

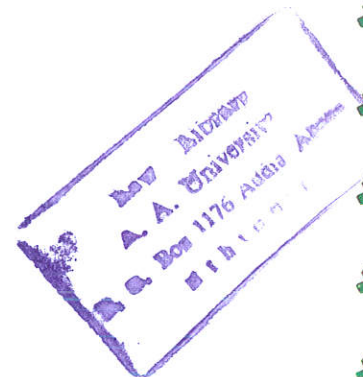


**The Protection of Human Rights of  
Persons with Disabilities in Higher  
Educational Institutions of Ethiopia**

**By  
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**Addis Ababa University  
School of Graduate Studies  
Faculty of Law  
Human Rights Specialization**

**March, 2008.  
Addis Ababa,  
Ethiopia**



# **The Protection of Human Rights of Persons with Disabilities in Higher Educational Institutions of Ethiopia**

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Professor Andreas Eshete**

**A thesis submitted to the School of Graduate  
Studies of Addis Ababa University, Faculty of Law,  
in partial fulfillment of the requirements for the  
Master of Laws, (LLM), for the Human Rights Law  
specialization.**

**Addis Ababa University  
School of Graduate Studies  
Faculty of Law,  
Human Rights Specialization**

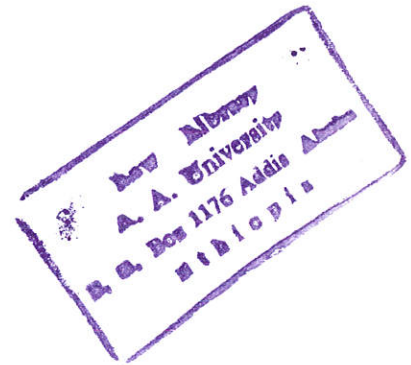
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**Approval Sheet: to be Signed by Advisor and  
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**The Protection of Human Rights of  
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Institutions of Ethiopia**

Prepared By: Eshetu Alene Muluneh,

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Addis Ababa University  
School of Graduate Studies  
Faculty of Law,  
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Addis Ababa,  
Ethiopia

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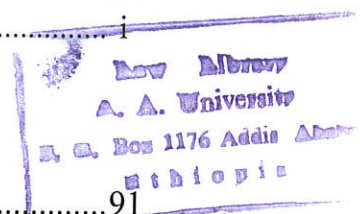
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## Abstract

According to the UN estimation, currently, there are more than 650 million persons with different types of disabilities in the world. And in Ethiopia, it is expected to be more than 10 Million at national level. But, unfortunately, the number of students with disabilities at higher educational institutions is not known. For the fact that persons with disabilities are human beings, they have the fundamental rights that human society deserves. These category of persons do have the right to learn in higher educational institutions. However, the recognition, protection and enforcement of the rights to education of persons with disabilities may vary according to time, place, economy, culture, social, etc development of a given society or country.

Education or learning is considered to be one of the fundamental principles of the Second Generations of Human Rights. It could be considered as the basis for all walks of life for both personal and national development. And when it comes to higher education, it would be the most valuable matter which needs proper protection. This important concept of the protection of general and specific educational human rights of persons with disabilities has somehow been directly or indirectly incorporated in different international, regional, and national legal and policy instruments. Of these instruments, the 1945 UN Charter, the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, different ILO Instruments ,the African Charter on Human and Peoples' Rights, UN Convention on the Rights of Persons with Disabilities, etc are some among others. Ethiopia has ratified and/or adopted most of these different international and regional human rights instruments and included provisions in its constitution on basic rights of persons with disabilities.

In Ethiopia, the rights of citizens to equal access to publicly funded services and the support that shall be given to accommodate the needs of persons with disabilities has been stipulated in the constitution of the Federal Democratic Republic of Ethiopia of 1995. Moreover, the Educational and Training Policy of Ethiopia of 1994 further states that attempt shall be made to enable persons with disabilities learn in accordance to their potential and needs. In addition, the Higher Education Institutions Establishment Proclamation of the Federal Democratic Republic of Ethiopia clearly declares that persons with disabilities shall get special protection and support during their stay in the institutions.

In view of these points, this socio-legal study has attempted to assess and identify the protection of the general and specific educational human rights of students with disabilities in higher educational institutions of Ethiopia. The problems and challenges faced by them in the higher educational institutions are summarized in the following broad areas of focus like: the existence and awareness of legal and policy matters together with their implementation issues, participation in decision making and social conditions, educational issues, matters related with services, accessibility issues, disability-gender based and emotional issues and other general matters which are considered to be important have been mentioned and analyzed in this paper.

To achieve the research, I have used different approaches. Accordingly, about five public and two private higher educational institutions were selected. In order to attain the stated objectives of the study, the doctrinal and non-doctrinal methods of legal research have been employed. The qualitative data have included the primary and secondary information. Again, to collect the quantitative data, questionnaires were developed. These consisted of 3 major divisions and more than 60 items, categorized under 8 issues. From the three category of my respondents, persons with disabilities = 68 out of 100 (68%): Administrative bodies =38 out of 50 (76%): students with no disabilities= 77 out of 100 (77%): the sum total = 183 out of 250 (73%): have given their response. In addition to legislative and documentary materials, interviews with more than 25 concerned bodies, personal case study, direct personal observation, etc have also been held just to supplement the data gathered through the set of questionnaires.

Despite the existence of the aforementioned various international, regional and domestic human rights instruments, the findings of this study for all issues have indicated that almost all of the time there have been observed the non-existence of proper internal laws and policies followed by non observance of the educational human rights of persons with disabilities in the sample higher learning institutions. This intern has contributed for the non observance of the other human rights of persons with disabilities.

Because, in most cases, persons with disabilities are not given equal opportunities to participate in decision making and social matters neither they have special body to facilitate their demands. Also, as regards the issue of accessibility of built environment and facilities, the layout of the most higher educational institutions do not suit to the special needs of students with disabilities.

It has again been highlighted that there are very serious shortage of educational materials and equipment in the sample higher institutions. Additionally, financial support and assistance, guidance and counseling , proper library services are almost all nonexistent. Besides, it seems that there are no effective interaction between the students with disabilities and students with no disabilities in the sample higher learning institutions. The majority of students with disabilities express that they are hardly psychologically treated by their instructors, friends and others.

So, by now, it is hardly possible to say that there is protection of human rights of persons with disabilities in most higher educational institutions of Ethiopia. This could be said that the educational human rights recognized by the constitution, the Proclamation, etc have not yet been implemented as much as it deserves. Thus, in general, based on the findings and discussions made, the researcher has given his different suggestions like, strengthen the proper participation of persons with disabilities, facilitate the awareness of right holders and the duty bearers; promote possible intervention from the side of policy and law makers, enforcing bodies, interpreters; the society etc; at national level. These could be helpful to solve the problems of persons with disabilities and protect their human rights in different higher learning institutions of Ethiopia.

***PROTECT ALL HUMAN RIGHTS  
AND THE RIGHT TO  
EDUCATION FOR ALL!!!***

# ***CHAPTER ONE***

## ***GENERAL***

### ***INTRODUCTION OF THE THESIS***

# Chapter One

## 1. General Introduction of the Thesis

### 1.1. Background to Study the Problem

As it has been discussed under chapter 2.3 of this paper, there are many persons with different types of disabilities at national, regional and global levels. For the fact that persons with disabilities are human beings they have the fundamental rights that all natural persons deserve. One of the fundamental human rights of persons with disabilities is the right to education. Persons with disabilities do have the right to learn as much as their potential allows them. Some of these persons join higher educational institutions of any level. Education or learning is considered to be one of the fundamental principles of the “Second generations of human rights”. It could be considered as the basis for all walks of life for both personal and national development. And when it comes to higher education, it would be the most valuable matter which needs proper protection.

This important concept of the protection of human rights of persons with disabilities has somehow been directly or indirectly incorporated in different international, regional, and national legal and policy instruments. Of these instruments, the 1945 UN Charter, the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, different ILO Instruments, the African Charter on Human and Peoples’ Rights, UN Convention on the Rights of Persons with Disabilities, etc. Ethiopia has ratified and/or adopted most of these different international and regional human rights instruments and included provisions in its constitution on basic rights of persons with disabilities. In Ethiopia, the rights of citizens to equal access to publicly funded services and the support that shall be given to accommodate the needs of persons with disabilities has been stipulated in the constitution of the Federal Democratic Republic of Ethiopia of 1995. Moreover, the Educational and Training Policy of Ethiopia of 1994 further states that attempt shall be made to enable persons with disabilities learn in accordance to their potential and needs. In addition, the Higher Education Institutions Establishment Proclamation of the Federal Democratic Republic of Ethiopia clearly declares that persons with disabilities shall get special protection and support during their stay in the institutions.

As it has been discussed under chapters four and five of this paper, today, it is not uncommon to hear and read complaints from persons with disabilities and other groups that most of the rights of persons with disabilities in higher educational institutions are not still recognized and protected as much as it deserves. The rights of persons with disabilities can be found in both general and specific legal instruments at international, regional, national and institutional levels. Various policies, laws and other literatures indicate that the rights may be directly or indirectly associated with the human society. The recognition and protection of the rights of persons with disabilities could be independently or dependently treated for the benefits of human beings. However, the recognition, protection and enforcement of the rights of persons with disabilities may vary according to time, place, economy, culture, social and the like development of a given society or country. These and other background situations have led me to conduct a research on the issue.

## **1.2. Objectives of the Study**

This study has the objective to investigate the legal, some of socio-economic aspects and causes that contribute for the respect or abuse of the rights of persons with disabilities in general and the existence of different problems in higher educational institutions of Ethiopia in particular. When doing this, the researcher has tried to consider the following general and specific objectives.

### **1.2.1. General Objectives of the Study**

The general objectives of the study are to investigate legal, policy, social, economic and other factors that bring problems on persons with disabilities in higher education; and see the roles played and to be played by the law and institutions established by law in combating the problems of persons with disabilities in some selected higher educational institutions of Ethiopia.

### **1.2.2. Specific Objectives of the Study**

Specifically the study attempts to:

1. Assess those different rights, which exist in law/policy and identify different rights of persons with disabilities in higher education;
2. Identify the different needs and supports that should be and are being given to persons with disabilities in higher education;
3. Examine the factors that contribute to the increment and decrement of the problems of persons with disabilities in higher educational institutions.;

4. Evaluate the adequacy of laws and institutions and assess the implementation of legislations made so far to address the problems of persons with disabilities in higher education;
5. Assess the enforcement mechanisms; and come up with suggestions or recommendations that may contribute to combating the problems of persons with disabilities in higher education.

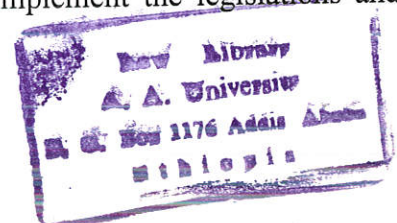
### **1.3. Statements of the Problem**

It is common to hear and read that almost all higher educational institutions of Ethiopia do not have proper and fixed rules and regulations to handle the special needs of persons with disabilities. Also the ministry of education and different higher educational institutions of Ethiopia do not have any standing policy, rules and regulations on admission of students with disabilities at any level and program of learning. Even, at the point of entry and within the institutions, there is no well-developed mechanism of need identification and record keeping about different types of disability profiles as well as there is no conducive atmosphere to make required research to alleviate the existing multidimensional problems and provide them with their specific needs depending on the type and degree of disabilities or level of education or gender status.

Consequently, the rights of persons with disabilities are said to be subjected to abuse; statistics of the students with disabilities at the higher learning institutions has always been fragmented and incomplete. This creates huge problem to formulate budget and the mechanism of distribution of support/benefits according to the needs of students/persons with disabilities. For this and other factors, persons with different types of disabilities have never been beneficiaries of any form of meaningful assistance as it has been provided for under different legal and policy instruments. However, studies unveil that there are persons with severe visual impairment, motor disorders, hearing impairment and other forms of hidden disabilities that are in need of special protection and assistance in the higher educational institutions of Ethiopia. Hence, generally the problems faced by persons with disabilities in higher educational institutions may be highlighted as:

#### **1.3.1. Lack of Fixed Laws, Rules, Regulations and Policies:**

Although the Proclamation and the Education Policy require to have detailed institutional by-laws, policies, rules and regulations, the respective organs to implement the legislations and



policies are not in line with the required elements. Accordingly, the practice indicates that, the Ministry of Education does not have clearly stated and fixed rules or policies to protect the rights of persons with disabilities at the time of placement or to govern the specific problems of students with disabilities at national level. Not only the Ministry, but also almost all institutions do not have clear and fixed laws, policies, strategies, rules, regulations etc to accommodate the needs and the rights of students with disabilities with in the institutions. The fates of the rights of these categories of persons are usually subjected to the wills and wishes of individuals or groups of persons who are officials of the day or others.

### **1.3.2. Inaccessibility/Architectural Issues:**

which may include accessibility of roads, buildings (dormitories, beds, dining halls, classrooms, libraries, recreation centers etc), facilities (wash rooms, computers, play grounds, public phones, elevators etc.) and path ways (physical barriers, improper up and down stairs, holes etc.)

### **1.3.3. Educational Issues:**

which may include attitudinal barriers (instructors bias and inconsiderateness), shortages of time for (exam to write assignment, paper), lack of instructional materials (Braille talking books, large prints, lenses, readers, hearing aids, sign language, interpreters etc), lack of inclusiveness and flexibility in the curriculum, teaching methodology, type, place and duration of examination as well as lack of readers during exam time. Also, the choice of persons with disabilities to study different fields has been highly limited to few departments and most are closed to them and placement or admission depends on the good faith of persons of the respective departments and their respective administration.

### **1.3.4. Gender Based and Psychosocial Issues:**

This may include discrimination of participation in decision making and social matters, sexual discrimination, violence, feelings of rejection, loneliness, poor interpersonal interaction with non-disabled persons and at times depression. Furthermore, anxiety and worries of employment after graduation are frequently observed behaviors among students with disabilities for there is no assistance by the institutions to get employment opportunities.

### **1.3.5. Economic Support Service Issues:**

Which is the need for financial assistance to cover expenses such as payment for those who assist them in reading, taking notes, washing clothes and other services, purchasing assistive devices or equipment as well as for medication? They have also a need for a place to stay during the summer vacation as most of them come from boarding institutions or low-income family or society. These are a few among many to be the main causes for the high attrition rate of persons with disabilities in different higher educational institutions in Ethiopia.

In general, disregarding the educational rights of persons with disabilities is not only morally unacceptable, illegal and an affront to human dignity; it is also extremely poor economic analysis. It retards the development of human resources, reduces lifetime earnings of the individual, and lowers the level of productivity and economic growth for the society at large. If persons with disabilities are not equally treated with others in higher education, this tends to have social and economic inequalities and limits their prospects for upward mobility of development of any individual or society. So, to ensure the observance of the rights of persons with disabilities enshrined in the FDRE Constitution, other national policies, legislations and international and regional agreements to which Ethiopia is a party and have been ratified, it has been found necessary to make research and give recommendation on the above mentioned statements of problems which shall have multidimensional roles.

### **1.4. Questions to be Addressed in the Research**

The researcher tries to investigate practically envisaged problems of persons with disabilities in higher educational institutions of Ethiopia and give recommendation through the following legal, policy and practical research questions in the field of human rights.

