA, Australia, the Netherlands, New Zealand, and Canada can have their ability to come up with private agreements about child support. (ibid)

2.5.2 Experience of Child Maintenance System in the United States of America

2.5.2.1 Child Maintenance under the United States of America Law

Regarding to child maintenance, the United States is categorized among the Anglo-Saxon countries system. For these countries, child maintenance is seen as a legal parental obligation. The responsibility for the enforcement of child maintenance obligations is given to court and agency. (Mia H, 2011)

The United States has a federal government framework, the law governing child support in the United States varies state-by-state and tribe-by-tribe among Native Americans, each state can determine its own method of calculating support. (Michael M.C., 2012).

There is a mechanism to interstate enforcement of child support. The federal government has, through various programs, attempted to coordinate interstate support. The Uniform Reciprocal Enforcement of Support Act (URESA) was created in order to assist a custodial parent in enforcing a child support award across state lines. Its primary purpose is to secure support payments for dependent children whose legally obligated parents have left the state that ordered they pay support. These acts generally contain provisions for cooperation and reciprocal enforcement so that if state A and state B pass similar statutes each is likely to provide the other with whatever assistance it may require to enforce its provisions when residents move from state A to state B or vice versa. It provides that once an order

of support is set initially by one state and the parent moves to another state, the responding state will not change the order but will enforce it in the same amount previously set by the initiating state. (ibid)

2.5.2.2 Institutional Framework of Child Maintenance in the United States of America

In 1975 Congress approved Title IVD of the Social Security Act. Title IV-D was responsible for the development of a federal enforcement agency known as the Office of Child Support Enforcement (here in after the agency). It also empowers each state to establish local offices for child support enforcement. (Marcia M and Joel F, 1997). The services that became available under the Title IV-D program include:

1. Parent locator services (to locate parents who disappear without fulfilling child support obligations);
2. Paternity (or parentage) establishment (to help determine who the financially responsible parents are);
3. Modification of support mechanisms (to keep awards current with the needs of the children and the ability of the parents)

When the non-custodial parent fail to fulfill his/her obligation, child support awards can be enforced through different mechanisms including income or wage assignments, direct wage withholding, tax refund intercepts, attachment of property, liens on property and trustee process bank account, stock brokerage account, or other liquid asset that is within the control of a third party. (ibid) The 1996 Act required employers to report details of all new employees they hired to a central registry, this reporting of new hires used to facilitate in locating the child support debtors. (Nick W, 2006). Additional remedies that might be available particularly against self-employed and professional parents who neglect child support include revocation of professional or occupational licenses or mandatory credit bureau reporting, attachments and liens on property may be possible when a delinquent parent is self-employed and it is difficult to reach income in other ways. (ibid)

2.5.3 Experience of Child Maintenance System in Ghana

2.5.3.1 Child Maintenance under the Ghana Laws

The Government of Ghana ratified the CRC in 1990. The Ghanaian constitution article 28 is devoted to the rights of the child and gives power to the parliament to enact laws that ensure natural parents provide every one of their children from conception to age of at least 18 a special measure to care, assistance and maintenance necessary for their development. This provision granted the rights of the child from the time when the child is in the womb of the mother and to at least the age of 18 years.

Ghana have a children act called The Children's Act 1998 (Act 560). The content of the Act rests on the welfare principles that recognize the interest of the child shall be central in all matters concerning the child. The Act defines a variety of institutions and individuals and the mechanisms for implementing these noble objectives for the betterment of the status of children in Ghana. The duty to provide maintenance to children is specifically dealt with in sections 47-60 of Act 560. As it is provided under section 47 of the Act, the duty to provide maintenance to children is imposed on parents or other legally liable persons to supply the necessary resource to their health, life, education and reasonable shelter. Act 560 extended maintenance order to the mother of the child during her pregnancy. As it is clearly provided under Section 51 of the Act, Family Tribunal may award maintenance to the mother of a child whether married to the father or not where the father of the child has been identified and the maintenance shall include the following:

- (a) Medical expenses for the duration of her pregnancy, delivery or death of the child;
- (b) A periodic allowance for the maintenance of the mother during her pregnancy and for a further period of nine months after the delivery of the child; and
- (c) The payment of a reasonable sum to be determined by the family tribunal for the continued education of the mother if she is a child herself.

This clearly shows the right of the child to get maintenance is guaranteed even during the period of conception.

According to section 48 of Act 560 the Family Tribunal receives petitions for maintenance by the child's custodian, a probation officer, a social welfare officer, the child by a representative or a next-of-kin.

Refuse to supply child maintenance is an offence under this Act and is liable to a fine not exceeding c2 million or a term of imprisonment not exceeding six months or to both.

The Criminal Code of 1960 contains a number of provisions aimed at protecting the moral and physical welfare of children. In relation to child maintenance, article 29 provides that parents and guardians are under a duty to give access to the needed resource of health and life to children under their control.

2.5.3.2 Institutional Framework of Child maintenance in Ghana

In Ghana the district court is the judicial institution given jurisdiction over child maintenance matters. To facilitate access to the court, the Act under section 61 allows for application fees to be waived. Other non-judicial institutions whose activities may border on child maintenance are the Department of Social Welfare and the Child Panels. (Ahmed B,2011)

Social welfare officers are designated in all districts and their job is enforcing Act 560. The court can request for social enquiry report before the decision of child maintenance. A social enquiry report on the issue of maintenance prepares by the probation officer or social welfare officer and the court should take in to consideration the social enquiry report in any order. (ibid)

Child Panels are established in each district and there may be more than one pane, they have non-judicial functions to mediate in any civil matter concerned with the rights of the child and parental duties. District assemblies are mandated to ensure that the above mentioned institutions exist and function effectively. (ibid)

2.6 Protection of the Rights of a Child to get Maintenance under the Ethiopian Child policy and Legal Framework

As per the Central Statics Agency(CSA) national census report of 2008, children below the age of 18 years constitute 52.9% of the population, which means half of the population is children.(reports of FDRE to UN, (2006 – 2011) This indicates that there is a huge responsibility on the part of government regarding the rights of children.

2.6.1 The Child Policy of the Federal Democratic Republic of Ethiopia

Ethiopia does not have a comprehensive child-specific policy in general or child maintenance policy in particular yet. However, issues of children are dealt in the 1996 Social Welfare and Developmental

Policy of the Ministry of Labor and Social Affairs (MoLSA). The Policy brings within its spell a fairly large number of vulnerable groups for enhanced and specific protection ranging from children to the elderly, from women to the youth and the disabled. (Zewdneh. B, 2008)

The federal ministries responsible for the sectors and sub-sectors relevant to child rights not only undertake responsibilities for the realization of specific rights but also exercise monitoring and information management mandates.

The Ministry of Women, Children and Youth Affairs (MoWCYA), formerly the Ministry of Women's Affairs (MoWA), is the core executive body mandated for the rights of women and children. Moreover MoWCYA is the leading agency for implementing the policy framework on women's and children's issues. (ibid)

2.6.2 Age and Birth Registration of Children under Ethiopian Law

The Civil Code of 1960(civil code here in after) article 198 defines the word child as a "minor" of either sex who has not attained the full age of 18 years. Although the age of attaining majority is 18 years, for specific purposes a child may be emancipated at an earlier age for marriage. In the same way under the provisions of the RFC article 215, a child or minor is defined as a person of either sex who has not attained the full age of eighteen years and article 7 (2) of the same code states that the Minister of Justice may, on the application of the future spouses, or the parents or guardian of one of them for serious cause, grant dispensation of not more than two years. The FDRE Criminal Code of 2005 (here in after the criminal code) article 53 classifies children into three age groups using ages 9 and 15 as thresholds for criminal responsibility while age 13 appears to be an important landmark in the classification of victims. The Labor Proclamation No. 377/2003 uses age fourteen as a reference for employment.

According to the CRC, birth registration is a primary right of considerable vital importance as it is the base for the protection of other child rights and is remarked that where the right to birth registration is not recognized, a child is virtually non-existent.(Zewdineh B, 2008) One cannot meaningfully talk of other child rights, where the child's birth is not legally acknowledged through registration, which are largely derivative as they are based on birth registration. (ibid) The CRC accords a pride of place to this right as one cannot aspire to claim other child rights before this right is duly acknowledged and implemented.(ibid) In sum, before the proper birth registration is done to

acknowledge the status of a new-born child, other rights are legally invisible and marginalized.(ibid) Appropriate birth registration system is very important in case of enforcement of child maintenance rights because commonly, minors are in need of maintenance without any requirement. The Ethiopia legal frame work provides that there should be birth registration both in the civil code and the RFC. Failure to declare the birth of an infant is an offence. Under the Criminal Code article 656(1) omission to register the birth of an infant as prescribed by the law to the offence of civil status is punishable with fine not exceeding five hundred birr or simple imprisonment not exceeding one month. Regardless of the clear legal provisions of the Civil Code and the RFC which established a national Birth Registration System and an office necessary to carry out the task of registration (the office of civil status) is not yet set up and an appropriate vital statistics registration system has not yet been installed.(ibid) As a result of the neglect of birth registration system in Ethiopia protection of child rights like the right to have a name and nationality, the right to know parents and get their care including getting maintenance are being affected.(ibid) This is because providing child maintenance is a legal obligation of parents towards their children. If the child's age is not well documented and if a dispute as to the age of the child arises, there may not be sufficient evidence to show his age which will lead to losing his/her right of getting maintenance.