1. Are there clear laws and policies and are they known by concerned bodies to protect the human rights of persons with disabilities?
2. What are the different rights of persons with disabilities in general and in higher educational institutions of Ethiopia in particular?
3. What are the problems to enjoy these rights and the possible solutions?
4. What are the tasks being performed by institutions and Are there coordinated efforts between or among concerned bodies to combat the problems of persons with disabilities in higher education?

5. What are the roles of Government (s), institutions, groups, individuals, contributions of persons with disabilities... to combat the problem?
6. Who could have vested interest or standing when remedy is sought and what are the enforcement mechanisms of the rights of persons with disabilities ? ...These and other relevant issues have been raised and discussed to the extent possible.

## **1.5. Methods of the Research**

In this research, a combination of qualitative and quantitative or the doctrinal and non-doctrinal legal research methods have been used to study the causes and effects of the problems of persons with disabilities and the legal as well as institutional efforts towards the educational rights of persons with disabilities.

### **1.5.1. Legal, Documentary and Literature Reviews:**

Different Literatures have been reviewed to fulfill the research.(Documentary materials) Legislations, Conventions, Declarations, books, journals, monographs, policies, plans, strategies, unpublished materials (files, judgments, archives, reports and survey materials) released by different organs have been collected, relevant points selected and analyzed . Also, electronic and print media and the like have been used to get the relevant information about the subject matter under discussion.

### **1.5.2. Interviews:**

Interviews have been held to identify efforts so far made to combat the problems of persons with disabilities in higher education through: both personal in-depth and semi-structured methods. Interview has been conducted with the following categories of persons and institutions:

1. Randomly selected informants from among persons with disabilities have been interviewed to understand their personal histories, the problems of persons with disabilities in higher education and socio-economic and educational needs of these group of persons;
2. Interview with selected persons with non- disabilities has been conducted to get information as to the problems and how to tackle the problems of persons with disabilities in higher education;

3. Certain administrative bodies of higher educational institutions, parents or guardians/tutors of persons with disabilities who are learning in higher education have been approached to get information how to combat the problems of persons with disabilities in higher education;
4. Also, in this research, some of those concerned Governmental and Non-governmental organizations working in the area have already been approached to understand what activities are being done to protect the rights of persons with disabilities in higher education.
5. The specialized and concerned government agents in the protection and implementation of the rights of persons with disabilities in higher education have also been interviewed to gather information as to what efforts are being carried out to alleviate the problems of persons with disabilities;

### **1.5.3. Personal Case Histories:**

Personal case histories of the study group have also been taken and recorded to understand educational and the socio-economic conditions of persons with disabilities in higher education. Tape recording and direct personal observation were additional techniques of data gathering to understand the extent of the problems of the protections of persons with disabilities in higher education.

### **1.5.4. Questionnaires:**

In this research, questionnaires have been used to get information related to the protection of human rights of persons with disabilities, the existing problems and recommendable solutions for problems of persons with disabilities in higher education. In this paper, both open ended and closed types of questionnaires have been used to gather data from concerned bodies.

My questionnaires and their respective parts were designed to include issues like: general guide to fill the questionnaires, legal and policy matters, participation in decision making and social matters, educational conditions, service rendering issues, accessibility conditions, general comments on the problems and their would be solutions, ... which may help to alleviate human right based violations/problems.

As a guideline of sample selection, my research has included and considered the following five public and two private higher educational institutions in Ethiopia. During my data collection techniques from the public institutions; (Mekelle University, Jima University, Bahir Dar University, Debu University, and Addis Ababa University) and two private higher educational institutions which are found in Addis Ababa like St. Mary University College and Royal University College were the targets of random sampling.

The questionnaire has been designed in to three main divisions namely: questionnaire one for students with disabilities, questionnaire two for administrative bodies and questionnaire three for students with no disabilities. Accordingly, I have tried my best to collect information by distributing the questionnaires for the respective types of disabilities, sex, departments, programs or levels and year of educational status, position ... of individuals.

For all the above mentioned three types of questionnaires, a total of 250 respondents were randomly selected with the following proportions: 100 students with disabilities, 50 administrative bodies, and 100 students with no disabilities. The research sample size was systematically selected and proportionally distributed with the consideration of the size of the population of any institution; it was proportionally allocated to the above selected higher educational institutions as it has been shown in the table below.

**Table to Show the Rate of my Questionnaire distribution**

S/N	Institutions	Number of Respondents			Remark
		Q.1 With disabilities	Q.2 Administrative Bodies	Q.3 With no disabilities	
1	Addis Ababa University	50	20	40	
2	Bahir Dar University	10	5	10	
3	Debu University	10	5	10	
4	Jima University	10	5	10	
5	Mekelle University	10	5	10	
6	Royal Univ. Col.	5	5	10	
7	St. Mary Univ. Col.	5	5	10	
	Total	100	50	100	250

I have attached all the three questionnaires and their guide with this paper,(see Annex 2).

The questionnaires consisted 3 major divisions and 60 items, categorized under 8 issues. Interviews with the concerned bodies have been held just to supplement the data gathered through the set of questionnaires. The data obtained through the questionnaires was processed by SPSS and analyzed using number of respondents, percentage, and total value in the form of tables and graphs; while the data collected through interview and open-ended questions were analyzed and presented qualitatively in a descriptive manner. The focus has been observing the various educational human rights aspects such as the existence of proper laws and policies, accessibility of the environment, participation in decision making and social matters, obtaining financial assistance, using libraries and educational materials or equipment, and other general educational services given to students with disabilities.

#### **1.5.5. Direct Personal Observation and Discussion:**

The other method of data gathering which has been employed is direct personal observation and different kinds of discussions with the relevant bodies of some of the institutions. This was the most valuable method by which the researcher was able to see the accessibility of some buildings; gather information about the service rendering, teaching and learning environment of persons with disabilities in the target area of higher educational institutions of Ethiopia mentioned above.

#### **1.6. Scope of the Study**

The researcher has tried to see all types of disabilities provided that the type of disabilities are found connected with the educational rights of persons with disabilities in higher education. The Scope of the thesis has covered the issues related with the educational and other rights of persons with disabilities in the selected higher learning institutions of Ethiopia.

Although the definition of the term “Higher Education” covers many institutions, the researcher has already only focused on those public institutions which admit persons with disabilities to teach in their campus and some other private ones. Moreover, the study has been conducted in the learning higher institutions including colleges, university colleges and universities which are government and privately owned. The study has covered institutions like Mekele University, Bahir Dar University, Jimma University, Debu University, and different higher educational institutions found in Addis Ababa.

Endeavor has also been made to show the existence of educational rights of persons with disabilities at the international, regional, national and institutional levels. The research has included the experiences of some other countries which have given better opportunities for persons with disabilities in their higher educational levels for it helps for the future betterment of the rights of persons with disabilities in the higher educational institutions of Ethiopia.

### **1.7. Significance of the Study**

The research is considered to have its own significance. Among others:

**Firstly**, it helps to show the location of the rights of persons with disabilities; identify the direct /indirect beneficiaries of rights and duty bearers; to list out the universal or group or particular right holders and duty bearers; to promote the knowledge about the subjects, objects and addressing of the rights of persons with disabilities in higher educational institutions of Ethiopia.

**Secondly**, it could enable to find the possible ways of gating remedy and the capacity to have the right to standing before decision making organs.

**Thirdly**, it is hoped to contribute as a case material for further study in the subject under consideration and make laws or frame policies to alleviate such problems.

**Fourthly**, as the thesis is not only intended to work on the tip of the problem rather to see the root causes as well (that is from the point where the problem springs) it is believed to initiate people studying law to worry and make research for such problems that they observe in the teaching and learning environment in higher education and bring solution for the given general and specific problems.

**Fifthly**, as the research is intended to show the whole line from cause to legal and extralegal remedies, it hopefully shows the magnitude of the problem, the systems designed to combat the problem and the lacuna where it fails. By this, lawyers, non-lawyers, instructors, students, the legislature, the executive and the judiciary will be able to get additional resource material to exercise their respective duties and responsibilities.

**Last but not the least**, the researcher has tried to suggest/recommend the mechanisms to solve the problems of persons with disabilities by setting up special body/center and formulate specific by-laws and policies in higher educational institutions of Ethiopia.

Therefore, in general, this research would hopefully initiate possible intervention from the side of law makers both at the Federal and Regional States levels, policy makers as well as society and other organs interested in the area like non-governmental organizations for the protection of the rights of persons with disabilities in higher educational institutions of Ethiopia.

## **1.8. Limitations and Challenges of the Study**

The researcher/writer of this paper has faced a number of limitations and challenges. It is very relevant to mention some of the problems which I faced when conducting this research.

**1.8.1. With regard to limitations,** although every research has its own limitation or limitations, it is hardly possible to state the entire list of elements which may be mentioned as limitation or limitations of this paper. Making any research or study requires honesty. When you try to make your research through the quantitative method, it has its own limitation for there is the gap of awareness between the researcher and the information target groups to the extent of missing the required points.

Moreover, although it is essential to get different sources which serve as secondary qualitative or quantitative data, the university especially the faculty has not made the provision of reading materials, reading rooms, internet service, etc conducive and accessible to me. Because, for instance, master's thesis which have been prepared and submitted by previous post graduate students have not been shelved; the law library has not reserved place and proper access to web sites; shortage of financial provision to cover the existing cost inflation; the wide range of points of this paper have not been covered for there is page limitation. These and other issues could be mentioned as limitations.

**1.8.2. As regards the challenges,** this researcher has faced:

1. Surprisingly enough, in addition to the repeated attack of Viruses on my research paper files, my personal Laptop Computer was stolen with the entire first final draft of my thesis. Although I lost my property and the draft of my master's thesis at the eleventh hour of the Deadline of the Faculty, I have tried to cope up with the great effort of myself and assistance of my friends.
2. I have seen some conditions unbelievable for readers of this paper. When distributing and collecting questionnaires for and from the concerned and respective bodies, there was great challenge. In principle, the intellectual communities of the higher learning institutions are



supposed to make research on such problems and find solutions for the identified problems by them selves and/or by assisting others. But, to the contrary, higher officials intentionally or negligently were against this principle.

Because, some were unwilling to give me badly needed document and information, while some others were sending me the questionnaire back with out filling the questions therein. This was seen especially from most of the highest Administrative Bodies of the A.A.U main campus (which is to be the supposed and expected exemplary learning institution of the country).

But, despite the existence of these and other such burdensome limitations and challenges, I have finished or completed the research. However, the direct or the indirect reflections of such limitations and challenges may be envisaged when reading the part or entire part of this thesis.

## **1.9. Organization of the Thesis**

This thesis has got six main chapters. The summary of each chapter and section has been indicated as follows.

**1.9.1. Chapter one:** (the current chapter of this paper) is an introductory part of the thesis and it deals with background to the problem, objectives of the research, statement of the problem, the research questions, the methodology, the scope, significance, challenges and limitations of the research, the structure of the paper, my invitation of the readers....

**1.9.2. Chapter Two of this paper:** has been allocated to deal with the conceptual frameworks including definitions and descriptions of the term disability and the related concepts. It also discusses notions related with scope, type, nature, extent, causes and consequences of disabilities. Besides, concepts like human rights and duties, higher education, human rights protection, the issue of remedy, have been described for they have got their major place in the title of this paper.

**1.9.3. Chapter three:** has been reserved to deal with identifying the existing international, regional and national legal and policy frameworks to recognize and combat the problems of persons with disabilities in general and to protect human rights of persons with disabilities in Ethiopia in particular. It also tries to show the efforts which other countries are making to protect the rights of persons with disabilities in the field of education.

**1.9.4. Chapter Four:** has contained different issues related with the legal and policy matters of international, national and the like aspects of the specific protection of human rights of persons with disabilities related with the educational context. More over, concepts related to the issue of affirmative action in higher education have been included in this chapter of the paper.

**1.9.5. Chapter Five, (the main body of this research):** has been devoted and tried to interpret and analyze the practical situations of the human rights of persons with disabilities in the higher educational institutions of Ethiopia and findings of the study in light with the existing legal and policy instruments of international and national aspects. It has been dealt with in several topics related with the main title of the thesis or the research. It contains the major topics like legal and policy issues, participation in decision making and social matters, educational situations, issues related with services, accessibility conditions, gender based and emotional problems, general and other related matters, ....

**1.9.6. Chapter Six:** the final chapter is reserved for Conclusions and Recommendations. The entire chapters and their sections or sub-sections have been concluded under this part of the paper. The fully summarized part of my paper has also been followed by a part that provides recommendations which could be helpful to solve the identified problems or challenges for the full protection of human rights of persons with disabilities in the higher educational institutions of Ethiopia. The writer has also included some of the future potential research topics in the last pages of the thesis.

**1.9.7. The final part of this research paper:** also contains the different elements like end notes, references, relevant annexes, at the end of the pages.

## **1.10. Invitation**

Finally, having in mind all the above mentioned efforts, successes and drawbacks of the research work, the researcher invites his readers to positively associate this work with all the purposes of the contribution of the protection of human rights of persons with disabilities in higher educational institutions of Ethiopia.

Because, this research has its own significance for it tries to briefly present a situational analysis of persons with disabilities in higher educational institutions, and suggest possible matters related with the rights of persons with disabilities in the legal, social, economical, institutional and educational context. It also tries to enhance the interests or rights of persons with disabilities

by creating an inclusive psychosocial and optimal learning environment supported by laws, rules and regulations of the concerned bodies. And, the researcher has given some recommendations whereby there might be solutions to solve or minimize the existing different problems of persons with disabilities at various selected higher educational institutions of Ethiopia.

In general, to achieve the required development of the country, it is the demand of the day to give attention to the issue of assistance and affirmative action in the area of higher education for persons with disabilities by modifying the legislations, policies, attitudes, administration of the higher educational system and implement them as much as possible to see the better world of the future at large. This is also related to the millennium development goals at national, regional and international levels. For the detailed points of the research, I kindly invite you to read the next chapters and their sections and sub-sections and tackle the educational challenges on human rights of students with disabilities.

# Chapter Two

## **2. Conceptual Definitions and Descriptions of Terms**

### **2.1. General**

In order to obtain a clear idea of what the paper is all about it might be important to begin with the definitions and descriptions of the different concepts that may be found in this paper in the first place. The issue not to be forgotten however is that mere definitions are usually dangerous and may lead us to the wrong line of thinking for definitions do not have universal application to each concept. So, for the purposes of my discussion, I shall take the following definitions and descriptions of the different key terms and their concepts in this paper. Different terms related to disability, human rights and duties, protection, higher education ... may be defined and described for they have direct and indirect connection with the thesis.

### **2.2. The Term 'Disability'**

It is believed that ways of expressions, descriptions and definitions have direct and sensitive influence on the life of persons with disabilities. Moreover, the society in which persons with disabilities are living with attaches different connotations to terms and definitions and either accepts or rejects matters related to persons with disabilities. So, before any discussion about the rights of persons with disabilities in any of the life of society takes place, it is essential to know in what terms persons with disabilities are defined or described. In addition to this, one must look in to the different aspects of the terminologies used by the society to distinguish persons with disabilities from other persons with no disabilities.

#### **2.2.1. Dictionary Definitions and Descriptions**

The Longman dictionary defines the term disability by saying "... to make (a person) unable to use his body properly".<sup>1</sup> From this expression, one can understand only bodily disability of a person has been mentioned but not mentally disabled ones, i.e. for this dictionary, persons are said disabled if they only lose their physical capacity. In addition to the above definition the definition given to the word 'disability' in Webster's Third New International Dictionary can be summarized as

...1(a) inability to do something b (1): the condition of being disabled deprivation or lack especially of physical, intellectual or emotional capacity or fitness; also: an instance of such a condition: a particular weakness or inadequacy... (2) The inability to pursue an occupation or perform service for wages because of physical or mental impairment... (4) : a physical or mental illness, injury, or condition that incapacitates any way...(5) a material object or condition that hinders, impedes or incapacitates : handicaps...2a : Lack of legal qualification to do a thing : legal incapacity , incompetence, or disqualification b(1) : a non legal disqualification, restriction, or discrimination. <sup>2</sup>

This definition has been used to describe the most enumerated and extended approach of the term. In the above dictionary meanings, one can get causes, effects, types, scopes etc of the concept disability. From this, we can construe the Idea that disability is not a narrow concept but it has a wider range of applications and connotations for the purposes of the protection of the rights of persons with disabilities in higher education.

### **2.2.2. Legal Definitions and Descriptions**

Here again, it is possible to analyze the dictionary meanings of the word disability in line with some legal or other definitions and descriptions of the word or the concept. These sorts of definitions and descriptions are selected to show the situation at the international and national levels.

#### **2.2.2.1. International Definitions and Descriptions**

As regards, the legal definitions of ' disability', the most appropriate and recent definition of the day is the idea that has been incorporated in the convention of the rights of persons with disabilities which has been adopted on 13 December,2006 by the General Assembly of the United Nations. The instrument defines the term ' Disability' as:

... The term persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. <sup>3</sup>

The instrument is meant to achieve its purpose of promotion, protection and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. To promote and respect their inherent dignity, it has firstly defined as to what kinds of persons are included in the term ' persons with disabilities.

...1(a) inability to do something b (1): the condition of being disabled deprivation or lack especially of physical, intellectual or emotional capacity or fitness; also: an instance of such a condition: a particular weakness or inadequacy... (2) The inability to pursue an occupation or perform service for wages because of physical or mental impairment... (4) : a physical or mental illness, injury, or condition that incapacitates any way...(5) a material object or condition that hinders, impedes or incapacitates : handicaps...2a : Lack of legal qualification to do a thing : legal incapacity , incompetence, or disqualification b(1) : a non legal disqualification, restriction, or discrimination. <sup>2</sup>

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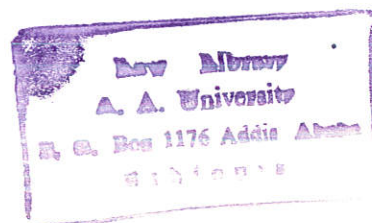
The term is used to apply to all persons with disabilities including those who in terms of time duration have long-term physical, mental, intellectual or sensory impairments in interaction with various attitudinal and environmental barriers, hinders their full and effective participation in society on an equal basis with others. It is also important to note that a person with disabilities may be regarded as a person with a disability in one society or setting, but not in another, depending on the role that the person is assumed to take in his or her community. The perception and reality of disability also depends on the technologies, assistance and services available, as well as on cultural considerations. In general, though the convention has not been ratified by many States for various reasons, it has its own purposive and positive impact to have internationally, recognized definitions and descriptions of the concept of disabilities.

### **2.2.2.2. Domestic Definitions and Descriptions**

I have examined the different approaches of defining and describing "disability" as employed under international and other documents. I may now, therefore, compare the definition of "a person with disability" as established by the Ethiopian legislator with the previous definitions and descriptions. The two important legal documents in defining "a person with disability" are the Rehabilitation Agency for the 'Disabled' Order 70/1971 and the Rights of 'Disabled' persons to Employment proclamation No.101/1994. The Rehabilitation Agency for the 'Disabled' Order 70/1971 defines "a person with disability" to mean: "...Any person who, because of limitations of normal physical or mental health, is unable to earn his livelihood and does not have anyone to support him; and shall include any person who is unable to earn his livelihood because of young or old age."<sup>4</sup>

This definition is so purposive that it incorporates matters which are not within the scope of disability. The definition mentions "...limitations of normal physical or mental health" as precondition to classify an individual as 'a disable person'. However, the Rehabilitation Agency defines a person with disability for the purpose of rendering assistance rather than establishing rights and obligations by coming up with a clearer and more appropriate definition and description.

The other legal instrument, which has come up with the definition and description of 'disability', is the Rights of "Disabled Persons" Employment Proclamation No. 101/1994 of Ethiopia. The proclamation defines a person with disability to mean: "... A person who is unable to see, hear,



or speak or suffering from injuries to his limb or from mental retardation, due to natural or man-made causes; however, that the term does not include persons who are alcoholics, drug addicts, and those with psychological problems due to socially deviant behavior.”<sup>5</sup>

The definition seems to have a limited number of cases that may be included under ‘disability’. A person who is unable to see, hear or speak or suffering from injuries to limit him from some activities including cases of disability such as emotional illness or specific learning difficulties. This instrument has also excluded elements related with persons who are alcoholics, drug addicts, and those with psychological problems due to socially deviant behavior in the society. The Ethiopian definition of a person with disability under the proclamation can also be seen in light of the definitions and descriptions of “a person with disability” established by the ILO Convention No. 159 (1983). The Convention defines a person with disability to mean: “a person whose employment capacities are substantially reduced as a result of a duly recognized physical or mental impairment.”<sup>6</sup>

We can see that the convention is allowing any physical or mental impairment that substantially reduced one's prospects of securing, retaining, and advancing in suitable employment, while the Ethiopian definition of " a person with disability " in its list of cases of disabilities such as " ...unable to see, hear, or speak or suffering from injuries to his limbs or mental retardation ..." gives no room for cases of disabilities other than those listed above. It should not be forgotten that the instruments have purposes of the rights to employment and issues related with employment affairs.

### **2.2.3. Use of Specific Disability Definitions or Descriptions**

So far, it has been tried to analyze definitions which cover persons with disabilities in general terms. Definitions and descriptions with specific nature of problems give emphasis to taking into account the problems in life activities faced by those very people’s employability, educability necessity of social security, general service and the like. Most of these types of definitions focus on special problems of thinking, hearing, visual impairment, talking, walking, catching or breathing or any special physical, mental and other anatomical problems associated with individuals.

For instance the meaning of the word "blind" may be stated as lacking the sense of sight by natural defect or by deprivation, not having an eye or having an eye that does not see objects and/or light.<sup>7</sup> Similarly, "visual impairment is the consequence of a functional loss of vision, rather than the eye disorder itself. Eye disorders which can lead to visual impairments can include retinal degeneration, albinism, cataracts, glaucoma, muscular problems that result in visual disturbances ...". As to the evaluation of degree of vision, the American Medical Association attempts to provide a standardized, objective approach to evaluating medical impairments. "It provides criteria for evaluating permanent impairment of the visual system as it affects an individual's ability to perform activities of daily living."<sup>8</sup>

Similarly, the term visual impairment is used to describe anyone who is blind or partially sighted, as opposed to short or long-sighted. If you are visually impaired you will have some loss or distortion of your vision. Depending on how severe the sight loss is, the conditions are usually known as partial sightedness or blindness. Each can have its description as follows.

1. **Partial Sightedness** - is related to a person who is partially sighted, or has severe low vision, has a serious loss of sight but is not blind. This has been defined by the World Health Organization as a person who cannot clearly see how many fingers are being held up at a distance of 6 meters or less (even when wearing glasses or lenses). Also,
2. **Blindness** - is the term that stands to a person who is blind and has severe sight loss and is unable to see clearly how many fingers are being held up at a distance of three meters or less (even when wearing glasses or lenses). However, they may still have some degree of vision.<sup>9</sup>

The above mentioned concepts reveal that the issue of disability related with blindness is complicated. Questions about the impact of blindness are very deep. Assessing a person's visual functioning is often not at all like assessing a person's muscle function. Many factors affect visual functioning. But the impact of blindness is also about much more than visual functioning. The physical impact of blindness can pose a number of challenges socially, and often people who are blind or visually impaired feel the impact of these problems more deeply than they feel the physical impact of their limitations.

Generally, disability affects a person in many ways. It affects the way a person learns about, understands, and moves about in the environment (orientation and mobility); the way he/she accesses information and communicates his/her ideas; social relationships; accomplishment of daily tasks; perceptions of others about the person with disability; and even the person's perceptions of himself/herself. It is necessary to adjust special conditions for persons with

disabilities. For instance, to adjust life, visually impaired persons most frequently use Braille, white cane to move, jaws software to operate computers... Braille is great method of writing and reading; it is useful instrument of learning for the blind. From this idea, we can get certain applicability of special definitions for persons particularly related with visual impairment and this in turn gives rise to visual disability. In addition to this, the definitions tell us that these sorts of persons differ from the other groups of persons with disabilities in that they require other methods involving no sight.

Hence, it can be said that this sort of special definition for a single type of disability may not be applied for the other categories of persons with disabilities, i.e., we can not use the term 'blind' for a person whose ears are not properly functioning. A person who is with one or more disabilities may not lose all of his capacity but he loses either mental or physical capacity to perform activities, unless he is with no life or dead. This argument can be strengthened by the deeds of the famous Helen Keller, who contributed a lot to our world irrespective of her double disability factors.

#### **2.2.4. Descriptions of Other Terms Related with Disabilities**

Various articles, literatures, legal texts and the like use different terms to connote 'disability'. The terms like abnormality, impairment, impediment, poor physique, handicap, unfitness, defective etc are the words or phrases which people use in their day to day communication or written materials or legal texts etc. Some of these terms may express the same idea while others differ one from the other depending on their nature and scope of applications.

Different documents may contain different scopes of application on the definitions of disability either because of policy considerations or owing to the ideas enshrined in the specific legislative measures. People get confused in using different terms like impairment, handicapped, disability, unfitness, abnormality and the like. Very often, people tend to use the different terms to say the same thing in the place of one to the other despite the fact that the terms have practical and technical differences, in their strict sense to protect human rights.

For instance, WHO has put the distinctions in the context of health experience between/among 'impairment, handicap and disability' depending on its purpose of establishment. Thus, the World Program of Action Resolution has defined the term impairment to mean "...Any loss or

### **2.3. Types, Magnitude, Effects and Scope of Disability**

As regards the magnitude of disability, presently, it is said that there are about 650,000,000 persons with disabilities at global level.<sup>15</sup> Also, at the national level, in Ethiopia, it is estimated that there are about 12.5 persons with disabilities. Persons with disabilities comprise 10 % of all population worldwide. The largest numbers of persons with disabilities are found in the third world countries for there are no enough facilities to take preventive and curative methods. Ethiopia, being a country which is under developed, is also said to have many persons with disabilities. Many of them live in rural and semi-urban towns of Ethiopia.<sup>16</sup>

According to the census taken a decade ago, the incidence of mental and physical disabilities occurred was higher in countries with early stages of economic development than was found in the industrialized part of the world. About 80% of disabilities world wide were found in developing countries who due to lack of resources were unable to provide access to health rehabilitation and inhabitation services etc.<sup>17</sup> It is also said that the condition prevalent in Ethiopia is more tragic and grave. In a research conducted in Ethiopia the rate of persons with disabilities amounts to 2.95% of the total population. The study further reveals that the percentage of specific types of disabilities is as follows. "...of all the percents with disabilities in Ethiopia, 44.2% are females, whereas the remaining 55.8% are males. Most of Ethiopians with disabilities 56.9% to be more specific are children, young people or middle-aged9%..."<sup>18</sup>

The other area of discussion is type of disability. In a broader manner, types of disabilities may be categorized as a physical or mental disability. Those matters which are related with the physical problems may be cited as problems of hearing, seeing, walking, speaking, catching, touching and the like. Also, the other type of disability is mental abnormality which in turn is classified as mad, mental retardations, senility, and insanity. All of these latter problems focus on the abnormality of thinking apparatus.

Moreover, it is very essential to deal with the scope of disability factors in order to know the effects of disability. So, as regards scope, all types of disabilities may have partial or total application in their nature, i.e., one may have the degree of impairment or disability from 0 to 100% range of abnormality in a given disability factor. In addition, this situation may hamper the

life of the individual in a disability factor either partly or totally in his/her social interaction with in the environment he/she lives with.

Finally, an individual may face one or more types of disability which in turn affects his life activity and the scope of his or her disability. As it is known there are different vulnerable groups of persons with in a given society. Some of these are children, woman and the like. If we associate this group of persons with one or more types of disability, the disability factor may be more and more in its scope of effect. Because being a child or woman requires special needs and if disability is associated with these kinds of persons the right they claim from the given society may increase in its type , scope or range for their theoretically and practically being marginal persons with in the society becomes more and more wide. Even the width of the rights and duties increases if we associate the case with minority groups in the area of education.

## **2.4. Concepts of Human Rights and Duties**

### **2.4.1. Definitions and Descriptions of Human Rights**

Human rights, as have been discussed in the next two chapters in detail, are those rights that belong to every individual - man or woman, girl or boy, infant or elder - simply because she or he is a human being. They embody the basic standards without which people cannot realize their inherent human dignity.<sup>19</sup> Human rights are universal: they are the birthright of every member of the human family. No one has to earn or deserve human rights. These rights are inalienable: you cannot lose these rights any more than you can cease to be a human being. Human rights are indivisible: you cannot be denied a right because someone decides that it is "less important" or "non-essential". Human rights are interdependent: all human rights are part of a complementary framework. Human rights are both abstract and practical. They hold up the inspiring vision of a free, justice and peaceful world and set minimum standards for how both individuals and institutions should treat people. They also empower people to take action to demand and defend their rights and the rights of others.

Issues commonly associated with notions of human rights include, though are not limited to list of items, the right to life, bodily integrity and autonomy, The right to vote, the right to hold public office, the right to work, the right to fair wages, the right to own property, the right to education, marital rights, parental rights, religious rights, the right to serve in the government office, the right to form associations, and to enter into legal contracts etc. These rights are also

shared by persons with disabilities who are found in the higher educational institutions. As it could be read in the coming chapters of this paper, any global, regional and domestic legal instruments recognize most of the above mentioned human rights of persons with disabilities. The recognition and protection of the rights of such persons with disabilities could be found by having general and/or specific mention of the rights of persons who are under discussion. Of these instruments, the UN Charter, the International Bills of Human Rights, CEDAW, CRC, Convention on the Rights of Persons with Disabilities, ILO Standards, and others are the main bodies of instruments which have direct or indirect say on the rights of persons with disabilities. Moreover, from the domestic perspective, the FDRE constitution, other ordinary legislations like proclamations, regulations, directives, etc and policies of Ethiopia could be the various sources of the contents of human rights of persons with disabilities.

As understood today, human rights refer to a wide variety of values and capabilities reflecting the diversity of human circumstances and history. They are conceived of as universal, applying to all human beings everywhere, and as fundamental, referring to essential or basic human needs. Currently, human rights have been classified in to the notion of three generations. The first generation of civil and political rights includes the rights to life and liberty and the rights to freedom of speech and worship. The second generation of economic, social, and cultural rights includes the right to work and the right to an education (my area of focus). Finally, the third generation of solidarity rights is associated with the political and economic aspirations of developing and newly decolonized countries after World War II, and it includes the collective rights to political self-determination and economic development. These classified rights may create sort of duties and responsibilities on others.

Since the adoption of the Universal Declaration of Human Rights in 1948, many treaties and agreements for the protection of human rights have been concluded through the auspices of the United Nations and several regional systems of human rights law have been established. These rights are followed by duties and responsibilities of individuals, states and group or community at large. Human rights, if followed by duties, “are useful norms that help to protect all people everywhere from political, legal, and social abuses. These rights exist in morality and in law at the national, regional and international levels. They are addressed primarily to governments, requiring compliance and enforcement.”<sup>20</sup> The main sources of the contemporary conception of human rights are the Universal Declaration of Human Rights and the many human

rights documents and treaties that followed it. These rights are usually followed by duties and responsibilities.<sup>21</sup> The UN Charter and other international and regional human rights treaties, in addition to individual duties, transform lists of human rights into legally binding state obligations.