2.6.3 Child Maintenance under Ethiopia Law

Ethiopia does not have a Child Bill of Rights unlike some Africa countries such as Kenya, Uganda and South Africa, a consolidated child law is chosen for in many African countries in the very reason to harmonize international instruments with domestic legal systems and to customize the instruments in the light of the country's realities. (Zewdineh B, 2008)

A Child Act unifies the various child-related provisions. (ibid) The Act, if promulgated, would serve another useful purpose in the overall scheme of protection of children's rights. The law could assign and allocate responsibilities to the various organs working in the area of child rights thereby minimizing the duplication and the related with power disputes. (ibid) Though many experts recommend the enactment of consolidated child bill by taking in to consideration the best experience of other African countries like Ghana, it doesn't become realize in our country still now. (ibid)

In Ethiopia children rights matters are covered by laws scattered in different laws such as the FDRE Constitution, RFC, the Criminal Code, the Labor Proclamation, other laws and international instruments ratified by Ethiopia. These laws do not only cover a range of substantive child rights

related issues, but they also address (though insufficiently) some relevant institutional frameworks necessary for the full enforcement and realization of children's rights. (The ACPF, 2013)

Ethiopia is signatory to many international human rights instruments which address issues of children, including the CRC acceded on 14 May 1991 and it was proclaimed by Parliament on 19 January 1992, the ACRWC on 4 July 2004, the Convention on the Rights of Persons with Disabilities (CRPD) on 7 July 2010, International labor organization (ILO) Conventions No. 182 on the Elimination of the Worst Forms of Child Labor, and No.138 on Minimum Age of Employment. Since Ethiopia has ratified these international human rights instruments, it is obligatory to enforce these rights of children mentioned under those international instruments.(ibid) Because international human rights agreements ratified by Ethiopia are considered part and parcel of the human rights chapter of the FDRE Constitution for the purpose of harmonization.(ibid)

The FDRE Constitution has devoted more than a third of its provisions to human and democratic rights protection. It has incorporated full of individual and group rights and specific protections to vulnerable groups such as children and women. (ibid)

Article 36 of the Constitution is exclusively devoted to the various aspects of child rights protections that are in harmony with the international human rights obligations Ethiopia is a party. According to article 36(1) (c) of the FDRE constitution, every child has the right to know and be cared for by his or her parents or legal guardians. This means both parents are responsible for the upbringing of the child and they have to give maintenance for their children. In addition to this the child's right to survival and development is enshrined in the Constitution in terms of access to food, health care, education and leisure. The right to get maintenance for a child is dealt within the RFC as well as in the Family code of ANRS.

The RFC articles 219 and 220 provide that both parents have the responsibility for the proper upbringing of their children. The obligation to supply maintenance is a typical example of legal obligation. Therefore, those persons identified by law to discharge such obligation are bound to meet their obligations irrespective of their consent.

Family Code of the ANRS also under article 208 provides the person bound to supply maintenance and under article 209 a debtor shall supply to his creditor the means to feed, cloth, and to care for his

health and education, as the case may be, in a decent manner having regard to social conditions and local custom.

Article 209 of the same code an obligation to supply maintenance exists between ascendants and descendants. This indicates that parents have obligation to supply maintenance for their children.

A child has the right to be maintained by his parents and parents are responsible for the upbringing of their minor children. If a parent do not provide resources for the upbringing of a child, recovery of maintenance payments are obligatory. The provisions of the Criminal Code enforcing these family code provisions are also important in such case. Failure to provide child maintenance is an offence under the Criminal Code. As it is provided under article 658 of the code anyone who has legally bound refuses or omits to provide maintenance is punishable up on compliant with fine or simple imprisonment not exceeding six months.

The obligation to supply maintenance is a legal duty which can be terminated up on certain condition. Article 210 and 211 of the ANRS family code provides that the obligation to supply maintenance ceases to exist based up on two conditions. Firstly, when the marriage which created the affinity is dissolved by death and secondly, when the creditor has committed or attempted to commit a criminal act on the life of the maintenance provider, his spouse, descendants and ascendants. However, there are other reasons which are not covered by the family code perhaps which can terminate this obligation. This includes the agreements of both parties may terminate such relationship without affecting the mandatory provisions of the law. The ability of the creditor to earn his/her livelihood is also another reason to terminate the obligation.(ibid) When it is possible to show that the creditor is in a position to earn his livelihood or has acquired enough means to sustain his/her life, there is no reason that makes the obligation to continue. Finally inability of the debtor to discharge the obligation such as being behind bars and drought may terminate the obligation. (ibid)

2.7 Studies on a Child Right to Maintenance and Enforcement

Child maintenance schemes differ substantially across countries in terms of underlying philosophy, structures, rules and organization, and in particular their very different outcomes (Meyer et al. 2011). According to him, Family laws regarding child maintenance policies in Nordic countries assume that the legal duty to provide for children rests with both parents and parents are, in most cases, under an

obligation to support their children even if they are separated or divorced or have never lived together as a couple (Eydal and Kröger 2010).

The principle is that, every child has the right to be adequately provided for and that child maintenance is the right of the child. Both parents are responsible for the child's maintenance in accordance with their abilities, regardless of custody and residence arrangements. Furthermore, supporting children is seen as a collective responsibility and this means, at least a portion of the maintenance is usually ensured by the state if the non-resident parent does not pay maintenance. Guaranteed maintenance ensures the regularity of at least a portion of entitlement and it emphasizes the right of the child to receive support from the state when parental support is not forthcoming (Skinner and Davidson 2009).

The other study which was conducted by Raymond. A et al, 2004 on Child Maintenance in Plural Legal Systems in Ghana revealed that, there is a rising incidence of failure by parents, mostly men, to maintain their children. Claims made are often for money for the payment of school fees, medical expenses, feeding, clothing and general upkeep of the children.

Their findings showed that almost 100% of the complainants in child maintenance cases were found to be women. This trend clearly confirms that the general perception that women tend to bear a disproportionate burden of the maintenance of children, especially where the children are born in non-marital or informal unions or in the event of death of a spouse, divorce or separation. Most of the women who registered complaints in child maintenance cases were women who were left with custody of children born out of non-marital relationships. Some of the clients in child maintenance cases were also women who had been left with custody and sole responsibility of children upon divorce or separation from their spouses. Especially with regard to indigent women and women from low-income groups, this places an intolerable burden on them.

In marital relationships, problems of maintenance were found to arise mainly where there were marital problems between the spouses. In many cases, men refused to maintain their children as a form of punishment for their wives. Many of the claims for child maintenance were therefore found to be coupled with applications for assistance with the solution of marital problems. (ibid)

The study noted a general trend of an increasing number of men unwilling to or incapable of maintaining their children. As a result, an increasing number of children are being compelled to discontinue their education in order to engage in petty trading so as to decrease the financial burden on their mothers, and to contribute to the running of the home. The persistent refusal or failure by parents to provide maintenance for children is a gross violation of the rights of the child. (ibid)

The study found that most of the cases of default in the maintenance of children and in complying with settlement agreements or maintenance orders stem from the poor financial conditions of the men against whom such orders are given. Others simply refused to maintain their children for a variety of reasons. The practice of multiple fathering and procreation outside marriage accounts significantly for the failure of most men to maintain their children.

Regarding the child maintenance enforcement, the greatest challenges faced by FIDA-Ghana in the practice on child maintenance stem from the limitations of the existing enforcement procedures available under the law. The study also noted that existing enforcement procedures such as the attaching of the incomes of defaulters by the court are of limited practical value in respect of the majority of persons who studied in the research. Experience also has shown that in many cases, women are reluctant to go this far in compelling their partners or spouses to contribute to the maintenance of their children. Women tend to be reluctant because of the repercussions from relatives of the men as well as their own relatives, who tend to berate such women for getting the father of their children arrested and humiliated on account of the maintenance of their children.

There is only few studies in Ethiopia related to children right to maintenance. One of the study in SNNP Regional State entitled “Legal and Practical Aspects of Child Custody, Visitation and Maintenance” (Nigussu A, 2017) revealed that the obligation to supply maintenance are core post-divorce issues that should be resolved in order to ensure children’s wellbeing. The determination of child custody and visitation triggers the issue of child support so that parent with less custody time pays his/her fair share of the childcare cost to the custodial parent. He has stated clearly that, the Ethiopian law accordingly imposes duties on parents to provide care and support for their children irrespective of their marital status. The revised federal family laws provide that a court that decides the dissolution of marriage also renders decision on the custody, education, health, and maintenance of the children. In this regard, courts apply the rule of best interest of the child.

His findings showed the gaps in the law related to child support or maintenance. Although Ethiopian law requires a noncustodial parent to provide child support, it fails to address a number of issues such as the amount of support to be paid, the procedure for determination of the amount, the duration of support, and the mechanisms for its enforcement. As a result, there are variations in several decisions of courts. Moreover, there is the need for detailed laws that embody clear and adequate provisions regarding child custody, visitation rights, and maintenance.

CHAPTER THREE

RESEARCH METHEDODOLOGY

3.1 Description of the Study Area

Gondar town is found in central Gondar zone, Amhara Regional State of Ethiopia, and is located at 745 km from Addis Ababa to the Northwest. Administratively the town is divided in to 12 administrative areas (sub cities) which consists of 21 smallest administrative units (Kebeles). According to the 2007 national census conducted by the Central Statistical Agency of Ethiopia (CSA), Gondar had a total population of 207,044 with a growth rate of 4.2%, among this figure 52% of them are under the age of 18. Based on the projection of CSA, nowadays 347, 000 people are living in the town.

3.2 Research Design

To achieve its objectives, the researcher was relied on qualitative method/technique of research. It is typically an exploratory research, gathers information that is not in numerical form. It is useful for studies at the individual level, and to find out in depth the ways people think or feel. “The goal of qualitative research is the development of concepts which helps us to understand social phenomena in natural (rather than experimental) settings, giving due emphasis to the meanings, experiences and views of all participants” (Pope & Mays 1995:42)

3.3 Sampling Technique

According to L. A. Palinkas, et al. (2013) purposive sampling is a technique widely used in qualitative research for the identification and selection of information-rich cases. Purposive sampling involves identifying and selecting individuals or groups of individuals that are especially knowledgeable about or experienced with a phenomenon of interest. Therefore the study participants were selected purposively.

In addition to knowledge and experience, it is essential to note the importance of availability and willingness to participate, and the ability to communicate experiences and opinions in an articulate, expressive manner. Therefore, this purposive selection of professional informants will help great deal. (Ibid)

Accordingly, as the study is qualitative research, the participants were selected using purposive sampling which is a non-probability sampling and best fits for this specific research. “Purposive sampling uses the judgment of an expert in selecting information rich case with specific purpose in mind and participants of the study will be selected by their experience on the study issue. Krueger & Neumann (2006). Therefore purposive selection of in-depth interview and key informants were based on the participants’ availability, experience and their position.