Moreover, Regional arrangements supplement the UN system by promoting and protecting human rights in particular parts of the world. For example, the African system objectives include the promotion and protection of human rights in accordance with the African Charter of Human and Peoples' Rights and other relevant human rights instruments. This treaty obligates ratifying countries to recognize the rights and duties listed and to adopt legislation or measures to bring them into effect.<sup>22</sup> The development of the concept of human rights in a given state has been accomplished by the general acceptance of the notion of duties and responsibilities. The state represents common interests. These common interests require a choice between competing rights of individuals within the given community. Ethiopia, as a state, represents the common interests and duties of persons with disabilities and others.

## **2.4.2. Concept of Duties and Responsibilities**

### **2.4.2.1. Definitions and Descriptions**

In every legal system, including Ethiopia, the law recognizes or confers human rights and imposes duties and responsibilities in order to properly implement or enforce a given human right. So, to discuss the issue of the protection of human rights of persons with disabilities in the higher educational institutions, we must take in to considerations the existence of duties and responsibilities levied on others.

To know the general context and the descriptions of duties, Black's Law Dictionary defines the concept of duty as

a legal obligation that is owed or due to another and that need to be satisfied; an obligation for which somebody else has a corresponding rights". On the other hand the concept of responsibility is defined in the same source as: "answerability or accountability". Moreover, the New Webster's dictionary defines responsibility as: "... a particular burden of obligation upon one who is responsible; the responsibilities of authorities or somebody for another; reliability or dependability, especially, in meeting debts, or payments or the state or fact of being responsible for a given situation."<sup>23</sup>

If we compare the two concepts that are, duty and responsibility the latter seems to be weaker obligation than the former one. However, ultimately, they do have the connotation of being the trump of rights. Even, for R. Dworkin, the existence of one right becomes the trump of the other right which could be illustrated as:

..... for example, a minority's possession of rights against discriminatory treatment should trump any and all considerations of the possible benefits that the majority would derive from discriminating against the minority group. Similarly, an individual's right to an adequate diet should trump other individuals' desires to eat lavish meals, despite the aggregate gain in pleasure these individuals would derive. Treating rights as trumps is a means for ensuring that all individuals are treated in an equal and like fashion in respect of the provision of fundamental human rights. Fully realizing the aspirations of human rights may not require the provision of 'state of the art' resources, but this should not detract from the force of human rights as taking priority over alternative social and political considerations..<sup>24</sup>

Thus, for Dworkin, a right as trumps expresses the fundamental ideal of equality upon which the contemporary doctrine of human rights rests. And the next parts of my discussion revolve around these concepts jointly and/or separately.

The idea of duties and responsibilities can be legal or moral or both in type. This in turn depends on the kind of recognition. According to Immanuel Kant, the philosophy of duty involves, that something which a person is required or obligated to do. Some thing to be said a duty; it mostly has to be dependent on its foundations or grounds. Thus, duties can be moral, legal, familial, or derived from one's status. There are many types of duties. Natural duties, for example, are said to be those duties people incur in virtue of being people, that is, simply in virtue of their nature. In addition to this, there are negative and positive duties. Negative duties are duties not to perform certain acts, such as killing or causing harm, while positive duties are duties to act in certain ways, such as to relieve suffering or to give alms and assistance.<sup>25</sup>

Also, for Paten, the term 'right –duty' covers several legal relations. According to him, there are four elements in every legal right. These are

1. The holder of the right
2. The actor forbearance to which the right relates
3. The res concerned (object of the right)
4. The person bound by the duty.<sup>26</sup>

For the purposes of this paper, every educational right, therefore, involves the four elements especially which focuses on the first and fourth elements. Rights and duties are co-relatives,

that's we can not have a right without a corresponding duty or a duty without a corresponding right.<sup>27</sup> Especially when related to claims. For Hohfeld, claims and duties are correlatives in the sense that one can not exist without the other.<sup>28</sup> In case of Moral duty there is no need of expressing the duty in terms of law, but expressed through should and ought of the society. In its strict sense, legal duty or responsibility is said to be the co-relative of legal right. As regards to their nature duties and responsibilities can be classified in to three types.

1. Relative duties which correlate to a legal right in a strict sense.
2. Liability which is followed by reasonable risk imposed by law.
3. Absolute duties and responsibilities which are forbidden by law for they create threat for the general public security.<sup>29</sup>

All the above listed types of duties and responsibilities like relative duties which correlate to a legal right in a strict sense; or liability which is followed by reasonable risk imposed by law; or absolute duties and responsibilities which are forbidden by law for they create threat for the general public security.... do have the purposes of maintaining the balance of the exercising of human rights by others like persons with disabilities.

To sum up, terms like obligation, restriction, limitation, derogation, responsibility, duty etc. are used to magnify the co-relative part of right. No matter how, we use these terms in one or in another context, it is to show that somebody has to do or not to do something to respect the law or moral duties.

#### **2.4.2.2. The Concept of Duties at Global Level**

The Universal Declaration of Human Rights of 1948 is considered by many scholars as the first international instrument which considers the issues of different kinds of responsibility. This document, although was not supposed to be binding, is considered to be the source of many international human rights instruments in the world. It is an inspiration or spring board for many international as well as regional human rights instruments; it is also the beginning of most international duty and responsibility documents.<sup>30</sup> The development of human rights which is expressed by the two international human rights instruments (ICCPR, ICESCR) is the outcome of the provisions of the UDHR.

The International Covenant on Civil and Political Rights is another international human rights instrument which has a duty provision in it. Scholars believe that the design of the instrument

itself was not entirely based on the rights aspect of things but the corresponding duties were also considered as parts and parcel of the rights themselves.<sup>31</sup> The rationale behind the content of this instrument is to levy duties and responsibilities on any body who is considered to be duty and responsibility bearer. Not only the above mentioned provisions of the ICCPR, but also there are other provisions which deal with the concept of duties and responsibilities of different bodies like states.<sup>32</sup>

Moreover, the concept of duties and responsibilities is reflected in different provisions of the International Covenant on Economic, Social and Cultural Rights. This instrument, specially, levies duties and responsibilities on states parties to the instrument.<sup>33</sup> To magnify these statements, arguments by Kathleen Mahoney, Chair of the Board of Directors, and Rights & Democracy of Canada show that:

All of the human rights instruments contain the concept of duty and responsibility. Human rights are grounded in, and derived from, ethical standards and standards of responsibility. They explicate what those responsibilities are. They explicate the state's responsibilities, the individual's, and the community's. But the overall framework, as I was saying, was within the context of the relationship of the individual to the state. I don't think the human rights community is averse to the notion of responsibility. It would be highly contradictory because responsibility is what is required to implement human rights. To even try and separate them, to me, is just very artificial. ...<sup>34</sup>

The point is often made that each claimable right has a corresponding duty: the right of an individual implies the duty on the part of society to respect that right. This is a purely logical point, which describes an inherent feature of any human rights provision. The duty determines the boundaries of the right. In some instances, we might find that rights trump; in other cases duties might trump and will prevail. Rights are limited by duties, and conversely, duties are limited by rights.

By enforcing the duty to respect the rights of other persons against one person, one is in effect protecting the rights of the others. This may be called the secondary protection of human rights, through the enforcement of duties. In fact, the state's duty to respect and protect human rights would also require it to ensure to this form of protection. The connection between rights and duties is the result of the fact that people do not exist in isolation but are social beings. We, thus, directly or indirectly owe certain obligations to others and in the exercise of our rights must take in to consideration the rights of others.

### **2.4.2.3. The Concept of Duties in the African System**

The unique feature of African instruments is that they also recognize the concept of duties in a more substantive sense: In addition to the fact that people have rights, it is recognized that the same people also have duties towards society, which complement or, as will be argued, limit those rights.<sup>35</sup> Also, the rights of individuals that have been provided in the Charter, by implication, impose duties on member states.<sup>36</sup> Thus, the right to education implies the duty of states to respect, protect and promote the rights. For instance, the promotion and protection of morals and traditional values recognized by the community has been included in the Charter as a duty of states. In addition, states parties shall promote and ensure respect for, and disseminate knowledge of, the rights and freedoms guaranteed under the African Charter on Human and People's Rights. They shall take legislative and other measures including the establishment of appropriate national institutions for the protection and promotion of human rights. States shall ensure the exercise of human rights freely.

Like that of the African Charter on Human and People's Rights, one can observe the reflections of duties and responsibilities in other African human rights instruments. For instance, some of the instruments are: the African charter on the rights and welfare of the child, the African refugee convention, the Maputo protocol on women's right and other instruments. The aforementioned human rights instruments and others usually embody the concept of duties and responsibilities in cases of recognition promotion, respect, enjoyment and the like of the aspects of human rights including the right to education....

### **2.4.2.4. The Concept of Duties in Ethiopia**

The development of the concept of human rights in a given state, including Ethiopia, has been accomplished by the general acceptance of the notion of duties and responsibilities. The state represents common interests. These common interests require a choice between competing rights of individuals within the community. Ethiopia has ratified or acceded to the many major international and regional human rights instruments which bear the concept of duties and responsibilities.

The Ethiopian constitution of 1995 under Art 9 (4) states that "International agreements ratified by Ethiopia are integral parts of the law of the land."<sup>37</sup> This provision clearly indicates that those

international and regional instruments like the two 1966 UN covenants and numerous other human rights instruments advanced by UN subsidiary organizations and African human rights instruments ratified by Ethiopia are part and parcel of the Ethiopian legal system to govern the educational human right and duty aspects. Hence, although the issue of duties and responsibilities has not been given due specific or separated provision/provisions in the FDRE constitution, it is possible to deduce that the concept of duties and responsibilities embodied in basic international and African human rights instruments are applicable to the Ethiopian context.

The FDRE constitution provides for duties and responsibilities by stating: “all citizens, organs of state, political organizations, other associations as well as their officials have the duty to ensure observance of the constitution and to obey it.”<sup>38</sup> From these provision, we can infer that there are a number of duties and responsibilities that could be assumed by different individuals, groups, state organs etc. In Ethiopia, the concept of duties and responsibilities has been enshrined in different subordinate laws. The different ordinary laws found in the criminal justice system, civil matters and other subordinate legislations below the constitution.

#### **A. Duties and Responsibilities in the Criminal Law**

The Ethiopian criminal justice provides different duties and responsibilities on individuals and group entities in order to facilitate the enjoyment of human rights. This concept has its own reciprocal effect on both the right holder and duty bearers. For instance the substantive and procedural criminal justices provide their own duties and responsibilities on individuals, various institutions and state in general.

#### **B. Duties and Responsibilities in Civil Laws**

Under the Ethiopian legal system, there are different duties and responsibilities in civil matters. For instance, the Ethiopian civil code of 1960 and the revised family law of Ethiopia 2000 dictate the duty to provide maintenance for the needy family members who deserve assistance from other family members. This includes, the duty to provide maintenance to ones own child and the like.

From the whole discussions held above, we can understand that human rights are vital to the existence of human being. So, it is an established fact that human rights are basis for peace and

development of human beings as a whole. For this end, however, they should be followed by their respective and related duties and responsibilities.

Hence, as I have discussed in the previous parts and sections it is possible to conclude that a 'right limits a rights.' It is to mean that the legal claim of others will limit the claim of somebody else. The concept of duties and responsibilities has philosophical, ethical and legal dimensions. Duties and responsibilities are also levied on states and other entities like higher educational institutions.

## **2.5. Definitions and Descriptions of Higher Education**

### **2.5.1. Higher Education in the Foreign /International Context**

#### **2.5.1.1. Higher Education in the Context of Scotland**

They say that there is no simple definition of the term higher education. The international definition of tertiary (post school) education divides it into two halves: type A (what we would call higher education) and type B (what we would call further education). It will have a theoretical underpinning, it will be at a level which would qualify someone to work in a professional field and it will usually be taught in an environment which also includes advanced research activities.<sup>39</sup>

Higher education qualifications in many countries like Scotland range from Higher National Certificates (lasting one year and usually taught in a further education college), through four year honors degrees to doctoral qualifications. All include a strong theoretical base, and many are also directly vocational in nature. In such a system, institutions develop in stages with a different legal basis.

#### **2.5.1.2. Higher Education in the Context of UNESCO**

When we look the different applications of the term higher education at global level, one can find the following major ones. The term "institution of higher education" means an educational institution that;

- (1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;
- (2) Is legally authorized to provide a program of education beyond secondary education;



- (3) Provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree;
- (4) is a public or other private institution; and is accredited by a nationally recognized accrediting agency, or if not so accredited, is an institution that has been granted pre accreditation status by such an agency that has been recognized by the body for the granting of pre accreditation status.<sup>40</sup>

For the purposes of this section and the paper at Large, the term "institution of higher education" also includes any institution that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation.

Also, the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Conscious of the responsibility of states for the provision of education for all in fulfillment of Article 26 of the Universal Declaration of Human Rights (1948), and by recalling in particular the responsibility of the states for the provision of higher education in fulfillment of Article 13, paragraph 1(c), of the International Covenant on Economic, Social and Cultural Rights, has adopted the Recommendation on 11 November 1997. The Recommendation defines the following key terms related with higher education. This instrument has been formulated desiring to complement existing conventions, covenants and recommendations contained in international standards set out in the provisions relating to problems of particular concern to define higher educational institutions. So, for the purpose of the Recommendation:

... Higher education means programs of study, training or training for research at the post-secondary level provided by universities or other educational establishments that are approved as institutions of higher education by the competent state authorities, and/or through recognized accreditation systems. Also, institutions of higher education means universities, other educational establishments, centers and structures of higher education, and centers of research and culture associated with any of the above, public or private, that are approved as such either through recognized accreditation systems or by the competent state authorities.<sup>41</sup>

Besides, taking into account the great diversity of the laws, regulations, practices and traditions which, in different countries, determine the patterns and organization of higher education, the instrument provides the following:

As regards extension work, it means a service by which the resources of an educational institution are extended beyond its confines to serve a widely diversified community within the state or region regarded as the constituent area of the institution, so long as this work does not contradict the mission of the institution. In teaching it may include a wide range of activities such as extramural, lifelong and distance education delivered through

evening classes, short courses, seminars and institutes. In research it may lead to the provision of expertise to the public, private and other sectors, various types of consultation, and participation in research and in implementing research results.<sup>42</sup>

More over, according to the educational objectives, strategies and policies of the recommendation, at all appropriate stages of their national planning in general, and of their planning for higher education in particular, States should take all necessary measures to ensure that:

- (a) higher education is directed to human development and to the progress of society;
- (b) higher education contributes to the achievement of the goals of lifelong learning and to the development of the other forms and levels of education;
- (c) where public funds are appropriated for higher education institutions, such funds are treated as a public investment, subject to effective public accountability;
- (d) the funding of higher education is treated as a form of public investment the returns on which are, for the most part, necessarily long term, subject to government and public priorities;
- (e) the justification for public funding is held constantly before public opinion.<sup>43</sup>

### **2.5.2. The Need to Learn in Higher Education**

Why do we need higher education? Higher education benefits everyone, not just those who go to university. Lawyers, engineers, doctors, scientists, teachers, dentists, librarians, pharmacists, many business leaders and many musicians, writers and artists learned their professions in higher education. None of us in the modern world could manage without them. The issue of higher education is an essential motor of the economy, providing high-skill graduates, offering training and research and development for industry, and inventing new products and processes which can create new markets for industry. Higher education is central to making a better place, informing public policy, and breaking down inequality by offering a high-quality education for all, producing a generation of informed citizens and creating an essential forum in which to discuss the social, political, environmental and economic health of a state. This involves the protection of the rights of persons with disabilities too.