The primary inclusion criterion of the study was targeted to include professionals from all positions who are concerned and mandated to interpret and execute the rights of a child such as judges, public prosecutors, experts from social work office, and women, children and youth affairs office officers. It also includes parents of a child which have relation with the research agenda. The other inclusion criteria of study participants were based on working experience.

The key informant participants, and in-depth interview informants were judges, public prosecutors and social workers from Gondar Wereda court, experts from women, children and youth affairs office of the city administration, and parents of a child in relation to the issue. The participants had been selected purposefully for their expertise and direct involvement on children right to get maintenance and their exposure to witness the enforcement of court’s decision. The client participants are service users of the court and they were selected on their willingness to participate in the research and to be interviewed.

3.4 Sample Size

The study population are children under the age of 18 who have child maintenance cases in Gondar Wereda court, since children are under parents’ protection the interview on the issue held with the custodial parents. Therefore, for the sampling, 2 Judges who are appointed officials to conduct court proceeding, 2 public prosecutors who are to prove that someone is guilty of a crime, 2 social workers who apply social work questions and issues relating to law and legal system, 2 professionals from women, children and youth affairs office, and a police officer who is empowered by the government to enforce the law it creates were selected. Since it is very important to study the issue from the clients’ point of view, 10 parents of a child with child maintenance cases were involved in the study. Therefore, there were a total of 19 participants for the interview to collect information about children right to get maintenance and enforcement in the study area.

For the purpose of case analysis, eight real decided cases by Gondar Wereda court were selected to make the study more realistic.

3.5 Data Sources and Data Collection Instruments

3.5.1 In-depth Interviews

Since the study aims to explore the right of children to get maintenance and enforcement, the required data were gathered from the angle of diverse participants. For this, in-depth interview which is qualitative data collection tool was employed to get detail and applicable information.

According to W. Krueger (2002) In-depth interviewing is a qualitative research technique which involves conducting intensive individual interviews with a small number of respondents to explore their perspectives on a particular idea, program or situation. Each interviews has taken a minimum of 30 minutes to an hour. The interviews was conducted at Gondar Wereda court. The in-depth interview helped me to get detailed information and to explore new issues in depth. It also reliefs to get more complete picture of child maintenance and enforcement in the study area.

Yin (2011) mentioned qualitative research interviews should be open rather than closed-ended questions. The researcher has to let participants use their own words, not those pre -defined by the researcher to discuss topics. Accordingly, in conducting the In-depth interviews the research was made on selected participants using unstructured type of interview which is prepared according to the objective and the general concept of the research.

The researcher used semi structured interview to capture information about the participants profile and open ended interview guide to solicit data on the subject matter of the study. First the guiding instruments were prepared in English based on the research questions and then translated to Amharic to cross check whether the questioner guide address the research questions adequately and accurately ,the Amharic version of the questioners were translated to English again by third person.

3.5.2 Review of Written Documents

I have also used the available written materials as secondary sources of data. In order to find relevant documents for review, published documents and websites were referred at the global, regional, and national levels. Such documents are on the areas of various legal, and policy frame works as the FDRE constitution, international law support for children, case studies, and international journals,

convention on the rights of the child support, law and policies related to children right to maintenance. These documents were reviewed and analyzed specifically in accordance with their relevance to the study.

3.5.3 Court decided Cases Analysis

Special attention have been given for court decided cases because they provide an in-depth description and exploration in relation to child maintenance through qualitative data collection method. Though there were thousands of decided cases in the court of law of the study area, only cases related with child maintenance were entertained.

3.6 Data Analysis Method

The data for this proposed research were qualitative or non-numeric information, which were collected through interview as it was planned. Hence, the collected data has presented in a qualitative narrative form, which involved the reformulation of stories presented by respondents taking in to account the context of each case and different experiences of each participants. Therefore the information which was collected from interview was analyzed qualitatively and the court decided cases have also analyzed in similar way.

3.7 Ethical Consideration

First, voluntary participation was requested based on the participants' consent. Detail description of the purpose of the study was provided on the first place and at the opening of the interview session. In the consent form, it was clearly stated that, participation is fully voluntary and there is no any negative consequence for responding to questions forwarded to. Furthermore, anonymity of their names assured by omitting any question that identified name or other personal identifier. According to the dictionary of Sociology, research ethics is the application of moral rules and professional codes of conduct to the collection, analysis, reporting and publication of information about research subjects, in particular active acceptance of subjects' right to privacy, confidentiality and informed consent.

CHAPTER FOUR

FINDINGS AND DISCUSSION

4.1 Introduction

Child maintenance is very important right of the child but significant attention is not given yet. Thus safeguarding this right is very critical as it is the parents who are legally obliged to provide maintenance to their children. This chapter targeted to analyze the theoretical foundations and practical applications of the existing laws and institutional frameworks for the effective enforcement of child maintenance right in the study area. The sample cases discussed below give a better sense of the main child maintenance complaints, the type of services provided, and the processes these complaints go through, the amounts of maintenance awarded, the enforcement mechanisms, and how cases are closed after the Wereda court passed decision on them.

4.2 Background of the Participants

The participants of this study were professionals who are directly or indirectly involved in children's human rights, and clients of the court who were claiming child maintenance or those custodial parents with child-raising responsibilities left on them.

4.2.1 Socio-demographic profiles of Key Informants

Five key informants had been chosen purposefully, they were experienced professionals regarding children rights related issues, currently they are serving in Gondar town Wereda court, and women, children, and youth affairs office of the town, they are highly experienced on the children right matters, and have first degree and/or more except the police officer, regarding gender from the total key informants two of them were female.

Table 4.1: Socio-demographic profiles of Key Informants

Participants' code	Gender	Position	Educational back ground	Work experience on the field
Participant 1	F	Judge at Gondar wereda court	LL.B, LL.M	9 years
Participant 2	M	Senior public prosecutor at Gondar wereda court	LL. B	5 years and 10 months
Participant 3	M	Officer at Gondar city women children and youth affairs	First degree in public administration	6 ¹ / ₂ years
Participant 4	F	Social worker at Gondar wereda court	First degree in psychology	3 years
Participant 5	M	Police officer at Gondar police commission	Diploma in peace and security	12 years

4.2.2 Socio demographic profiles of In-depth Interview Participants

In-depth interviews were conducted with different professionals who are concerned with children's right such as judge, public prosecutor, social worker and expert of women, children, and youth affairs of the study area. The total number of participants who have participated in the in-depth interview were 4 professionals, when we see their professional preparation three of them have first degree in law, sociology and psychology, and one of them has masters of law, regarding gender composition, one of the judges and the social worker were female.

Table 4.2 Profiles of In-depth Interview participants

Participants' code	Gender	Profession	Educational Background	Work experience on the area
Participant1	F	Judge and focal person on matters of children at Gondar Wereda court	LL.M	5years and 6months
Participant2	M	Public prosecutor at Gondar Wereda court	LL.B	4 years
Participant3	F	Social worker at Gondar Wereda court	First degree in psychology	3 years
Participant4	M	Children affairs' expert at Gondar city women, children and youth affairs	First degree in sociology	6 ½ years

4.2.3 Socio demographic profiles of the clients (Custodial Parent informants)

Custodial parents are those parents of a child/children with the legal right to take care of a child or children. In most of the cases of our country Ethiopia, the responsibility of caring and or rising the child left on mothers after the relationship between couples terminated due to different reasons such as divorce or separation before marriage.

Employees of the court had helped me in finding custodial parents whose cases were going through in the due process of law at Gondar Wereda court of law, with the collaboration of them, volunteer clients who expressed consent for the interview were selected and chosen as client participants. Subsequently, the interviews were held with 10 mothers who were appealing to child maintenance from noncustodial parents.

Table 4.3 Demography of the custodial parents' informant (clients)

Participants' code	Gender	Age	Educational background	Livelihood	Type of service offered
Anonymous 1	Female	37	6 th grader	Cleaner	Custody
Anonymous 2	Female	28	Grade 10 completed	Employed in beauty salon	Custody
Anonymous 3	Female	31	First degree	Unemployed	Custody
Anonymous 4	Female	35	High school dropout	Day labor	Custody
Anonymous 5	Female	27	TVET level III	Photo copier	Custody
Anonymous 6	Female	24	TVET level I certificate	Waiter	Custody
Anonymous 7	Female	29	Grade 10 completed	Unemployed	Custody
Anonymous 8	Female	32	Certificate	Dependent with her family	Custody
Anonymous 9	Female	30	University dropout	Assistance teacher at KG	Custody
Anonymous 10	Female	33	9 th grader	Retailer (few commodities)	Custody

4.3 Discussion

As per the findings held with the in-depth interview and key informants of the research, large amount cases of child maintenance brought before the court of law, to the police stations, justice office, and women, children and youth affairs office of the study area. They also mentioned that all (100%) of these cases were brought by women, which means the mothers of the child are usually the custodial parent, and the fathers are the noncustodial parent with duties of paying fair share of the childcare cost to the custodial parent, and the noncustodial parents have the right to visiting their child, this fact is assured by all of the respondents.

The revised federal family law firmly states and give the authority to the court to render decision on the custody, education, health, and maintenance of the children, therefore, the court apply the rule of best interest of the child. Nigussu A (2017)

A report from Gondar Wereda court in 2018/19 confirmed that, in Gondar town, there were a large number of cases related to divorce and child maintenance. In the above mentioned year, 948 cases related to child maintenance were brought before the court of law, which was by far the highest when compared to other civil cases. Since the divorce rate is high due to different factors, there was high demand of seeking and getting child maintenance from the noncustodial parents to fulfill at least the basic needs of the child, therefore, all of these creditors of child maintenance cases apply for its execution in the study area.

According to the key informants, child maintenance is a regular support from a non-custodial parent paid towards the custodial parent and includes the child's basic living needs. Practically, the creditor pays the child maintenance until the court of law closed the case. But most of the time, the next month or year, child maintenance payment is interrupted.

4.3.1 Enforcement of a Child Maintenance Awards

The data generated from the in depth interview informants and key informants, and review of documents revealed the following findings pertaining to the enforcement of a child maintenance awards across the country particularly in the study area.