In general, widening access is also a mission of higher education. Education is the single most important factor in deciding whether a person is going to suffer poverty, and higher education in any state is committed to ensuring that everyone has an equal chance of getting a degree, based on personal ability and not social background or income. The higher-education students with disabilities, like all other citizens, are expected to endeavor to enhance the observance in society of the cultural, economic, social, civil and political rights of all peoples, their rights,

etc. To achieve these goals, persons with disabilities have to get special protection from the concerned organ.

### **2.5.3. The Concept of Higher Education in Ethiopia**

In view of these experiences and the UNESCO recommendation, Ethiopia has promulgated more or less similar legal instruments to define and set the objectives of higher educational institutions and the meaning of higher education. The FDRE government has introduced the new educational legal environment, policy and strategy, which relatively considers the rights of persons with disabilities. Because these category of people are seriously disadvantaged once in our society. Therefore, it is not surprising that the contextual and baseline information in this research shows that people with disabilities have lower levels of educational attainment, lower employment incomes, a poorer general health status, and higher unemployment rates than the general population.

Persons with disabilities also face barriers to accessing public services and find accessing disability support assistances to be overly complicated and sometimes inequitable. This situation is not going to change overnight. Many persons with disabilities are caught in a cycle of deprivation, with low incomes and poor access to the support services and working arrangements that might allow them to move from their marginalized position in society. It is a difficult cycle to break unless they are assisted by education and its outcomes. Education in higher learning institutions could play a stronger role in the economic, cultural and social development of a given state. Both individuals and countries benefit from education. For individuals, the potential benefits lay in general quality of life and in the economic returns of sustained, satisfying employment. For countries, the potential benefits lie in economic growth and the development of shared values that underpin social cohesion. This works for the Ethiopian context too.

The current Ethiopian education system has a mixed record in terms of ownership. There are a generally very public funded and privately owned universities or Colleges or universities Colleges. Opportunities for education in the years after compulsory schooling are expanding. In part this is linked to the emergence of the knowledge economy, which is making higher education more central to economic success and putting a fresh focus on how adult learning can help people adjust to the changing world of work. This move is required to include the rights of persons with disabilities for they are part of the society. Because, the process of modernization

should be complete and inclusive of the rights of persons with disabilities. It is essential to understand education in these wider contexts, including its impact on individual prosperity and national growth, and its role in combating poverty and social exclusion at every stage of life of the society in general and persons with disabilities in particular. For the purpose of laying down a system to produce quality and skilled man power to meet the needs of Ethiopia and create appropriate legal framework to solve the problems of potential resources of the country, the FDRE government has got the law to govern higher educational institutions. This law governs public and private higher educational institutions to promote their contribution to the all rounded development education and research in Ethiopia.

The proclamation defines the term higher education as education offered to students who attend programs related to and leading to the award of diploma, first degree, second degree, or medical specialist, and/or a doctoral (PhD) degree.<sup>44</sup> The Ethiopian legal definition and description as regards to the term of higher education is related to the issue of curriculum to be developed by any institution. In this regard it is possible to say that persons with disabilities are included in any institution if conditions are adjusted for them. The objectives of establishing higher educational institutions could be stated as to produce skilled manpower in quantity and quality that will serve the country in different professions not only this, there is the issue of expanding higher education services that are free from any discrimination on grounds of race, religion, sex, politics, minority, disability and other similar grounds.<sup>45</sup> This idea is more or less similar to that of the Convention Against Discrimination in Education of the 1960. The provision promotes the protection of the rights of persons with disabilities in higher educational institutions of Ethiopia for it deals with non-discrimination in education at all levels.

When we see the remarks held by Mr. Alphons Hennekens, Ambassador of Kingdom of The Netherlands, who discussed on various topics of interest (including the issue of higher education), it would indicate the very feature of the need for education for Ethiopia. His statements do have direct and strong reflections on the rights of persons with disabilities. H.E. Mr. Alphons Hennekens states that;

...in the implementation of plans in the education sector, we collaborate with the government institutions .... The needs and challenges in the educational sector in Ethiopia are enormous. The government alone cannot accommodate all the needs. That is why we feel that addressing the challenges in the education sector is a responsibility of all the actors in society .... I personally strongly believe that every country should establish appropriate tertiary educational institutes for its own development. Investing in education is investing in the future manpower capacity of the country.<sup>46</sup>

Also, Bertrand Ramcharan , the former Acting High Commissioner for Human Rights, at the Opening of the Sub-Commission on the Promotion and Protection of Human Rights, Palais des Nations, 28 July, 2003, had stated a remark which emphasizes that

Education is as a get way out from poverty: the challenges of promoting and protecting the human rights of any person are maintained through education. One of the main routes out of poverty is education (higher education). I know. I am from a developing country. If you are born poor in a developing country, whether you are from the urban areas or the rural areas, education is often your only chance out of the lot that fate has assigned to you at birth.<sup>47</sup>

So, if education is the main factor to determine ones fate, it has to be protected for the advantage of the development of both the individual and a given country. This is also related to the millennium development goals at national, regional and international levels. To achieve these goals, persons with disabilities have to get special protection from the concerned organ.

## **2.6. The Concept of Protection**

To discuss as to what the term protection in the context of human rights is, when to apply it, for how long the protection stays, as to who gives protection, ...we should associate it with other matters. The concept of “the protection of human rights of persons with disabilities in higher educational institutions of Ethiopia,” covers the wide range of applications of human rights in the area of higher learning institutions. Protection implies to mean different connotations, and when we discuss about human rights, It is inevitable to include the concept protection. This is because; any point of human rights is meaningless unless followed by the protection of a given entity.

The dictionary meaning and description of the term protection implies that: “The act of protecting some body or some thing receives: the state of being protected a thing that protects some body or some thing against some thing”<sup>48</sup> This quoted idea envisages that within the context of protection, there are persons to protect and to be protected from any human rights abuse: violation ... In our context, the subject matter to be protected is human rights. Even the concept includes other persons to include the point that some body is protected from the dangerous attacks of others. The kind of personality to be protected and to protect the right may be both natural and/or artificial ones.

The duration of the concept protection may be relatively dependant on different conditions. For instance the right to get dormitory service for a regular student in any university may stay until the student finishes his/her academic years or when these rights are over because of suspension or dismissal. By the time this condition of learning ends, the right to be claimed becomes over. But, until the right ends, there is the need to protect that right by the respective organ. The basic responsibility to protect and promote human rights is levied on states and their respective law enforcement organs.<sup>49</sup>

Hence this right should be protected and respected by others through different existing laws, policies and regulations ... of the respective higher educational institutions. Even terms like recognition and promotion sometimes serve as to carry equivalent message. Because there are instances when we cumulatively use these terms. It also implies the acknowledgement or recognition of a given status and to provide any matter related with declaring the situation. In general if some one is to discuss about the protection of human rights in the higher educational institutions of Ethiopia, one has to associate the concepts with the constitutional or other legislative and policy protection objectives. Because, if a state is there to balance the equilibrium of the rights of citizens it has to make laws and frame policies which protect the rights of one from the attack of another through omission or any act. This is done through the enactment of criminal laws and other related legislations.

Fore this end, Ethiopia has set a constitution which enshrines the balance of protection for all citizens. The Constitution declares that "..... equal and effective protection with out discrimination on grounds of race, nation, nationality, or other social origin, color, sex language, religion, politics or other status."<sup>50</sup> This constitutional issue of protection of human rights also devolves to other laws like Proclamations,<sup>51</sup> Policies<sup>52</sup>, and other instruments. To sum up, the theoretical instruments related to the protection of human rights in general and the protection of the right to education have been discussed in the third and fourth chapters of this paper respectively.

## **2.7. The Concept of Remedy**

The different human rights recognized by international, regional, national, institutional... levels may be violated by different bodies. The violation could be directly or in directly performed by different agents. This needs its own measures like getting remedy by the concerned organs,

Remedy in its legal context is defined as ‘the means of enforcing a right or preventing or redressing a wrong; legal or equitable relief.’<sup>53</sup> And it is protected by a court or a given entity. It has its own claimant who is right holder. The right holder could be individual person or group of persons. Again the type of remedy could be dependent on different aspects of the violated human rights of persons with disabilities with in a given institution.

It has been said that remedy is a redress of violated rights by the law, by the wrong doer and the like. The remedy that is sought to redress the violated rights may depend on the nature of rights; the degree of the violated rights; the existence of the legal enforcement institutions with in the system; the situations in which the person or the victim finds him self and the like. The basic source of any remedy in Ethiopia is the FDRE constitution. To identify the remedies for violation of human rights in the FDRE constitution, they can be summarized as follows. By using the direct and indirect application of human rights provisions of the constitution we can get the following remedies. These are declaration of the unconstitutionality of a given law or act, mission, decision of a given authority; cessation of acts, which violated or may violate rights; restitution of rights; exclusion of evidence obtained against or with violation of rights; administrative remedies that come through ultra-virus declaration of right through different means of protection and the like. These possible remedies that are available for the violation of human rights can be obtained in to two broad categories, i.e. by the direct application and/or by the indirect application of the FDRE constitution.

When there is the direct application of the human rights chapter of the constitution, the remedy tends to be a constitutional remedy. In this case, the individual or the group who brought the case may not be the direct beneficiary of the remedy. This is because, constitutional remedy is one in which the existence of inconsistency of any law or act with, the constitution is established; in validity of the law or the conduct with the constitution is established; declaration of nullity of that law or act is determined and this will help to set up the environment in which human rights are not violated. It helps to create the environment where human rights are well protected. For instance, a close reading of the FDRE constitution indicates that “any law, customary practice or a decision of an organ of state or a public official which contravenes this constitution shall be of no effect”.<sup>54</sup> Any violation of the rights included under chapter three is outlawed by the constitution and this is considered as one of the remedies directly fetched from the constitution and if there is any violation of human right, the remedy is sought from house of Federation.<sup>55</sup>

In general in cases where there are constitutional remedies, the laws or the orders or the conducts against the constitution are made void and remedy is available through the direct application of the constitution. It safeguards any breach of human rights from the branches of the government like the executive organs. The remedy may also help to build democracy; to prevent or deter the future infringement of human rights by the executive and or the legislative organs of the state. In particular on serious matters there will be punishment on those who violate constitutional orders for there is the issue of accountability<sup>56</sup>

The indirect application of the constitution to get remedy is exercised through other laws and policies which are subordinate to the constitution. Here again, through the indirect application of the constitution, we may get human rights remedies in such a way that; cessation of decisions, acts, omissions, which violated or violate rights; restitution; exclusion of evidence obtained against violation of rights; administrative remedies that come through ultra-virus declaration of rights through media and the like.

To sum up, in situations where chapter three of the constitution enjoys the indirect application to interpret human rights matters through other laws and decisions, it goes further than the invalidation of the acts or decisions and gives concrete remedy to any one who has been or would be denied of his rights. This would have the effects of protection. For this end, there should be awareness and strive for getting or trying to adjust and re adjust one self to wards getting remedy individually or in groups for the protection of human rights of persons with disabilities in higher educational institutions of Ethiopia. The violations of human rights could affect personal or group interest or both. Also, the violated right may be claimed by a person or any interested group to be redressed

## End Notes

### Chapter Two

1. Longman Dictionary of Contemporary English; 1<sup>st</sup> ed.1978 p.308,
2. Webster's Third New International Dictionary, 1981, p, 233.
3. The UN Convention on the Rights of Persons with Disabilities of December 13, 2006,Art. 1 par.2.
4. The order of Establishment of Rehabilitation Agency for the Disabled No 70/1971 Article 2.
5. The Rights of Disabled Persons to Employment Proclamation No. 101/1994 of Ethiopia Art 1.
6. The ILO Convention No. 159 /1983, Preamble.
7. Visual Impairment, from Wikipedia, the free Encyclopedia [http://en.wikipedia.org/wiki/Visual\\_Impairment](http://en.wikipedia.org/wiki/Visual_Impairment) Visited on August 23, 2007. July 16, at 4 pm.
8. Ibid.
9. <http://www.nhsdirect.nhs.uk/articles/article.aspx?articleId=508> Visited on August 31, 2007.
10. World Program of Action Concerning Disabled Persons Res. 37/52 of 1982, Paragraph 6(c).
11. Jean Barding and John Curtis; Disability Discrimination: practical Guide to the New Law, 1996, p. 12.
12. World Program of Action Concerning Disabled Persons, Cited Above at note 10.
13. Ibid.
14. Alan MK Koral and Bruce MC Lamahan; Employer Compliance with the Americans with Disabilities Act Practicing Law Institute, USA, 1990 p. 37.
15. Human Rights and Disabled Persons: Essay and Relevant Human Rights Instruments Marinus Nishoff Publisher, Vol. 40, 1995, p. 9
16. Tirussew Teferra, Human Disabilities: Developmental, Educational and Psychological Implications of Educational Psychology AAU, 2001 P. 1
17. Id, pp.1-2.
18. Ibid.
19. Women's Human Rights: Disabled Women and Girls.htm visited on Aug. 13, 2007 at 10 am.
20. <http://www.answers.com/topic/human-rights> Retrieved on April 4, 2007, at 3 pm.
21. Stanford Encyclopedia of Philosophy: Human Rights: <http://plato.stanford.edu/entries/rights-human/> Retrieved on May 1, 2007 at 3 pm.
22. The African Charter on Human and Peoples' Rights of 1981, Article 2.
23. Webster's Third New International Dictionary, 1981.
24. Ronald Dworkin, Taking Rights Seriously, London: Duckworth, 1978, p. 153.

25. Roscopounded, Jurisprudence, Volume.IV, Sf.Paul Minn. West Publishing Co., 1959, pp.165-167.
26. George White Cross paton, A textBook of Jurisprudence. Oxford, Clorend Press, third edition, 1964, p.249.
27. Id, p.249.
28. Id, p.255.
29. Id, p.180.
30. The Universal Declaration of Human Rights of 1948, Art.29.
31. Remarks by Kathleen Mahoney in Response to Hans Kung's Talk, Global Ethic and Human Responsibilities in the age of Terrorism:[www.weltethos.org/dat\\_eng/index\\_e.htm](http://www.weltethos.org/dat_eng/index_e.htm) Retrieved on April 25, 2007, at 10 pm.
32. International Covenant on Civil and Political Rights, 1966 Preamble, Art 2&3.
33. International Covenant on Economic, Social and cultural rights, of 1966, Articles 2- 25.
34. Kathleen Mahoney, Supra note at 31.
35. Peter, Chris, Human Rights in Africa. A Comparative study of the African Human and Peoples' Rights charter and the new Tanzanian bill of rights, Greenwood press, 1990 p.42
36. The African Human and Peoples' Rights charter of 1981, Preamble.
37. Federal Democratic Republic of Ethiopia, Federal Negarit Gazeta, Proclamation No.1/1995, Constitution of the Federal Democratic Republic of Ethiopia. Addis Ababa: Berhane naselam Printing Enterprise, 1995, Article 9(4).
38. Id. Article 9 (2).
39. [http://www.law.cornell.edu/uscode/html/uscode20/usc\\_sec\\_20\\_000\\_01001---000-.html](http://www.law.cornell.edu/uscode/html/uscode20/usc_sec_20_000_01001---000-.html) Retrieved on November 24, 2007, at 4 pm.
40. Ibid,
41. The UNESCO Recommendation Concerning the Status of Higher Education on 11 November 1997, Art. 1 (A & E).
42. Id, Art. 1 (D).
43. Id, Art.10.
44. The Ethiopian Higher Education Institutions Establishment Proclamation No. 351/2003, Arts 2(1-4) & 5.
45. Id Art. 6.
46. <http://www.capitalethiopia.com/archive/2007/july/week4/interview.htm> Nov. 12, 2007 at 11 am.
47. Bertrand Ramcharan, the former Acting High Commissioner for Human Rights, New Challenges in the Promotion and Protection of Human Rights, the Palais des Nations , Geneva, Aug. 11, 2003, Retrieved on Nov. 13, 2008, at 3 am.