Practically, the most difficult part of child maintenance order is enforcing the award. Gondar Wereda court appreciate and help parents to solve child maintenance execution problems primarily by the

agreement of themselves. However, if the parties fail to reach on an agreement, the court rendered decision they deemed fair by themselves. Then an application for execution of judgment will be brought before the court of law, income or wage assignment, attachment of movable or immovable properties and imprisonment are also the most widely used methods by the court of law in the process of child support enforcement to execute its decision.

4.3.1.1 Enforcement by the Agreement of both parties

According to the findings from interviewing judges, when there is a potential of agreement by both parents of a child, the court supports them to reach on possible agreement by themselves. If they reached an agreement and the court of law gets acceptable, the court will approve the agreement as an award and order the debtor to fulfill his /her duty, whereas, if the debtors failed to fulfill his/her duty, the creditor will demand for the enforcement of the approved agreement, then the court of law will send to competent administrative organ to enforce it regularly.

The public prosecutors explained in detail about enforcement of child maintenance by the agreement of both parties, in some situations child maintenance is difficult to be enforced, for instance, some non-custodial parents, mostly those who are engaged in informal economic activities move from one place to another to make businesses therefore following or tracing them is cumbersome. Hence, it is better if the child maintenance issue is regulated based on the agreements of both parties since its enforcement is difficult to be implemented by the court decision alone. Among the organs which work on negotiating the parents over the issues of child maintenance, the Wereda's justice office is the prominent one. When clients who request child maintenance come to justice office the first step is that, the office tries to make conciliation between both parents. But, if it is not possible to come up with an agreement, the case will be instituted before the court of law. The importance of the conciliation is that both parties agreed up on the content of the agreement through their free will. Thus, there is no winner and loser. It helps to smooth the relationship between them because most of the time it is executed based on their agreement without third parties involvement.

In order to help facilitate such kind of well acceptable enforcement mechanisms by both parents, Gondar Wereda justice office offer professional legal support for the community which is commonly known as pro bono service (legal work for free), especially for vulnerable individuals like children, persons with disabilities, marginalized and oppressed group of people and so on. Especially in those

cases which are related to child maintenance, this office doesn't require clients to bring evidence that show there pauper. The majority of those cases are finalized by the agreement of the parties, it is the best way to enforce child maintenance effectively in the study area. The agreement is finally approved by the court of law. If it is not performed based on their agreement, it has the consequence of being legally responsible.

To support this method of enforcement with evidence, Custodial parent Anonymous 5 shared her experience of child maintenance enforcement by the agreement of her ex-husband and herself (by the agreement of both parties) and narrated as follows:

According to her, at the time, when they got divorced she felt alone, ashamed, and felt overwhelmed by the legal aspect of ending her marriage. The couples have a 5 year old girl, the mother has explained me that since he is the father of her child she still cared about him but she is so much better off without him, what she cared a lot is about the future of her child. The good thing is that her relationship with her ex-husband has been very coordinial and they still talk and help each other in the situations where they can, there is no raging or messy fights to make the matter even harder than it already is. Her ex-husband is engaged in a private business and earn at least 15, 000 Birr monthly, he is well capable of maintaining his child, which is what he does. Consequently the two parties agreed by themselves on how much child maintenance should the father pay monthly, they agreed the father to maintain 2000 Birr monthly, after all their agreement finally approved by the court of law.

During this process the parties have got professional legal support from the Wereda's justice office. This custodial parent respondent preferred this method, because, as she said, unlike the other enforcement methods such as through the attachment of movable and immovable property and imprisonment, this method of child support arrangement is quick and easy to set up, and help the two parties to reach agreement up on the contents of the agreement through their free will, the process was completely private, and it is believed to smoothen and strengthen their relationship.

4.3.1.2 Enforcement Through Income or Wage Assignment

As I have mentioned earlier the court of law applies different methods of enforcement, however, most of the time child maintenance awards are not enforced regularly as per the court of law decision or order.

Among those methods of child support execution, income or wage assignment is one of the methods of enforcement. This is a method of child maintenance enforcement in which the court of law issues wage assignment orders to the employer of the parent without custody of a child. The order directs the employer to make a deduction from the employe's wages/ income. That is, the employer must withhold a certain amount of money from the employee's wages and set the money aside for child maintenance purpose, then paid in person or deposited to the custodial parent's account. According to the information obtained from the respondent, a judge and focal person for children's human right, the determination and enforcement of child maintenance award is easy when the non-custodial parent is employed at government and private organizations.

It is easy because the court order the money to be deducted by the employer from the employee's salary/income along with all other payroll deductions. In most cases those who received maintenance from non-custodial parents who are employed in governmental and private organizations have no enforcement problems, they received the full amount of money in a regular manner whereas for non-custodial parents who are self-employed and who don't have regular payment, it is difficult to assess and determine the amount of child maintenance and its execution is very difficult.

4.3.1.3 Enforcement Through Attachment of Movable or Immovable Property

The in depth interview informant number 1 has further mentioned the attachment of movable or immovable property as one of the possible way to execute the court's order. The public prosecutors strengthen the judge's idea "if the debtor refused to pay, it may be possible to attach the property to secure the debt in accordance with article 379 of the Civil Procedure Code (CPC) of Ethiopia".

Article 379 of the civil procedure code of Ethiopia: particulars in application for attachment.

(1) An application for the attachment of any movable property belonging to the judgment-debtor shall be accompanied by an inventory of the property to be attached, containing a reasonably accurate description of the same.

(2) An application for the attachment of any immovable property belonging to the judgment-debtor shall contain:

(a.) A description of such property in accordance with Article 225(2) provided that where such property is entered in the registers of immovable property, the court may require the applicant to produce a certified extract from such registers; and

(b.) A specification of the judgment-debtor's share or interest in such property to the best of the belief of the applicant, and so far as he has been able to ascertain the same.

However the process of execution through attachment of the debtor property is too long.

For example, Case file number 0105175 entertained at Gondar Wereda court involves the creditor (who is mother of three children) claims against the debtor (father) for neglecting his responsibility of paying for the child maintenance. The court had decided that the debtor should pay 1000 Birr per month or 300 kilogram crop per year. However, he has ceased to pay the child maintenance for consecutive four months. The creditor brought to the court an application for execution. The debtor was unwilling to appear before the court even if summoned to appear in accordance with the law. Then the court gave order of arrest warrant on the debtor. The debtor was arrested and appeared before the court of law. The court ordered attachment of his property and be sold by auction, this process took 6 months, during those months the mother of the child was suffered and challenged extremely to meet the basic needs of the child. Finally the creditor has received 4000 Birr and the court of law passed order the debtor to be released. However, the court didn't put any mechanisms and decided nothing about the payment of the maintenance in the future.

4.3.1.4 Enforcement Through Imprisonment of the Debtor

As the findings from the in depth interview informants indicated, in most of the cases, non-compliance with maintenance orders is as a result of poor financial position of the person involved. In such cases, the futility of having such persons arrested is not likely to yield any money for the upkeep of the children, however there are also different wrong socio cultural beliefs and individual perception towards their ex-wife and child which reason out by some noncustodial parents not to pay the child maintenance as per the court of law ordered. In such situations, based on the custodial parents request the court of law would order the arrest of the debtor.

According to the public prosecutors at Gondar Wereda court, imprisonment of the debtor is used as the last resort to execute child maintenance award in the study area. In many cases, the debtors who don't have well known earnings raise an opposition that he/she has no money to pay at all. If the debtor has not paid to the creditor, the court of law would order the debtor to fulfill his/her duty, if the debtor appeared without any acceptable reasons and refused to pay, the court of law would order the arrest of the debtor as provided under article 389 of Civil Procedure Code (CPC) of Ethiopia.

Article 389 of the civil procedure code of Ethiopia: when detention may be ordered:

(1) Where, after the examination held under Art. 386(Examination of judgment- debtor):

(a) The judgment-debtor refuses without good cause to comply with the decree: or

(b) The court is satisfied that the judgment-debtor although able to comply with the decree, has wilfully failed to do so, the court may order the arrest of the judgment- debtor, if he is not already under arrest, and his detention in the civil prison for a period not exceeding six months.

(2) The provisions of Art. 388 (2) shall apply when detention is ordered under sub-article (1) of this Article.

Nevertheless, he/she will be released if s/he is paid and assured a guarantee to pay. If s/he refused to pay, s/he will serve up to a maximum imprisonment period of six months.

Custodial parent, anonymous 8, explains her situations as follows:

“I am 32 years old single mother who is economically dependent with my parents and currently living with them along with my child. I had been in a relationship with the father of my child for three years,

economically, he is working his own business and earns up to 5000 Birr monthly. We have had good time when we were in a relationship. The problem was happened when I got pregnant, since that time he ignored me and disappeared. Even he was not appeared when I gave birth, then my parents, elders, and he besides his parents sat for mediation and negotiation to convince him to accept paternity but he denied to acknowledge paternity of a child consequently he refused to maintain him. Then, after referring clinical evidences from the hospital and witnessing to the elders word the court of law ordered 700 Birr the child to be maintained but the creditor didn't pay for three months, finally the court issued the arrest of him and sentenced six months of imprisonment.”

The creditor was not happy about the court's decision on the length of the imprisonment, she claimed that it should be at least more than a year to show how strong is the law to the rest of the noncustodial parents who are not volunteer to maintain their child. In addition to this client respondent, Anonymous 1 and Anonymous 10 claimed that the maximum imprisonment of six months is not enough and hence it will be good if the imprisonment period is increased for better deterrence effect.

Here is presented another example which is against the above mentioned custodial parents (client respondents) opinion on child maintenance enforcement through imprisonment.