48. Webster's Third New International Dictionary, 1981.
49. The International Covenant on Economic Social and Cultural Rights of 1966, Art. 2.
50. Cited at note 37, the FDRE Constitution Art. 25.
51. Ethiopian Higher Education Institutions Establishment Proclamation No.351/2003Preamble.
52. The Ethiopian Educational and Training Policy of 1994, the introductory part.
53. Bryana, Garner, Editor in chief, black's law dictionary Eight Edition.
54. Cited at note 37, the FDRE constitution, Art 10(1).
55. Id, FDRE constitution Articles 62, 82-84.
56. Id,FDRE constitution Articles 12, 26 (3).

# ***CHAPTER THREE***

## ***PERSONS WITH DISABILITIES AND THEIR HUMAN RIGHT TO EDUCATION***

## **Chapter Three**

### **3. General Protection of Human Rights of Persons with Disabilities**

#### **3.1. General**

This part of the paper is designed to make an effort to indicate and analyze the general human rights of persons with disabilities set forth in the international, regional and national legal and policy instruments. The concept of human rights of persons with disabilities has been directly or indirectly incorporated in different international, regional, and national instruments. Of these instruments, the 1945 UN Charter, the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, different ILO Instruments, the 1981 African Charter on Human and Peoples' Rights, the new UN Convention on the Rights of persons With Disabilities, the 1995 Constitution of Federal Democratic Republic of Ethiopia, Ethiopian Policies, Proclamations, etc are to be mentioned.

However, the recognition, protection and enforcement of the rights of persons with disabilities may vary according to time, place, economy, culture, social and the like development of a given society or country. For this and other factors, UN has adopted new human rights document on December 13, 2007 (See Annex 1 of this paper). But many states including Ethiopia have not yet ratified it. Although Ethiopia has a good start to consider the rights of these categories of persons and signed the UN Convention on the Rights of Persons with Disabilities on March 30 2007, it has not yet ratified the document which makes the issue to be considered.

#### **3.2. International Instruments and Human Rights of Persons With Disabilities**

##### **3.2.1. General**

The rights of persons with disabilities have been recognized in different manners. These different recognitions, protections, enforcements, promotions are found in the international instruments like Treaties, Conventions, Declarations, Protocols, Resolutions etc. These different international instruments are said to be the foundations of the rights of persons with disabilities at any regional

and domestic levels. The various international instruments and their primary objective is ensuring that human beings are living in a world of equality, sense of justice and harmony.<sup>1</sup> So, the situation of persons with disabilities, as an issue of human rights, has been treated by different international, regional and national documents. But, the degree varies one from the other.

For the purpose of identifying and analyzing the different types of rights which have been recognized for persons with disabilities, it is possible to categorize international legal documents into several types. However, for simplicity, the writer of this work chooses the two major categories, i.e., the general and universal and the special or specific or particular types of instruments including regional ones. Persons with disabilities as any one with no disabilities have different rights which they enjoy equally with others. This is to say unless there are other impediments due to his/her particular disability, the person with any disability can enjoy all sorts of human rights which any human being is supposed to enjoy. To exemplify this assertion, the right to life is one of the human rights of any person. Persons with disabilities have the right to enjoy the right to life equally with other persons with no disabilities. Having this in mind, we can move to the main categories of international instruments directly or indirectly related to persons with disabilities.

### **3.2.2. The General International Instruments**

This section includes standards designed to guarantee the rights of all individuals among which persons with disabilities are the ones to benefit from. Here, we are interested in the contents of the UN Charter, International Bill of Human Rights, which comprised of the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights and Economic, Social and Cultural Rights etc. These instruments are the base for us to say that the rights set forth in the instruments are relevant and applicable to persons who are in visual/physical or mental limitations. These instruments are full of rights which all human beings are endowed with the rights of employment, education, and other are guaranteed there in at large. When we look at different provisions of international instruments, they declare that discrimination among members of human family is prohibited. We should never forget that there are conditions of affirmative actions exclusively applicable for persons with disabilities.

The Universal Declaration of Human Rights of 1948, states that the concept of equality among all members of human family are the foundations of freedom, Justice and peace in the world.<sup>2</sup>

This declaration, being the common aspiration of the people of the globe, is deemed to lay down the cornerstone for the assurance that inferiority and superiority of rights belonging to human beings is not the order of the world. The instrument also states, that every human being is equal starting from his birth. This conveys the messages that no one's right is subject to controversy.

It also clearly puts that “discrimination in no way” is the right thing. It uses an illustrative enumeration stating the phrase “or other status”. Similarly, we find this way of approach under the International Covenant on Economic Social and Cultural Rights<sup>3</sup> and the International Covenant on Civil and Political Rights.<sup>4</sup> The phrases quoted above can be taken to serve the inclusion purpose regarding persons with disabilities within the ambit of the protection in provision of the instruments as disability should be treated as status to which certain groups of individuals are categorized. Had it not been for its exclusionary phrase, the issue relating to disability would have been left uncovered.

### **3.2.3. International Special Instruments**

The other category of international standards are described and set as special or specific instruments for they also contain the rights of persons with disabilities in a more specific way that could be discussed below.

#### **3.2.3.1. UN Convention on the Rights of Persons with Disabilities**

##### **A. General Background**

Mr. Koffi Annan, the Ex-Secretary-General of the UN stated the following on the new treaty on the rights of persons with disabilities as a historic achievement for the 650 million people with disabilities around the world.

... In Resolution 56/168 of 19 December 2001, the General Assembly decided to establish the Ad Hoc Committee on a comprehensive and integral international convention on the protection and promotion of the rights and dignity of persons with disabilities, and the instrument was adopted on December 13 2006 based on the holistic approach. People with disabilities have hitherto lacked adequate protection, and this long overdue convention will mark the beginning of a new era in which they will have the same rights and opportunities as everyone else. All member states have to ratify the Convention and ensure its rapid implementation after adoption in the 61<sup>st</sup> General Assembly, 2006. This Convention makes persons with disabilities rights holders and subjects of law with full participation in formulating and carrying out plans and policies affecting them....<sup>5</sup>

The newly adopted treaty consists of the main body context and the optional protocol. The main body treaty comprises of the Preamble and 50 Articles covering all aspects of the human rights issues of persons with disabilities and the structure of the Convention. Issues in the optional Protocol cover monitoring and reports of the convention comprising of 18 articles. (For the details of the Convention on the Rights of Persons with Disabilities and the Optional Protocol, please see Annex 1.)

## **B. Basic Contents of Duties of States in the Convention**

It is said that the most and the best inclusive legal instrument of the day is Convention on the Rights of Persons with Disabilities which has been adopted by the UN General Assembly. The convention is said ' best and inclusive ' for it "endeavor to elaborate in detail the rights and set out a code of implementation."<sup>6</sup> The instrument contains the following major issues of rights and duties of States which in tern protect/benefit the rights of persons with disabilities.

### **B.1. None Discrimination**

Countries that join the convention are required to engage themselves to develop and carry out policies, laws and administrative measures for securing the rights recognized in the convention and abolish laws, regulations, customs and practices that constitute discrimination As a change of perceptions is essential to improve situation of persons with disabilities, ratifying countries are to combat stereotypes and prejudices and promote awareness of the capabilities of persons with disabilities. Countries are to guarantee that persons with disabilities enjoy their inherent right to life on an equal basis with others, ensure the equal rights and advancement of women and girls with disabilities and protect children with disabilities.<sup>7</sup>

### **B.2. The Issues of Access and Equality Before the Law**

Member Countries are required to recognize that all persons are equal before the law, to prohibit discrimination on the basis of disability and guarantee equal legal protection. States are to ensure the equal right to own and inherit property, to control financial affairs and to have equal access to bank loans, credit and mortgages. They are to ensure access to justice on an equal basis with others, and make sure that persons with disabilities enjoy the right to liberty and security and are not deprived of their liberty unlawfully or arbitrarily. Countries must protect the physical and

mental integrity of persons with disabilities, just as for everyone else, guarantee freedom from torture and from cruel, in human or degrading treatment or punishment.

Laws and administrative measures must guarantee freedom from exploitation, violence and abuse. In case of abuse, States shall promote the recovery, rehabilitation and reintegration of the victim and investigate the abuse. Persons with disabilities are not to be subjected to arbitrary or illegal interference with their privacy, family, home correspondence or communication. The privacy of their personal, health and rehabilitation information is to be protected like that of others. On the fundamental issue of accessibility, the convention requires countries to identify and eliminate obstacles and barriers and ensure that persons with disabilities can access their environment, transportation, public facilities and service, and information communication technologies.

Persons with disabilities must be able to live independently, to be included in the community, to choose where and with whom to live and to have access to in-home, residential and community support services. Personal mobility and independence are to be fostered by facilitating affordable personal mobility, training in mobility skills and access to mobility aids, devices, assistive technologies and live assistance. Countries recognize the right to an adequate standard of living and social protection; this includes services and assistance for disability related needs, as well as assistance with disability related expenses in case of poverty ; to promote access to information by providing information intended for the general public in accessible formats and technologies, by facilitating the use of Braille, Sign Language and other forms of communication and by encouraging the media and internet providers to make on line information available in accessible forms . Also, States are to ensure equal access to primary and secondary education, vocational training, adult education and lifelong learning including higher education. Education is to employ the appropriate materials, techniques and forms of communication. Pupils with support needs are to receive support measures, and pupils who are blind, deaf and deaf-blind are to receive their education in the most appropriate modes of communication from teachers who are fluent in Sign Language and Braille. Education of persons with disabilities must foster their participation in society, their sense of dignity and self worth and the development of their personality, abilities and creativity (See the next chapter).

Persons with disabilities have the right to the highest of health without discrimination on the basis of disability. They are to receive the same range, quality and standard of free or affordable health services that are provided to other persons, receive those health services needed because of their disabilities,. Countries are to provide comprehensive habilitation and rehabilitation services in the areas of health, employment and education. Persons with disabilities have equal rights to work and gain a living. States are to ensure equal participation in political and public life, including the right to vote, to stand for elections and to hold office Countries are to promote participation in cultural life, recreation, leisure and sport by ensuring provision of television programs, films, theatre and cultural material in accessible formats, by making theaters, museums, cinemas and libraries accessible , and by guaranteeing that persons with disabilities have the opportunity to develop and utilize their creative potential not only for their own benefit , but also for the enrichment of society; they are to ensure their participation in mainstreaming and disability - specific sports.<sup>8</sup>

### **C. Implementing Mechanisms of the Convention**

To ensure implementation and monitoring of the convention, countries are required to designate a focal point in the government and create a national mechanism to promote and monitor implementation. A Committee on the Rights of Persons with Disabilities, made up of independent experts, will receive periodic reports from states parties on progress made in implementing the Convention.<sup>9</sup> Also, the Optional Protocol on the issue of Communications allows individuals and groups to petition to the set up Committee once all national recourse procedures have been exhausted.<sup>10</sup>

### **D. The Significance of the Convention in Ethiopia**

The previous actions of the world and national community or the existing policies and legal atmosphere indicate that there is positive step towards the consideration of human rights of persons with disabilities. This is because the convention has the nature of fulfilling the gaps of policies, legal atmosphere, practice, etc and has specific elaborative nature on the various contents of the rights and duties of different bodies. It also magnifies that how the contents of rights and duties are to be implemented by member states.

As it has been discussed in the previous chapters, Ethiopia is a party to different major international and regional human rights instruments that recognize the entire general contents of the rights of persons with disabilities. This novel idea of equality has also been recognized by the FDRE Constitution Article 25 and other subordinate laws. To make things more specific and clear, Ethiopia has a constitution and other subordinate legislations which recognize the protection of almost all the Human Rights of Women, children, old persons, persons with disabilities etc in scattered manner. But, this Convention has the effect of bringing together those scattered laws, policies, the practice, etc. The other basic point is also that persons with disabilities are parts of the Ethiopian population to have equal rights if not more to share the resources of their country in all aspects as provided in the FDRE constitution. For this end , the convention is the best instrument of the day to facilitate equalization of opportunities ; to frame policies and laws; to have equal participation of decisions; to promote awareness raising ; to provide medical care ; education, rehabilitation job opportunity ; to enhance support and assistance , equip with psychological satisfaction ; dignify personal integrity and family life ; provide with the rights of recreation, information ; form associations , organizations, group . etc.

To sum up, the convention , in its comprehensive nature, tries to manifest the contents of the rights of persons with disabilities, the beneficiaries and duty bearers of rights, the implementation and monitoring mechanisms, etc which could have direct effect on the protection of the rights of persons with disabilities. However, the convention should be ratified and implemented by Ethiopia which the process is going on by initial signature and deliberation (See chapter 5.2 of this paper). This is done to make the instrument consumable with no hesitation for the convention is the paradise of the earth which has become into existence at the beginning of the twenty first century.

### **3.2.3.2. The Rights and Challenges of Women with Disabilities**

#### **A. CEDAW and Women with Disabilities**

CEDAW is said to have changed the more general rights of woman stated in UDHR, ICCPR and ICESCR to the circumstance of special application and protection of women's rights. This has its own direct effect on woman with disabilities. The provisions of the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) do not explicitly mention woman with disabilities,<sup>11</sup> but since CEDAW rights belong to all women, women with

disabilities are explicitly or implicitly covered to benefit from the instrument. For instance, Art. 2 (e) of the Convention provides discrimination as.

... the term " discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

The convention together with its optional protocol which introduces different enforcement mechanisms has been adopted and ratified by a large number of states including Ethiopia. CEDAW deals exclusively with the human rights of women and girls and its adoption greatly increased the visibility of women in human rights system.<sup>12</sup> This in turn created an awareness of both the obstacle to the enjoyment of human rights for women and the specific measures needed to remove them. The convention introduced the ways to avoid the different in equalities including the field of education at all levels.<sup>13</sup>

The instrument requires state parties to the convention "to take all appropriate measures to eliminate discrimination against... women by any person, organization or enter pries."<sup>14</sup> The non-discriminative rights in CEDAW cover the whole spectrum of human rights, by the civil, political, economic, social or cultural... issues. As acknowledged in General Comment No. 5 adopted by the Committee on Economic, Social and Cultural Rights, women with disabilities may be vulnerable on account of both disability and gender.<sup>15</sup> A women with disabilities is therefore, more likely to suffer from discrimination and violence or sexual harassment than an able-bodied women. When a women with a disability is exposed to discrimination, it is not always clear whether the discriminatory, practice is attributable to her gender or her disability. Women with disabilities may experience discrimination vis-à-vis non-disabled women, they may share the discrimination experienced by other women vis-à-vis men. And they may experience discrimination vis-à-vis men with disabilities.<sup>16</sup> This and other reasons are the conditions behind to adopt and implement CEDAW at global level to protect the rights of women/girls with disabilities.