Custodial parent 2 is a 28 years old single mother who is a mother of 2 year baby girl, she works in a beauty salon for a monthly salary of 1000 Birr, this money is not enough even to cover home rent, life has been getting tough as much difficult as it was in the past, consequently she became unable to meet the basic needs of her child. When she cut the relationship with her ex-husband they had negotiated by themselves to give her 700 Birr for their child expenses monthly, at the beginning her husband used to pay the credit fully and regularly but due to course of time, he failed to pay the money for consecutive 3 months claiming that he is unemployed. Despite she didn't know what to do, she didn't wanted to stand him under the court of law to be arrested. Instead she preferred to keep the discussion on how to deal the payment for the upcoming time, while the discussion was going there was mediator who was from the justice office to facilitate the process of negotiation between the two parties. She believed that arresting the father of her child will not be a permanent solution, because having him arrested is not likely to yield any money for the maintenance of the child, and spoil their friendly relationship, therefore what she has done is caring for their future positive relationship instead of letting him to be imprisoned.

According to custodial parent number 2, arresting the father of the child should not be an important enforcement way of child maintenance enforcement, because it would have negative impact on the custodial and noncustodial parents' relationship and damage their linkage bonded by their child, therefore imprisonment of the creditor should not be used as a method of enforcement. The custodial parents number anonymous 5, anonymous 6, and anonymous 7 also supported her opinion, which means imprisonment is not well accepted method of enforcement on the eyes these participants.

Based on the findings from interviewing of the custodial parents, one can generalize that there is a difference in custodial parents' thoughts towards the imprisonment of the noncustodial parent. Custodial parents anonymous number 8, 1, and 10 claimed that the maximum imprisonment of six months is not enough instead the imprisonment period must be increased for better deterrence effect, whereas custodial parents number anonymous 5, 6 and 7 claimed that imprisonment should not be one of the options of enforcement for the sake of keeping positive and smooth relationship between custodial and noncustodial parents.

Generally, the available options of enforcement are through the agreement of both parties, income or wage assignment, attachment of the property and imprisonment. Here one can understand that, the enforcement methods of child maintenance are similar to other debt enforcements. But child maintenance is different from other debts in that it is regular payment at least until the child attained majority, in Ethiopia case till the child closed to 18 years of age. It is also hard to execute regular payments through the attachment of property and imprisonment. These methods are not cost effective, takes too much time and difficult to manage.

In addition to the above mentioned enforcement methods, there are other possible means of enforcement used by other countries. For example, in the United States, for those parents who persistently fail to provide payment of child support, there is sanction of withdrawing the non-resident parent's driving license, refusal or withdrawal of passport, denial and suspension of business, professional or trade licenses, issue wanted posters in an attempt to track down child support evaders designed to shame defaulters in a highly visible fashion (Nick W, 2006). In the case of Australia, the child support agency may also impose a departure prohibition order to prevent the liable parents from leaving the country (Ibid).

In fact, the enforcement of child maintenance award is not an easy task in the developing countries like Ethiopia. However, in order to execute it effectively, it needs to take such measures taken by the above mentioned countries and there should be these kinds of methods of enforcement of child maintenance in our legal system too.

For example, case file number 0115168 at Gondar Wereda court involves a claim made by the mother of the child against the father of her child for neglecting his responsibility to provide child maintenance for 11 months. The application pleads the father to pay 700 Birr per month for the child as maintenance. The defendant alleges that he can't afford this payment because he is working as daily laborer and has no fixed income. The plaintiff counter claims that she doesn't have income to up bring the child and the father is in a better position to support the child. The court of law granted the plaintiff an award of 700 birr child maintenance per month.

Even though the court decides 700 birr child support in favor of the plaintiff, it becomes difficult to obtain the right amount of money at the right time. The debtor pays the maintenance occasionally, and he failed to pay at all in most cases. He ceased to pay maintenance for the past six months, thereupon, the creditor brings an action because of nonpayment of child maintenance by the debtor, claimed to the court to execute this amount of money based on the court decision, and in addition, she requested the amount of child maintenance decision to be reviewed so that the amount is increased to 1000 birr per month taking in to consideration the existing rise in the living cost. The court passed a decision rejecting the creditor's claim for the reviewing of the amount of maintenance by confirming the previous decision of 700 birr per month. Regarding the execution, the court obliged him to pay the three months previous unpaid child maintenance payment and closed the case. This court decision didn't say anything about securing the payment of the child maintenance in the future.

For instance, in the United States there is public and private child support agency which involved in collecting and distributing child maintenance award (Marcia M and et.al, 1997). If the payments are made through institutions like child support agency, this kinds of inconvenience will be avoided because the institution itself collects the payment in due time and pay to the custodial parent.

4.3.2 Practical Challenges to Execute Child Maintenance

4.3.2.1 Enforcement of Child Maintenance while Parents Living apart

Among the most difficult aspects of enforcement of child maintenance is to obtain the payment of child maintenance against the non-custodial parents who has left the habitual residence. In this case there is no easy way of enforcement if the legally obligated parents have left the area of his/her residence. In most cases the noncustodial parents left their residence and hence usually failed to fulfill their obligations (Marcia. M and Joel. F, 1997).

According key informant number 4 and in depth interview informant number 3 (social workers), Gondar Wereda court entertained and awarded decisions on many cases of child maintenance, however the awards on them are not fully and properly enforced. This is because, there are high number of people who are engaged in informal economic activities such as day laborer, seasonal farming, car driving and others, people who are engaged in these activities are not registered to pay tax due to this such economic activities are called informal. In such cases, when these kind of defendants failed to pay the child maintenance which was ordered to be paid usually monthly, it will be very difficult to enforce the awards due to the difficulties of getting these people since they move from one place to another.

In this case the enforcement of child maintenance requires child support agency kind of institution, this kind of agency will provide services like parent locator services to locate parents who disappeared without fulfilling child support obligations.

In the case file number 0112634, the defendant was a doctor who is employed in Gondar University Hospital. The mother (plaintiff) brought a claim against the father of the child to provide child maintenance and he denied the paternity of the child. After six months court proceeding, the court decides he is the father of the child and he shall pay 800 Birr per month as child maintenance. The father ceased to supply maintenance of their child for three consecutive months. The creditor doesn't know where about of the debtor after the last payment was made. An interview with the creditor disclosed that she can't enforce the child maintenance award because she doesn't have any information about where he lives and even if she knows she doesn't have the money for transportation cost to bring an application for execution in the place where the debtor currently lives.

In the case file number 0104888, the defendant is a self-employed person as carpenter and has additional incomes from renting house and pension payment. He moved from Gondar city to Bahir Dar city after the marriage end up with divorce, a two years old child lives with the plaintiff. The court awarded 700 Birr per month as child maintenance to be paid by the father however the debtor ceased to provide child maintenance payment. The creditor brought an application for execution at the court where the defendant resides. The court ordered the unpaid payment must be paid by the debtor. As to future child maintenance payments, the court orders the debtor to send it through the nearest commercial bank of Ethiopia branch. However, sending or not sending the maintenance is based on the free will of the debtor.

The in-depth interview participants reasoned out that, these problems are due to lack of well-organized institution like child maintenance agency which involved in collecting, distributing child maintenance and in the locating the whereabouts of neglect parents. It is not only the decision of the court that matters, it's the enforcement that matters to the most in mitigating the problems for the betterment of the children futures.

4.3.2.2 Other Problems on Effective Enforcement of Child Maintenance

Child maintenance is an ongoing, periodic payment made by a parent for the financial benefit of a child following the end of a marriage or other relationship, it is paid directly or indirectly by a non-custodial parent to the custodial parent, a caregiver, a guardian or the state. Practically, the most difficult part of the child maintenance process is enforcing the awards given by the court. (www.gov.uk. Retrieved 16 March 2018)

According to the in depth interview participants from women, children and youth affairs of the study area, the institution which is mandated to child maintenance is the court of law, however the office concerns deeply in children's human rights including the right to child maintenance. The respondent from this office states that in the year 2018/19 there were 948 cases related to child maintenance by referencing the annual report of Gondar Wereda court. The institution offers counseling services, and short term and long term training to support single mothers with child to help mitigate and coup up the social and economic challenges they potentially faced, the office also conduct researches on the areas of children's human rights. The institution admits that there are problems of execution of child maintenance in the study area due to a various legal, institutional, and social problems.

The judges and public prosecutors said that, child maintenance is different from other civil cases because it should be paid regularly until at least the child attained majority. It is found difficult to execute it, especially on those defendants who are privately employed such as farmers, merchants, daily laborers, brokers, and drivers and so on. They may not be willing, unable or get challenged to pay the child maintenance based on the specified time interval fully and regularly.

According to them, one of the problems to the enforcement of child maintenance in Gonder Wereda court is most of the defendants who are failed to pay/give the child support are engaged in informal economic activities. The children are disadvantageous because the execution of child maintenance payment is weak.

The other prominent problems which affect its enforcement are lack of education (lack of awareness) and low income level of some non-custodial parents in this country. In almost all cases, the mother of the child was the plaintiff and the father was the defendant. The noncustodial parents in most cases lacked awareness about child maintenance. They consider it as a maintenance given to the women or her new husband if she remarries. When the court orders the noncustodial parent to give maintenance for his child, because of lack of awareness (lack of education), the debtors considered it as he is defeated by female. Thus even if he has so many property, he becomes unwilling to pay it. In addition to this, corrupted system of administration and corrupted local administrators, the debtors build good relationship with Kebele administrators, consequently, the Kebele administrators are not helpful to enforce or bring the debtor before the court of law. Therefore, the effectiveness of child maintenance laws will not be realized if there is no awareness about its significance.

For example custodial parent number 3 is a 31 years old who is looking for a job, she was in a relationship with her boyfriend, they had lived together for five years without marriage and have a 10 months old baby girl. Due to personal disagreements their relationship began to deteriorated, as time passed they got separated. Currently the father of the child is in a relationship with another woman and has neglected his children and her. She took the case to the court of law, the father admitted his paternity and then the court ordered him to maintain the child 700 Birr monthly. Despite the court ordered the maintenance award, the father of the child has been refused to maintain the children as a kind of punishment to the mother of the child, because of the disagreements between parents the father refused to maintain the child as punishment to the mother. Often the relationship becomes so sour that the parties cannot cooperate in any way and this tends to affect the maintenance

of the children. This information was gathered when the custodial parent brought her appeals to the court of law claiming that the court's decision is not enforced fully and regularly. This due to lack of awareness, ignorance, and violation of children's human right.

4.3.3 Institutions Mandated to Enforce Child Maintenance

According to the key informants and the in depth interview participants, the institution mandated to enforce child maintenance is the court of law. Even if child maintenance enforcement problem is evident in the study area, the court is working in collaboration with competent administrative organs that established for the protection of children rights particularly and human rights generally.

In Gondar Wereda court, there is an office of social work which was established in 2013 under the auspices of Gondar Wereda court. This institution is supported by UNICEF. The department provides service for children who have criminal or civil cases including victim children, eye witness children, and child custody and maintenance issues.

The finding from in-depth interview participant number 3 about the overall role of social workers in the court setting particularly children right to maintenance is presented as follows. The social work experts assess the income of the parents and visit their home and children at school before the court passed the final decision concerning the child maintenance, it consults non-binding recommendation from this institution. In the process of enforcing child maintenance, experts of the social work institution do not determine the exact amount of child maintenance, they only assesses the income of the parents, gather reliable information and report them to the court to help facilitate the due process of law in maintaining the best interests of the child who is in need of support.

According to the participants from the social work office, in the year 2018/19, the office provided social work service in relation to child maintenance for 46 children (clients). This social work office believed that the "determination of the child maintenance in Gondar woreda court is not performed well." They claimed that, in most cases, the exact amount of income of the non-custodial parent is not well known. Therefore, such kind of child maintenance cases should be referred to the social work office however most of the cases are not referred to the social work office, due to this reason children are not getting the exact amount of maintenance that they deserve to the most of their basic needs for food, clothing and medical expenses, it is absolutely violation of their human rights.

Unlike other countries, in our country there are no well-organized child support institutions for the effective enforcement of child maintenance. These institutions use standard process to work out how much child maintenance should be paid in each case, how to collect the payments, provide information about child maintenance, offer parent locator services to locate parents who disappear without fulfilling child support obligations and can take legal actions if the right amount of money is not paid at the right time (Marcia. M and Joel. F, 1997).

Such kind of institutions render services ranging from providing information up to managing child maintenance enforcement. These institutions are very important for the effective enforcement of child maintenance. Therefore the need for establishing child support agency in our system is indisputable. If the institution is established, the problem of enforcement of child maintenance will be mitigated.

The other very important institution for the effective execution of child maintenance is the institution of birth registration. It is obvious that child maintenance is awarded until the child attained majority, which means, in our country Ethiopia, till the child reached to the age of 18. One of the grounds of termination of the obligation to supply child maintenance is when the child has attained majority.

Despite the fact that birth registration is one of the fundamental rights of the child, there is no well-established birth registration institution across Ethiopia in the strict sense. Due to this reason, there are circumstances the children age becomes the sources of disagreement between parents. In such case an order to the hospital medical examination should be made by the court. But these certificate proofs the range of the child age not its exact number. In this case the court takes in to consideration the best interest of the child and takes the minimum digit. This process is expensive, time taking and uncertain. However, the establishment of the birth registration institution is very important to permanently resolve these kinds of problem.

The enforcement of child maintenance awards through the normal proceeding is difficult; it needs to have institutions which support the courts. Therefore the establishment of well-organized birth registration institution is very important to effectively enforce the rights of the child to get maintenance.

In the case file number 0114055 entertained at Gondar Wereda court, the plaintiff was a woman who has a child with the defendant. The defendant employed as a daily laborer. They have got divorced and the child lives with his mother. She brought a complaint against the father of the child at the court of law. Though the court decided 600 Birr child maintenance against the noncustodial parent per

month, she was not comfortable with the decision of the court of law besides the maintenance was not executed regularly. The debtor had ceased to pay the maintenance for a year so the creditor brought an application for execution. The court of law gave order that the debtor has to pay the previous three months unpaid payment of child support. Finally, an order has been made to the Kebele administration to execute it. An interview with the creditor disclosed that she has afraid of the court order because it will not be a regular maintenance payment.

In the case file number 0111101 brought to Gondar Wereda court; the plaintiff was a woman with a 5 year's old child and the defendant employed as a taxi driver, the marriage ended up with divorce and the child lives with his mother. She brought a complaint against the father of the child at the court in need of getting child maintenance. The court decided 750 Birr against the father payable monthly. However, the full amount of child maintenance was not executed regularly. The creditor brought an application for regular execution. The court gives decision the debtor has to pay the previous unpaid child maintenance. Finally an order has been made to the Kebele administration to execute it.

In the case file number 0115037, the plaintiff was the mother of two children with the defendant who is engaged in driving border crossing long vehicle. The marriage partners were divorced and the children lives with their mother. The court decided 800 Birr per month as child maintenance should paid by the non-custodial parent. The full amount of child maintenance was not executed regularly. She brought an application for full and regular execution. The court decided that the father has to pay the previous unpaid child maintenance. Finally an order has been made to the Kebele administration to execute the court's decision.

In the case file number 0115038 brought to Gondar Wereda court, the plaintiff had 11 years old child with the defendant who was a carpenter, the responsibility of caring the child laid on the mother. Despite the court decided 600 Birr as child maintenance to be paid by the father monthly, the debtor ceased to pay the child maintenance as per the court of law decision. Then the creditor brought an application for full and regular execution. The debtor raised a defense that he has to be given the custody of the child because the creditor failed to care the child citing the child doesn't attained school. The court gave order that he has to pay the previous unpaid child maintenance. Finally, the court ordered future enforcement of child maintenance to be made through the debtor brother.

These problems are appeared due to lack of well-organized institution like child maintenance agency which involves in the collection of child maintenance awards in due time. Because of this reason so many single parents do not receive the child maintenance payment fully and regularly as it is decided by the court. Therefore establishing a strong institution which provides child maintenance services is important for the best interests of the child in protecting their basic and special rights they are guaranteed by international, regional constitutional human right instruments.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

Dealing children matters is critical and need special attention in all aspects of their lives. The right to get maintenance is one of the most important rights of children, when parents are separated, parents have an obligation to financially maintain his/her child until it turn to 18.

The right of the child to get maintenance is recognized under the international, regional, domestic human rights instruments and laws. The primary responsibility to upbringing the child is falls with the parents. Both parents have morally and legally the duty bound to caring and protecting their child. If they are divorced or live apart in any way, the noncustodial parent has a duty to provide financial support to the custodial parent. If parents fail to fulfill their responsibility, the state should intervene and protect the right of the child. But if both the parent and the state fail to fulfill to supply maintenance, it will be clear human rights violation.

Different countries across the world adopted various schemes to implement the rights of the child to get maintenance. These schemes include the enactment of child right act/bill, establishing institutions mandated to enforce child maintenance right, providing material assistance and supporting the program by the state.

Ethiopia also ratifies various international, and regional human right instruments which recognize the rights of the child including their right to maintenance. The domestic laws governing the rights of a child exists in a scattered way through different legislations. Ethiopia does not have child right act/bill which specifically deals with the rights of the child including the right to get maintenance. Even the existing scattered laws are not sufficient enough to enforce both substantively and procedurally the right of the child to get maintenance.

Ethiopia is a state party to the United Nations convention on the rights of the child. This convention requires state parties to take all appropriate measures to secure the rights of the child including the right to get maintenance. One of the indicators of the state commitment for caring and protecting children is the establishment of an independent institution like child support agency, which is responsible for the enforcement of child maintenance rights. In the absence of such institutions it is difficult to effectively enforce the rights of the child to get maintenance.

In Ethiopia such kind of institutions are not established yet. It seems Ethiopia doesn't give adequate attention for the rights of the child to get maintenance.

In Gondar city Wereda court 948 cases related to child maintenance were brought before the court of law in 2018/19. During the process, if the debtors failed to maintain the child as per the court of law decision, enforcement by the agreement of both parties, income or wage assignment, attachment of movable and immovable property and imprisonment of the debtors are the most important methods of enforcement used by the court of law; however, most of the decisions were not enforced fully and regularly.

Despite the court of law passed many decisions on child maintenance cases based on the requests of the custodial parent, the degree of their enforcement was too much weak due to barriers towards it, such obstacles as some parents living apart, some of them are engaged in informal economic activities, debtors lack of awareness and corrupted system of administration are highly affecting the enforcement the court of law's decision.

Generally, the institutional frameworks are inadequate to effectively enforce child maintenance matters, so enforcement problem of child maintenance awards is evident in the study area.

Consequently, there are difficulties in the enforcement of child maintenance awards, this is mainly due to lack of well-organized institution which is mandated to enforce child maintenance awards.

5.2 Recommendations

In the view of major findings and conclusion, the following recommendations are made for the improvement of the delivery of child maintenance services by Gondar wereda court and for the overall enhancement of child maintenance practices in the study area.

The existing laws are friendly with Children's human rights, however, these laws governing the rights of children are kept in a scattered way such as under the FDRE Constitution, the Revised Family Code (RFC), the Criminal Code, the Labor Proclamation, other laws and international instruments ratified by Ethiopia.

For the purpose of effective implementation of children's human rights, it is better to enact child bill or act which specifically deals with children's human rights. An act/bill to reform and consolidate the law relating to children, to provide for the rights of the child, maintenance and adoption, regulate child labor and apprenticeship, for ancillary matters concerning children generally and to provide the related matters. This act/bill would be advantageous not only to cover substantive rights of children in suitable way but also to establish institutional frameworks which is essential for the full implementation and realization of children's rights. Therefore it is necessary to enact the child bill or act.

The existing laws are not sufficient enough to effectively execute the rights of the child to get maintenance. It needs to have additional system and schemes of execution. Hence enacting laws that help to effectively execute child maintenance award is recommended. Further, the court of law must enforce more strictly the existing enforcement methods.

Establishing institutions that follow, monitor and enforce child maintenance payments is very essential to effectively execute child maintenance awards. Therefore, the establishment of such child maintenance agency (child support agency) which would be responsible for the assessment and collection of compulsory child maintenance payment is highly recommended to overcome the problems.