## **B. Challenges of Women/Girls with Disabilities**

It is said that, approximately 300 million women around the world have mental and physical disabilities. Women constitute 75 percent of the disabled people in low and middle income



countries. Women with disabilities comprise 10 percent of all women worldwide. Women are more likely than men to become disabled during their lives, due in part to gender bias in the allocation of scarce resources and in access to services. Due to social, cultural and religious factors, disabled women are less likely than men to make use of existing social services. It is estimated that disabled women worldwide receive only 20 percent of the rehabilitation services. Disabled women and girls face the same spectrum of human rights abuses than non-disabled women face, but their social isolation and dependence magnifies these abuses and their consequences.<sup>17</sup>

Different areas are covered in the convention: education (Article 10), access to health care (article 12), and civil rights (article 15). The International Covenant on Civil and Political Rights specifically guarantees certain rights to women, lists a broad spectrum of rights to be applied equally to men and women, and it prohibits all discrimination based on sex. Even where the laws are not discriminatory, disabled women and girls face a host of abuses at the hands of their families, communities, and the state. Though definitive data is rare, there is some evidence that disabled women and girls face harassment on the basis of disability. There are reports of physical and sexual abuse against disabled women and girls living in higher learning institutions.

... In some countries, disabled women living in institutions are abused at twice the rate as those living in the community. Although human rights abuses against women and girls are rampant, they are largely ignored. Justice systems fail to accommodate disability, making it difficult for women to prove abuses of their human rights. For example, some courts will not entertain allegations of sexual violence brought by blind women, because of supposed difficulties in identifying the perpetrator....<sup>18</sup>

Here again, the Preamble of the Declaration on the Elimination of Violence against Women states "...that some groups of women, such as ..., women in institutions or ... female children, women with disabilities, are especially vulnerable to violence." (Emphasis added). Article 4 of the same instrument also provides that States should condemn violence against women. According to this instrument, violence against women is defined under Art. 1 as "...any act of gender based violence that results in, or is likely to result in physical, sexual or physical harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life." The consequences of discrimination against, and inadequate provision for, the disabled are particularly serious for women. Women are often subjected to social, cultural and economic disadvantages which impede their access to health care, education, vocational training and employment. Accordingly, there are few educational

opportunities for disabled girls and when there are opportunities for education, in special schools; boys usually receive them.<sup>19</sup> This is also true to the situation of higher education.

Koffi Anan, the former Secretary-General of the United Nations in his report on the Implementation of the World Programme of Action concerning persons with disabilities, stated that

... Less than 5 per cent of children and young persons with disabilities have access to education and training; and girls and young women face significant barriers to participating in social life and development.... The global literacy rate for adults with disabilities, according to the 1998 UNDP study, is as low as 3 per cent, and 1 per cent goes for women with disabilities.<sup>20</sup>

In deed, these and other conditions are considered as great challenges for the protection of the human rights of women/girls with disabilities.

### **3.2.3.3. UN Convention on the Rights of a Child**

This instrument also incorporates the rights of children with disabilities together with the rights of other children and other rights. To discuss some of the principles enshrined in the convention, briefly, the first principle is related with the best interest of the child. It has been formulated as "in all actions concerning children, whether undertaken by public or private or legislative bodies, the best interest of the child shall be a primary consideration."<sup>21</sup> This enjoyment of rights is also applicable to children with disabilities for they are mere persons and found under the category of below eighteen years of age.

The other principle related to the point under discussion is non-discrimination. In this class, all children should enjoy their rights. The obligation in the convention which reads and conveys the message that:

... states parties shall respect and ensure the rights set forth in the present convention to each child with in their jurisdiction without discrimination of any kind, irrespective of the child's of his/her parent's legal guardians race, color, sex, language, religion, political or other opinion, national ethnic or social original, property , disability, birth or other status.  
<sup>22</sup>

This provision has been designed to be applied in case where children with disabilities are involved. Children with disabilities are specifically mentioned in the convention. The Convention levies duty on member states to give recognition to the rights of such a person or

persons. It states: "...disabled child should enjoy a full and decent life, in conditions which ensure dignity promote self-reliance and facilitate the child's active participation in the community."<sup>23</sup> However, it is also important to remember that the whole text of the convention together with the other instruments is relevant for children with disabilities.

Hence, the treatment of children with disabilities should be measured against the requirement of each and every Article of the convention at large. Furthermore, the full text of the convention is read in the light of other international legal instruments including UDHR, ICCPR, ICESCR and the like in which Ethiopia is a party to the given instrument with the aim of protecting the human rights of children with disabilities in the field of education.

### **3.2.3.4. ILO's Instruments**

Almost all, ILO instruments together with other relevant international, regional and domestic instruments, do have their own direct and indirect contribution for the recognition, promotion, protection and enforcement of the rights of persons with disabilities in Ethiopia. The ILO employment convention promotes the human rights of persons with disabilities to get access in the fields of employment. In this convention, among all other lists, we can get elements like:

(1) Persons with disabilities have the right to get vocational rehabilitation and employment (2) Member states must have to formulate policies on the rehabilitation and employment of persons with disabilities. (3) Persons with disabilities are equal with those persons with no disabilities (4) Persons with disabilities should be provided with affirmative actions (5) persons with disabilities must participate in the formulation of policies either of themselves or through their representative organizations(6) Last but not least, members states are also the enforcement of such rights to persons with disabilities residing in rural and remote areas.<sup>24</sup>

Ethiopia is said to have ratified more than 21 ILO conventions until August 20, 2007. Apart from these instruments, the different ILO conventions, recommendations, and the like which have not yet been adopted and ratified by Ethiopia have their own positive direct and indirect contributions for they have been taken into various Ethiopian legislations. Hence, it is possible to safely argue that in Ethiopia there are different ILO instruments which prescribe the different contents of the rights of persons with disabilities which have been taken from ILO standards either through ratification or by taking the advantage of benchmark references in the field of employment rights.

### **3.2.3.5. Other Instruments**

The other special instruments which may be considered as yardstick to the measurement of the concern of the international community with regard to persons with disabilities are international instruments like:

1. The Declaration of the Rights of Mentally Retarded Persons of 1971 and the UN Declaration of the Rights of Disabled Persons of 1975,
2. The Standard Rules on the Equalization of Opportunities for Persons with Disabilities of 1994....

These instruments were solely designed to address the question whether persons with disabilities needed to be accorded with special treatment and the way how their right of equality is achieved. The above special declarations are considered as cornerstones of rights in the history of persons with disabilities regarding their participation in the life of the community and their personality in general.<sup>25</sup> The preambles of these specific instruments state that their foundation of enforcement is placed on the determination of the states, as expressed in the UN charter. This is designed to promote higher standards of living, full employments, education and conditions of economic and social progress and development as contained in the Bills of Human Rights.

The additional special international instrument that should be raised here is the Standard Rules on the Equalization of Opportunities for Persons with Disabilities which has been realized since its adoption. The instrument is said to change the term "disabled persons" in to "persons with disabilities"<sup>26</sup> in that the later has positive connotations to the issue of disability. It is also given much credit to be the main spring board of the convention and other instruments of the day.<sup>27</sup>

### **3.3. The Rights in the African Regional Instruments**

Much could have been said about different African regional human rights instruments to which Ethiopia is a party, but for the various reasons the writer of this paper has left aside those matters related with regional approaches with regard to persons with disabilities. Of these reasons, either they can be similar with the international or with the domestic instruments in a general and specific approaches.

However, in this paper, special credit must be given to the African Charter on Human and Peoples' Rights for it states that "women, the aged and the disabled shall also have the right to

special measures of protection in keeping with their physical or moral needs."<sup>28</sup> Fortunately, the instrument directly or indirectly relates different rights of persons with disabilities for its states that persons with disabilities could hold. These are gender, age & disability factors.

### **3.4. Accessibility of International and Regional Instruments in Ethiopia**

International and regional human rights instruments are expected to be accessible and consumable at national level. The charts included in the book entitled "Human Rights of Disabled Persons" reveal that there are different international and regional instruments which have been designed to respect, recognize, promote, protect and enforce the rights of persons with disabilities. It is also indicated that most of the instruments of human rights have been ratified by Ethiopia.<sup>29</sup> When doing this, Ethiopia seems taking some necessary steps to have laws whose sole target is to comply with the different international and regional instruments. Furthermore, those ratified international human rights instruments pertaining to persons with disabilities have been given place in the supreme law of the land which states as " all international agreements ratified by Ethiopia are an integral part of the law of the land".<sup>30</sup> Besides, the constitution provides that fundamental rights and freedoms specified in the constitution shall be interpreted in conformity to the international bills of human rights and other international instruments that Ethiopia has adopted.<sup>31</sup>

But, surprisingly enough, still, almost all international and regional legal instruments ratified or adopted by Ethiopia have not been translated in to the local working language (Amharic), neither they have been publicized in the official Federal Negarit Gazette<sup>32</sup> nor they have been compiled to easily be gathered so that they could be legally accessible and consumable for the users including persons with disabilities and their advocates.

To sum up, as international laws or standards are said to be the main sources of human rights in general, and the rights of persons with disabilities in particular, in any legal system, and for the *pacta sunt servanda*<sup>33</sup> rules are universally recognized and since the principles of freely consented matters must be served in good faith for the observance of the human rights of persons with disabilities, states including Ethiopia are required to adhere to their international obligations by making ratified instruments be accessible and consumable to all so that the process of the administration of justice has the same move for all human beings including persons with disabilities.

### **3.5. Protection of Human Rights of Persons with Disabilities in Ethiopia**

#### **3.5.1. Constitutional Rights of Persons with Disabilities**

Different discussions which have been held above some how indicate that persons with disabilities are theoretically being recognized to have the same rights at international, regional and domestic levels. The direct or indirect link between the constitutions of countries and international instruments relating to persons with disabilities is formulated through adoption and ratification. As a result most of modern constitutional provisions are derived from the international bills of human rights and other related instruments at large. The Ethiopian Scenario is not different from this global principle.

It is possible to trace that constitutional matters usually contain general issues/matters like (1) avoiding discriminations (2) providing with affirmative action that can be conferred to persons with disabilities (3) Having other things as they are very right and duty applicable to other persons is also enforceable to persons with disabilities. Ethiopia, as a country, is on the same track to accept these constitutional human rights principles. In the same or similar way the FDRE constitution of 1995 deals with the non-discriminatory matters by stating, that " ...every human being is equal before the law and is entitled to equal protection of the law, without distinction in respect to...or and other status."<sup>34</sup> The FDRE constitution also prohibits discriminatory matters with regard to persons with disabilities. In addition to this, persons with disabilities are provided with equality and entitled to protection by the law as any citizen with no disability.

By way of departure from the generally applied principles of equality among citizens to the specific application of rules with regard to the rights of disabled persons, it is necessary to mention some particular constitutional provisions. For instance, the 1995 FDRE constitution declares that "the state shall, within available means, allocate resources to provide rehabilitation and assistance to the physically and mentally disabled..."<sup>35</sup> The FDRE constitution gives more emphasis on the rights of persons with disabilities, with no discrimination among one another. The focus lies on (1) giving assistance (2) rehabilitating measures (3) the constitution speaks of the conditions that are related with affirmative actions directly given to persons with disabilities. In the FDRE constitution persons who were disadvantaged before and now have been given due regard overtly in relation to affirmative action.

For instance, the Ethiopian women are entitled to such direct rights of affirmative action under the FDRE constitution.<sup>36</sup> So, by way of interpretation women and at the same time persons with disabilities are clearly entitled to those double rights of affirmative actions. Even the affirmative action goes to the tripled and quadrupled position or more if the person with disability is from the minority group, and/ or a child, and/ or old, and or if the person is living with one or more types of disabilities. Furthermore, the degree of disability matters to be entitled to lesser or more kinds of affirmative action. However, in practice, some persons or authorities forget the existence of such multiple rights which someone enjoys.

### **3.5.2. Ordinary Legislations of Ethiopia and the Rights of Persons with Disabilities**

My above discussion indicates how the Ethiopian constitution treats the protection of the rights of persons with disabilities and now, this section moves to some of the Ethiopian subordinate laws which have different attention related to the rights of persons with disabilities.

#### **3.5.2.1. Protection of Rights in Criminal Laws**

The different types of criminal laws of Ethiopia like the Criminal Code and the Criminal Procedure Code provide provisions for the protection of the different rights of persons with disabilities. These rights may be found associated with different conditions. In some instances, the status of disability enables one to be free from serving the execution of grave criminal punishments. The law provides rules that protect the rights of this person because of his/her disability. This right can also be extended to a person with disabilities when seen under different mitigative circumstances of punishment.<sup>37</sup>

Here again, there are different provisions of the criminal law, which have the motives of protecting the rights of persons with disabilities. The criminal Code states that if a person is convicted of a any crime against persons with disability, the punishment is to be aggravated.<sup>38</sup> It also protects women with disabilities from being abducted.<sup>39</sup> The punishment thereto is with rigorous imprisonment to ten years. And again if the crime is committed on a minor and at the same time disabled it becomes more sever to the extent of 20 years rigorous imprisonment.<sup>40</sup> The Code also provides that if a rape is committed against disabled person the punishment will be from 1 to 15 years of rigorous imprisonment.<sup>41</sup> Last but not least persons with disabilities as any

other person to be protected by the criminal law principles, are also protected from being harassed by the misuse of power of officials or government civil servants.<sup>42</sup> So, the criminal code of Ethiopia has the intention to protect persons with disabilities not to be harmed by evil deeds (crimes).

### **3.5.2.2. Protection of Rights in the Civil Laws**

The civil code under its different books deals with the rights of persons with disabilities. Of these, Book 1 under chapter three titles two, states the two broad types of disabilities, i.e., mental and physical kinds of personal disabilities in the following ways. It says, "Deaf, mute, blind persons and other who, as the consequence of permanent infirmity are not capable to take care of themselves or administer their property may invoke in their favor the provisions of the law which afford protection to those who are insane."<sup>43</sup>

This provision can be interpreted as; firstly, persons with disabilities have the right to invoke the provisions of the law to protect them from any societal or individual danger. This emanates from the presumption being unable to take care of ones personal act and being unable to protect ones property. And secondly, the word "may" in the provision connotes that persons with disabilities are with options either to seek protection for their personal act or administration of their property.

The point here is that though persons with disabilities have the right to be protected by the law when need arises to protect their personal care or personal property administration. But in some instances, there may not be situations where persons with disabilities need not the protection of the law. This assertion can be illustrated under the Ethiopian civil code which states as:

1. Juridical acts performed by a person at the time and in a place in which his state of insanity was notorious, may be invoked by that person, by his representatives or by his heirs.
2. The same shall apply to juridical acts performed by a person where the infirmity which renders such person unfit to take care of himself and to administer his property is apparent.<sup>44</sup>

In the above sub Articles the purpose of the law is to protect the right; the infirmity/disability must be visible to any reasonable person or medical test. Furthermore, the civil code deals about the protection of the rights of persons with disabilities under the law of obligations which deals

about the written formalities of contracts. It tries to protect the rights of persons with sighted disabilities by stating that the contract "... shall not bind him unless it is authenticated by a notary registrar or judge acting in the discharge of his duties."<sup>45</sup> This provision is designed to protect the blind people from different mischievous acts created during entering in to a contract.