Establishing well organized institution of birth registration in the national, regional, and local level is helpful to avoid many of the disputes connected to the exact age of the child, paternity and the when about the child was born when it comes to the right to get maintenance from the noncustodial parent. Birth registration assures a permanent and official record of a child's existence, and provides legal recognition of that child's identity, helps to get birth certificate, not only is birth registration a fundamental human right, it also helps ensure that children's other rights are upheld like the right to

protection from violence and the right to get essential social service like justice. Therefore establishing well organized birth registration institution which acts in a strict manner across the country is very important.

One of the barriers for the effective enforcement of child maintenance award in the study area was also that the debtors have no adequate awareness about the rights of the child to get maintenance. Hence, creating awareness for the noncustodial parents about children right including the right to get maintenance by the concerned organ such as experts of women, children, and youth affairs, social workers, volunteer lawyers and other humanitarian professionals is recommended.

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APPENDIXS

Appendix 1: Amharic consent form and interview guide questions

ቅድስት ማርያም ዩኒቨርሲቲ የድህረ ምረቃ ትምህርት ቤት

የሶሻልወርክ ትምህርት ክፍል

የፈቃደኝነት ቅጽ

ጤና ይስጥልኝ በቅድሚያ ጥያቄዎቼን ለመመለስ ፈቃደኛ ስለሆኑ ያለኝን አክብሮት ከምስጋና ጋር ልገልፅ እወዳለሁ። ስሜ አብድረህማን ኢሳ ሲሆን በአሁኑ ወቅት በ ቅድስት ማርያም ዩኒቨርሲቲ ማህበረሰባዊ ሳይንስ ትምህርት ዘርፍ በ social work ትምህርት የሁለተኛ ዲግሪ ትምህርቴን በመከታተል ላይ እገኛለሁ። ከዚህጋር በተያያዘ የመመረቂያ ጽሁፍ እያዘጋጀሁ ሲሆን እርሱም “ህጻናት ከ ወላጆቻቸው ድጋፍ የማግኘት ሙብት ና ተፈጻሚነቱ” የሚል ርእስ ሲሆን፡ጥናቱ የሚካሄደውም በ ጎንደር ወረዳ ፍ/ቤት ነው። የጥያቄ እና መልስ ክፍለ ጊዜው አጭር ሲሆን የሚሰጡት መረጃ ግን ለጥናቱ እጅግ ጠቃሚ ነው። የሚሰጡት መረጃ ለትምህርት እና ለጥናት ብቻ የሚውል ስለሆነ ሀሳብ አይግባም። በጥናቱ ውስጥ መረጃን በመስጠት የሚያደርጉት ተሳትፎ በፈቃደኝነት ላይ የተመሰረተ ሲሆን ምቹነት የማይሰጥም ሁኔታ ካለ በማንኛውም ሰዓት ጥያቄና መልሱን ማቋረጥ ወይም መልስ ሊሰጡበት ያልፈለጉትን ጥያቄ የመተው ሙሉ ነጻነት አለም። በእኔ በኩል ላረጋግጥልዎ የምፈልገው ጉዳይ በጥናቱ ላይ በመሳተፍዎ ምንም አይነት አሉታዊ ተጽኖ እንደማይገጥምም ነው። ስምዎን ጠምሮ የሚሰጡት መረጃ ሁሉ በሚስጥር የሚያዝ ይሆናል። ይህም ማለት ምንም አይነት ክርስዎ የተገኘ መረጃ ካለፈቃድዎ ለሌላ ሰብተኛ አካል አይተላለፍም። መረጃ በአግባቡ ለመሰብሰብ እንዲያስችለኝ ሁለት አይነት የመረጃ መቀበያ መንገዶችን እጠቀማለሁ። የመጀመሪያው የሚሰጡትን መረጃ በመቅረጸ ድምጽ መቅዳት ሲሆን፤ ሁለተኛው ደግሞ መልስዎን በማስታወሻ ደብተር መመዝገብ ነው። የሚመችዎትን የመምረጥ ሙሉ ነጻነት የእርስዎ ይሆናል።

ጥናቴን አስመልክቶ በተሳትፎዎ ዙሪያ ማንኛውም አይነት ጥያቄ ቢኖርዎ ከመጠየቅ ወደኋላ እንዳይሉ በአክብሮት አሳስባለሁ። አመሰግናለሁ። መረጃዎችን በመስጠት በጥናቱ ለመሳተፍ ፈቃደኛነዎት?

አዎ አይደለሁም

ፈቃደኛ ከሆኑ እባክዎን ከዚህ በታች የተዘጋጀው ቦታ ላይ ስምዎን እና ፊርማዎን በማስቀመጥ ስምምነትዎን ያረጋግጡ።

የመረጃ ሰጪ ስም: _____ ፊርማ: _____
የመረጃ ተቀባይ ስም: _____ ፊርማ: _____

ጥያቄና መልሱ የተካሄደበት ቀን: _____

ጠቅላላ መረጃ

ሀ. ጾታ

ወንድ

ሴት

ለ. የትምህርት ሁኔታ: _____

ሐ. የስራድርሻ(ሀላፊነት) : _____

መ. በዚህ ዘርፍ የስራ ልምድ: _____

ለዳኞች የሚቀርብ ቃለ መጠይቅ መሪ ጥያቄዎች

1. በ2011 ዓ.ም ለልጅ የሚደረግ ድጋፍ /ድጎማ ጋር የተያያዙ ምን ያህል ጉዳዮች ወደዚህ ወረዳ ፍርድ ቤት መጥተዋል/ ታይተዋል? ሴት ወንድ
2. ከሌሎች የፍትሃ-ብሔር ጉዳዮች ጋር ሲነፃፀር መጠኑ እንዴት ይታያል?
3. በፍርድ ቤት የተወሰነው ለልጆች የሚደረግ ድጋፍ ተፈፃሚነቱ ምን ያህል ነው?
4. ለልጆች የሚደረግን ድጋፍ ለማስከበር የሚያጋጥም የተለየ ችግር አለ ወይ?
5. በገንዘብ ከሚደረግ እና በአይነት ከሚደረግ ድጋፍ የበለጠ የተሻለው የቱ ነው?
6. በግላቸው የሚሰሩ ነገር ግን የታወቀ ቋሚ የሆነ ገቢ የሌላቸው ህጋዊ ወላጆች በፍርድ ቤት የተወሰነውን ለልጅ የሚደረግን ድጋፍ በምን አይነት መልኩ ይፈፀማሉ?
7. ህጋዊ ወላጆች ለልጆች የሚደረገውን ድጋፍ ማድረግ ካልቻሉ በህግ መጠየቅ የሚያስችል ሁኔታ አለ? መልስዎ አዎ ከሆነ፤ ዘለቄታ ያለው እና ትክክለኛ መፍትሄ ነው? ከዚህ ሌላ ማስፈፀሚያ መንገድ አለ ወይ?
8. የልጅ ድጋፍ /ድጎማ መጠን ውሳኔ በሚሰጥባቸው ሂደት/ የወላጆችን ገቢ እና የልጆችን ልዩ ፍላጎቶች ከግምት ውስጥ ያስገባል።
9. በፍርድ ሂደት ውስጥ፤ የልጅ የእድሜ ደረጃ በወላጆች መካከል ለልጅ ድጋፍ የሚደረገውን ክፍያ ላለመክፈል እንደ ምክንያት ይነሳል? መልስዎ አዎ ከሆነ፤ እነዚህን ጉዳዮች ፍርድ ቤቱ በምን አይነት መልኩ ይፈታቸዋል/ይወስናል?
10. የልጆች ድጋፍ /ድጎማ ውሳኔዎችን ለማስፈፀም የሚያጋጥሙ ችግር ሲኖሩ ለችግሩ አማራጭ መፍትሄ ምንድን ነው? የየትኛው የመንግስት ተቋም ሀላፊነት ነዉ ብለው ያምናሉ?

ለአቃቤ ህግ የሚቀርብ ቃለ መጠይቅ መሪ ጥያቄዎች

1. በ2011 ዓ.ም ለልጅ የሚደረግ ድጋፍ/ድጎማ ጋር የተያያዙ ምን ያህል ጉዳዮች ወደዚህ ፍርድ ቤት መጥቷል? ወንድ ሴት
2. ፍርድ ቤቱ ያስተላለፋቸው ውሳኔዎች ተፈጻሚነታቸው ምን ያህል ነበር?
3. የአቃቤ ህግ ክፍሉ ከልጆች ድጋፍ /ድጎማ ጋር የተያያዙ ጉዳዮች ላላቸው ደንበኞች ምን አይነት የህግ አገልግሎት /ድጋፍ ይሰጣል?
4. በፍርድ ቤቱ የተላለፈን /የተወሰነን የልጅ ድጋፍ/ ድጎማ ከማስፈጸም አንጻር የአሰራር ችግር አለ ወይ? መልስዎ አዎ ከሆነ እባክዎ ችግሮችን ይዘርዝሩ?
5. ህጋዊ ወላጆች ለልጆች የተወሰነላቸውን ድጋፍ ማድረግ ካልቻሉ በህግ የሚጠየቁበት ሁኔታ አለ ወይ? መልስዎ አዎ ከሆነ ዘለቄታዊ እና ትክክለኛ መፍትሄ ነው? ከዚህ ሌላ ማስፈጸሚያ መንገድ አለ ወይ?
6. የልጅ ድጋፍ /ድጎማ ውሳኔዎችን ለማስፈጸም የሚያጋጥም ችግር ሲኖር ለችግሩ መፍትሄ ሊሆን የሚችለው ምንድን ነው? የየትኛው የመንግስት አካል ሃላፊነትስ ነው?

ለፖሊስ መኮንን የሚቀርብ ቃለ መጠይቅ መሪ ጥያቄዎች

1. በ2011 ዓ.ም ከልጆች ድጋፍ/ ድጎማ ጋር በተያያዘ ምን ያህል አመልካቾች ወደዚህ ፖሊስ ጣቢያ ቅሬታቸውን አመልክተዋል / አቅርበዋል? ወንድ ሴት
2. በፍርድ ቤት የተወሰነን ለልጅ የሚደረግ ድጋፍ / ድጎማ ከማስፈፀም አንፃር የሚያጋጥም ችግር አለ ወይ? መልስዎ አዎ ከሆነ እባክዎን ችግሮችን ዘርዝሩ?
3. በንፅፅር የልጆች ድጋፍ /ድጎማ ጋር የተያያዙ ጉዳዮችን የሚያመለክቱ አመልካቾች ሌላ ጉዳዮችን ከሚያመለክቱ አመልካቾች በቁጥር ምን ያህል ነው?
4. የቅሬታ አቅራቢዎችን ችግሮች ፖሊስ ጣቢያው በምን አይነት ሁኔታ ይፈታል?
5. የልጆች ድጋፍ /ድጎማ ውሳኔዎችን ለማስፈፀም የሚያጋጥም ችግር ሲኖር ለችግሩ መፍትሄ ሊሆን የሚችለው ምንድን ነው? የየትኛው የመንግስት አካል ሃላፊነት ነው?

ለሴቶች ህፃናት እና ወጣቶች ባለሙያ የተዘጋጀ ቃለ መጠይቅ መሪ ጥያቄዎች

1. በ 2011 ዓ.ም ከልጆች ጋር ድጋፍ /ድጎማ ጋር በተያያዘ ምን ያህል አመልካቾች ወደዚህ ቢሮ ቅሬታቸውን አቅርበዋል? ወንድ ሴት
2. በፍርድ ቤት የተወሰነን /የተላለፈን የልጆች ድጋፍ/ ድጎማ ትዕዛዝ ከማስፈፀም አንፃር የሚያጋጥሙ ችግሮች አሉ? መልስ አዎ ከሆነ በልጆች ላይ ከሚደርሱ ሌሎች ችግሮች አንፃር ሲታይ የተፈፀሙት መጠን ምን ያህል ነው?
3. የሴቶች ህፃናት እና ወጣቶች ጉዳይ ቢሮ ይህንን ችግር እንዴት ነው ሚፈታው?
4. የልጆች ድጋፍ /ድጎማ ውሳኔዎችን ለማስከበር የሚያጋጥም ችግር ሲኖር ለችግሩ መፍትሄ ሊሆን የሚችለው ምንድን ነው? የየትኛው የመንግስት አካል ሃላፊነት ነው?

ልጅን የማሳደግ ሃላፊነት ለተሰጣት/ው ወላጅ የተዘጋጀ ቃለ መጠይቅ መሪ ጥያቄዎች

1. ለልጅዎ በፍርድ ቤት የተወሰነለትን/የተወሰነላትን ድጋፍ ወይም ድጎማ ማስከበር ላይ የሚያጋጥሙ ችግሮች አሉ ወይ? መልስዎ አዎ ከሆነ እባክዎ ችግሮችን ይዘርዝሩልኝ?
2. በፍርድ ቤት ለልጁ ድጋፍ/ድጎማ እንዲያደርግ ትዕዛዝ የተላለፈበት ወላጅ (አባት/እናት) በፍርድ ቤቱ ውሳኔ መሰረት ድጋፍ በመደበኛነት ይከፍላል ወይ? መልስዎ አይደለም ከሆነ ምክንያቱ ምን ሊሆን ይችላል ብለው ያስባሉ?
3. ለልጅዎ ድጋፍ/ ድጎማ የተወሰነ ክፍያን ለማግኘት የሚታዩ ችግሮች አሉ ወይ? መልስዎ አዎ ከሆነ ችግሮችን ለመፍታት ለየትኛው የመንግስት አካል ያመለክታሉ?
4. የቀድሞ ባለቤትሽ/ሀ ምን አይነት ስራ ነበር የሚሰራው? ወርሃዊ ደሞዙ/ዚ ወይም ገቢው/ዋ ምን ያህል ነበር?
5. በፍርድ ቤት ለልጁ ድጋፍ/ ድጎማ እንዲከፍል የተወሰነበት/ባት ወላጅ የመክፈል ችሎታ /አቅም አለው/ላት ብለው ያስባሉ?
6. የልጅዎን ፍላጎት ለማሟላት ምን አይነት ችግሮች ያጋጥሞታል?

ለማህበራዊ ስራ ባለሙያ(ሰሻል ወርከር) የተዘጋጀ ቃለ መጠይቅ መሪ ጥያቄዎች

1. ተቋሙ ለህፃት ምን አይነት የማህበራዊ ስራ አገልግሎት ይሰጣል?
2. ከህፃናት ድጋፍ/ ድጎማ ማስፈጸም ጋር በተያያዘ ተቋሙ አገልግሎት ይሰጣል ወይ? መልስዎ አዎ ከሆነ እባክዎ የተሰጡትን አገልግሎት ይጥቀሱ?
3. ከህፃናት ድጋፍ ጋር የሚነሱ ጉዳዮችን ለማስከበር አገልግሎት የሚሰጥ ከሆነ በ2011 ዓ.ም ምን ያህል ጉዳዮችን አይቷል?
4. የህፃናት ድጋፍ/ድጎማ ጉዳዮችን ለማስፈጸም የሚያጋጥሙ የአሰራር ችግሮች አሉ ወይ? በተቋሙ ተለይተው የታወቁ ችግሮች እና መፍትሄዎች ካሉ ይዘርዝሩ?

Appendix 2: Translated English consent form and interview guide questions

St. Mary's University, Department of social work, post graduate program

Consent Form

Greeting: Good morning/ Good afternoon

Dear respondent: (Name with Title)

In the first place, I want to express my deepest appreciation to you for being voluntary to have this interview with me. My name is Mr. Abdurhman Issa and I am a student in St. Mary's University, Department of social work. Currently, I am conducting a research entitled "a child right to get maintenance and its enforcement in the case of Gondar Wereda court" which is required in partial fulfillment of the degree of master of social work. This interview will take only a short time, a maximum of 50 minutes. The information you provide will contribute a lot for the comprehension of the study. The data you are going to give will be used only for academic purpose. Participating in this study is voluntary. You are free to terminate the interview or decline to answer any question if you feel uncomfortable. I assure you that, there will be no negative consequence you incur from anybody for participating or not participating in the study.

Any information you provide including your name will be kept confidentially. That means only the researcher (me) will know that and no information will be disclosed without your full consent. To help me grasp the information you are going to give, I will tape record and write your responses on note book based on your preference. If you have any question related to the study please don't hesitate to ask. If you agree to take part in the study by giving information for the interview question, please confirm your agreement by signing here. Your signature below indicates your consent to participate in the study.

Yes

No

If yes, will you sign the agreement below please?

Signature of the interviewee: _____

Signature of the interviewer: _____

Date of the interview: _____

1) **Background information of the informants**

✓ Gender

Male

Female

✓ Educational background :

Diploma

Degree

MA/MSC

PHD

✓ Position: _____

✓ Work Experience specifically on the unit or related position: _____

Thank you for your participation!!

Interview guide for informants

❖ Interview guide

I. Interview questions prepared for judges

1. How many cases are brought in relation to child maintenance in this Wereda court in the year 2018/19? men/women
2. How about its magnitude compared with other civil cases?
3. To what extent the decision of child maintenance is enforceable?
4. Is there special problem of child maintenance execution? If yes, please mention the problems?
5. Which is the better way to execute child maintenance in cash or in kind?
6. What is the means of enforcement in case of liable parent doesn't have well known regular payment specially those works in private?
7. Is there possibility of parents criminally liable because of failed to pay child maintenance? If yes, is it consistent and reliable solution? Is there any other means of enforcement, if yes, please?
8. Whenever gives decision of child maintenance, do you take in to consideration the incomes of the parent and special needs of the child?
9. Is there a chance the age of the child becomes disputable between parents in order to pay child maintenance? If yes, in such case, how the court resolve the problem?
10. If there is problem of execution of child maintenance, what is the possible solution and which organ of the government is responsible?

Thank you for your participation!!

❖ Interview guide

II. Interview questions prepared for the public prosecutors

1. How many cases are brought in this Wereda court in relation to child maintenance in the year 2018/19?men/women
2. What about its extent of enforcement?
3. What type of services do you give for clients who require issues of child maintenance?
4. Is there the problem of execution? If yes, please mention the problems?
5. Is there possibility of parents criminally liable because of failed to pay child maintenance? If yes, is it consistent and reliable solution? Is there any other means of enforcement?
6. If there is problem in the execution of child maintenance what is the possible solution and which organ of the government is responsible?

Thank you for your participation!!

❖ **Interview guide**

III. Interview questions prepared for the police officer

1. How many applicants are come in the police office in relation to child maintenance in the year 2018/19? Men/women
2. Is there the problem of execution of child maintenance? If yes, please mention the problems?
3. What is the extent of the number of applicant in relation to the execution of child maintenance compared with other issues?
4. How the police offices solve the problem of the applicant?
5. If there is problem of execution of child maintenance, what is the possible solution and which organ of the government is responsible?

Thank you for your participation!!

❖ Interview guide

IV. Interview questions for the expert of women, children and youth affairs

1. How many applicants are come in the office in relation to child maintenance in the year 2018/19? Men/women
2. Is there the problem of enforcement of child maintenance? If yes, to what extent in compare with other children related problem?
3. How the offices solve this problem?
4. If there is problem of execution of child maintenance, what is the possible solution and which organ of the government is responsible?

Thank you for your participation!!

❖ **Interview guide**

V. Interview questions for the custodial parent claim child maintenance

1. What type of job does the noncustodial parent do? How much is the monthly salary/ income of him or her?
2. Do you think the non-custodial parent capable of paying the amount of child maintenance decided by the court?
3. Are there problems of child maintenance execution? If yes, please mention the problems?
4. Did the non-custodial parent pays regularly based on court decision? If not, what do you think the reasons?
5. What practical challenges faced to receive child maintenance? If yes, to which organ of the government do you apply to solve this practical challenge?
6. What type of problems do you face to meet the needs of your child?

Thank you for your participation!!

❖ **Interview guide**

VI. Interview questions for experts of the social work expert

1. What kinds of social work services are rendered for children by the office?
2. Does the office give service in relation to enforcement of child maintenance? If yes, please mention them?
3. If it provides service in the execution of child maintenance, how many cases are brought to this office?
4. Are there practical problems that face to execute child maintenance? If yes, what are the problems and the possible solutions identified by this office?

Thank you for your participation!