### **3.5.2.3. Protection of Rights in Employment Laws**

The right to employment is one of the fundamental human rights in the economic, social, and political life of a community. However, still, graduate people with disabilities face discrimination while they are seeking jobs and even after employment because of their disabilities. But, there are different legislations which positively affect the citizens with disabilities to the entitlement of equal rights of employment and even to the extent of rendering special provisions which contain affirmative actions to enable them to exploit the rights of equality during before or after employment that could be discussed below.

#### **A. Proclamation No. 101/1996**

Usually, the opportunity to employment has been one of the major areas in which individuals with disabilities have been discriminated against. To solve the problem, Ethiopia has already promulgated a law at the Federal level. Unlike any other laws made in Ethiopia, this proclamation deals with only the specific problems of persons with disabilities and different types of human rights in employment aspects. It may be said that the proclamation contains three levels of rights concerning persons with disabilities, i.e., (1) rights related with pre-employment (2) rights related with post employment, (3) enforcement of rights.

The first stage pertains to cases before a person is employed. It is directly mentioned on the proclamation by saying that persons with disabilities have received less job opportunities because of discrimination practices and that these practices should be stopped.<sup>46</sup> The statement conveys the message that the employment opportunities of persons with disabilities, before joining the working market, have been influenced by discrimination which is the result of underestimating their ability to work.

The proclamation has also provided a provision which avoids unequal treatment of persons with disabilities in an explicit way by stating: "a disabled person having the necessary qualifications

shall, unless the nature of the work dictates otherwise, have the rights to compete and to be selected for (a) a vacant post through recruitment...procedures. <sup>47</sup> The phrase ' necessary qualifications' here indicates that the candidate with disabilities is required to be qualified for the job he/she has applied to. The skill or the qualification maybe obtained through either formal or informal education process. Also the above cited provision carries message in the phrase, ' unless the nature of the work dictates otherwise '. This connotes that before persons with disabilities are employed, the consequences of their disability should be measured against their possible post. For example one who has lost his sight totally can not be a car driver and a soldier.

Furthermore, the not to be excluded during pre-employment time is strengthened by the idea which says, that selection criteria of employees should be free from disability matters unless the nature of the work dictates otherwise.<sup>48</sup> consequently a candidate is protected against his/her disability limitations in time of recruitment process. The proclamation also provides a situation by which persons with disabilities are protected against possible discrimination and other abuses of human rights. The law imposes duties on any employer that post suitable to be held by individuals with disabilities are selected and reserved for such persons.<sup>49</sup>

The other situation in which the rights of persons with disabilities arise is the case of post employment. Persons with disabilities, after they have been employed by a given entity, have the right to compete and to be selected for a post through promotion and transfer. In addition to these rights, they have also been entitled to get training which are to be given either domestically or abroad.<sup>50</sup> Besides, the proclamation provides that an employee with disability shall be supplied with necessary equipment, enabling him to perform his duties, either by the employer or by the institutions in which he is attending his training/education giving him the opportunity to conduct his training.<sup>51</sup> This may include to facilitate easy movement or walking, computers with Jaws for visually impaired persons, and the like.

As to the scope of application of the proclamation, it covers all types of employers be it governmental or non-governmental office, whether it is large or small in its size, and financial capacity. The proclamation provides that "any government office or an undertaking governed by the labor proclamation No (377/2003)."<sup>52</sup> In this provision we do not have a possibility of exemption as it is qualified by the word ' any'. Therefore, whenever an entity is a government

office or an undertaking, regardless of its size and any other circumstances, it falls under the provisions of the proclamation with no reservation.

### **B. Labor Proclamation No. 377/2003**

This proclamation treats the protection of the human rights of persons with disabilities with especial emphasis after being employed and getting either mental or physical disability suffer. Among those rights when a person gets disablement as a result of work injury and if there is a decrease or loose of capacity to work either totally or partially for a permanent period, he is entitled to compensation.<sup>53</sup> The proclamation states that those who are disabled by an employment injury in the undertaking have the right to enjoy the priority of staying in the undertaking than other persons like ( a) those having the shortest length of service in the undertaking ( b) those having fewer dependants, ( c) those not covered under ( a) and (b)<sup>54</sup>

Last but not least, the proclamation dictates that there could be termination of contract of employment by law, when the worker is unable to work due to partial or total incapacity.<sup>55</sup> This provision of the law enables a person with disability to quit his/her contract of employment without loosing the right to get his/her severance payment, compensation and the like from his/her employer for this kind of termination is considered to be lawful.

### **C. The Federal Civil Servants Proclamation No. 515/2007**

This is one of the laws which have been promulgated to ensure job security and fair conditions of service to government employees. The Civil Servants Proclamation explicitly sets the right to affirmative measures to persons with disabilities, in the government office."<sup>56</sup> And the right to the affirmative measures to be taken during the filling of vacancies, by way of interpretation, continues in cases of training, promotion, provision of facilities, transfer and reduction of work force, etc. Moreover, the right to affirmative action can be wider and wider if the person with disability is both women and from underrepresented nationalities in the government offices. The proclamation gives more advantages to women with disabilities than men with disabilities and women with no disabilities.

#### **3.5.2.4. The Protection in Electoral laws**

The Electoral Law of Ethiopia provides different rights to persons with disabilities during the election process when presenting oneself either as a voter or as a candidate. In general terms, the

law provides that, "... any Ethiopian whose electoral rights are not legally restricted shall be eligible to elect or to be elected."<sup>57</sup> This provision confers the rights of participation of citizens during election. In such a case, this proclamation recognizes other persons with disabilities to have the right in participating during election registration by stating "the disabled, other than those specified under Art 20(1) here in above, and the blind may be registered accompanied by their assistants."<sup>58</sup>

The right further extends to the conditions of modalities of voting by persons with disabilities which is stated as "... electors who are blind or, otherwise, physically disabled may vote accompanied by assistant of their own choice".<sup>59</sup> In general, the law provides rights for different persons with disabilities to be given different approaches during election process. This special law can be said that it also provides conditions in which persons with disabilities in higher educational institution can have different rights in case of election or participation in the determination of one's own political life at national level.

### **3.5.3. Ethiopian Policies and the Rights of Persons with Disabilities**

As we could understand from the various chapters and sections of this paper, the state of persons with disabilities in Ethiopia is said to be more tragic and sever due to the presence of diversified problems. The FDRE Constitution requires the different levels of government to formulate policies on different issues to solve these obstacles. Although the various policies are equally applicable for persons with disabilities, they do not address the specific needs or problems of this category of the population. The major current problems concerning disability matters in the area of education are:

1. Lack of clear laws, policies, rules and regulations;
2. Lack of public understanding;
3. Inaccessibility of assistive devices;
4. Lack of information on the number and status of disabilities;
5. Shortage of basic needs and services;
6. Lack of clear implementing organ; ...

In Ethiopia, some associate factors like disability with 'spiritual evil'<sup>60</sup> and not let those persons out in public. But, there is no policy which specifically deals with the problems and solutions of disabilities. Of course, the education policy has elements which deal with the issue of disabilities to some extent. Different policies enacted by the government are not addressing the issue clearly

except the education policy of the Transitional Government of Ethiopia of 1994, which somehow tries to address the problems of persons with disabilities in the area of higher education.

So, although I have tried to discuss the issue under chapter four of this paper, it is very vital to highlight some of the points enshrined in this Policy. The document, in its introductory part declares that

... Education enables individuals and society to make all-rounded participation in the development process by acquiring, Knowledge, ability, skills and attitudes. One of the aims of education is to strengthen the individual's and societies problem-solving capacity, ability and culture starting from basic education and at all levels. Education also plays a role in the promotion of respect for human rights and democratic values, creating the condition for equality, mutual understanding and cooperation among people. Education does not operate in isolation; rather it has to be integrated with research, practice and development to contribute towards an all-rounded development of society.

The points mentioned above are similar with the standards of UNESCO that have been discussed under chapter Two. This Policy also says that currently, it is known that our country's education is entangled with complex problems of relevance, quality, accessibility and equity. Inadequate facilities, insufficient training of teachers, overcrowded classes, shortage of books and other among teaching materials'. All indicate the low quality of education that is provided for all.<sup>61</sup> This is all the same for persons with disabilities, if not the worst. Hence, the overall aim of the education and training policy envisages that bringing-up citizens endowed with humane outlook, countrywide responsibility and democratic values and having developed the necessary productive, creative and appreciative capacity in order to participate fruitfully in development and the utilization of resources and the environment at large. This includes the rights of persons with disabilities in the field of education for it states that

.....develop the physical and mental potential and the problem-solving capacity of individuals by expanding education and in particular by providing ...education for all.... It also has the aim to enable both the handicapped and the gifted learn in accordance with their potential and needs. <sup>62</sup> For this end, the policy requires the Change of curriculum and preparation of education materials accordingly ... as well as, Change of educational organization and management has become the demand of the day.<sup>63</sup>

Most importantly, when using the phrase "for all" the Policy prohibits discrimination because of ethnic origin, sex, religion, political outlook, or and other grounds. Although "disability" is not expressly mentioned, the phrase "any other ground" which is derived from the Constitution can be interpreted to include disability as a ground of discrimination.<sup>64</sup> consequently; persons with

disabilities are accorded with the right to non-discrimination on the basis of their disability in the field of education in the context of the Policy.

Generally, the current reality dictates States to study all the gaps and to adjust it to the international standards. As we have discussed above, there are different laws and regulations directly or indirectly dealing with the issue of disability. The current trend in relation to policy is that all policies and programs should take into account the protection and promotion of human rights of persons with disabilities. This is the idea clearly stipulated in the domestic laws, and international instruments. There are education policy, industry policy, cultural policy and the like. So, we have to look at the concern of each policy on the issue of disability. It is clear that only the Ethiopian education policy to some extent tries to accommodate the interest of persons with disabilities. But the other policies are silent about this category of persons. So, mainstreaming the issue in all policies should be done effectively and conducted with the active participation of persons with disabilities.

### **3.6. Comparative Experiences to Protect Rights**

#### **3.6.1. General**

The protection of human rights of persons with disabilities is a phenomenon which has got wider range of experience in different countries at different levels. Some countries have established different kinds of legislations and policies which govern the protection of persons with disabilities in their various levels of educational structure. These countries have given due specific attention to the educational rights of persons with disabilities in their higher learning institutions. Countries like India, USA, South Africa, Nigeria, UK, Finland, etc, have developed the system which protects the rights of persons with disabilities in their higher educational institutions. Hence, it is very vital to raise and discuss some of the experiences of few of these countries.

#### **3.6.2. The Indian Experience**

A look at India's higher education for people with disabilities tells us that the Indian Parliament has legally endorsed the right of access for people with disability to education, vocational training and employment through the Persons with Disability (Equal Opportunity, Protection of Rights and full Participation) Act, of 1995. The act establishes the responsibility of society to make adjustments, so that people with disability are able to overcome various practical hurdles,

either created by their disability or by society itself. The act places people with disability at par with other citizens of India, in respect to education including higher education, vocational training, and employment.<sup>65</sup> Understanding and accommodating students with disability has become a central focus for higher education. The students' experience of disability remains towards the margin of higher education's focus. Given many students experiencing disability in many universities are viewed as different in ways that fails to affirm diversity or to facilitate their inclusion.<sup>66</sup>

The University Grants Commission (UGC) vide its policy paper on education in the Ninth five-year plan has stated that persons with disability should not be ignored in the higher education system. It has recommended development of special education teacher preparation programme and also a scheme to provide special assistance to disabled persons to facilitate better accessibility in higher education to achieve better results by allocating an instructor and one person for one student with an objective to:

1. Encourage Universities/Colleges of Education in India to promote teacher preparation programmes in the field of special education.
2. Provide equal education opportunities and experiences to disabled persons in higher education institutions.
3. Create awareness among the functionaries of higher education about the specific educational needs of persons with disabilities.
4. Equip the higher education institutions with the facilities to provide access to disabled persons.
5. Provide appropriate financial assistance to disabled individuals to increase their sustainability in higher education.
6. Explore suitable placement for the educated disabled graduates in public as well as private sector enterprises.
7. Monitor the implication of all existing and future legislation and policies pertaining to higher education of persons with disabilities.<sup>67</sup>

Under the provision of facilities for the promotion of higher education of disabled persons, the scheme has three components: establishment of disability units in Universities/College; providing access to persons with disability; providing special equipment to augment the educational services for disabled persons. The purpose of this unit is to:

1. Facilitate admission of persons with disability,
2. Provide guidance and counseling to disabled individuals
3. Create awareness about the needs of persons with disabilities, and other general issues concerning disabilities, and
4. Assist disabled graduates to gain successful employment in public as well as private sector.<sup>68</sup>

It is also a fact that many institutes have architectural barriers and therefore persons with disabilities find it difficult for their day to day functioning in these places. While the new constructions in the universities and colleges are expected to address this issue in the light of the passing of the persons with disabilities Act, 1995, the existing structure in the higher education institutes should be made disability friendly. The institutes are encouraged to acquire special facilities such as ramps, rails, special toilets, and other necessities.

Persons with disabilities require some special aids and appliances to cope up with their day-to-day functioning. These types of individual aids are available from the schemes of the Ministry of Social Justice and Empowerment of India. On the other hand, there is a need for special types of expensive equipment, which can be acquired by the institutes to cater to the needs of these persons. Availability of devices such as low vision aids, scanners, mobility devices, etc., in the institutes/ Universities would enrich the educational experiences of persons with disabilities, and therefore, the Universities/ Colleges are encouraged to procure such useful devices in the future.

For instance, steps taken by Jawaharlal Nehru University (JNU) indicate that Equal Opportunity office of the University has set up the Disability Unit with expert review committee to consider the purchase of special equipment to augment educational services for disabled and to advice on other matters. Through this unit, presently the University is providing counseling services to students with special needs through university Health Centre, keeping in mind the problem of adjustment and other problems of psychological in nature faced by some of physically challenged students. The University Disability Unit is also assisting graduates with disabilities in getting successful employment in public as well as private sector and in this regard the unit is in touch with various Non Governmental Organizations active in this field as well as some government institutions. A computer based reading system with voice (Jaws) is already functional in the University's Library for the blind students and some ramps have already been constructed in some hostels and various other buildings in the academic complex for smooth mobility of physically challenged students<sup>69</sup> This is a lesson for all of our higher educational institutions.

### **3.6.3. Other Countries' Experience**

Also, the U.S American system has developed different mechanisms to protect the educational rights of persons with disabilities.<sup>70</sup> The Individual Disabilities Education Act of the United

States of America of 1975 recognizes the specific needs of persons with disabilities for education. It is stated that

Every public education should be available to them. A free and appropriate public education which emphasized special education and related services designed to meet their unique needs should be provided. Persons with disabilities and their parents guardians are protected States and local institutions which educate persons with disabilities should be assisted. And any federal and state strategy towards education should try to include the needs of students with disabilities and enable them to succeed in their academic life including their higher learning program.<sup>71</sup>

Accordingly, in USA, each and every need of persons with disabilities in the academic atmosphere is considered for every one who is under learning difficulties because of disability factors. Each educational institution should consider whether the institutions illegibility criteria have unnecessary effect of screening out applicants with learning difficulties and whether criteria might be inappropriately waived in a given situation.<sup>72</sup> In a more or less similar way, in South Africa, the rights of persons with disabilities addressed in a number of international and national and national laws/policies do consider the protection of such persons in any higher education. These instruments guide the country in developing to offer monitoring system to ensure they are effective in the education sector and the rights of persons with disabilities.<sup>73</sup>

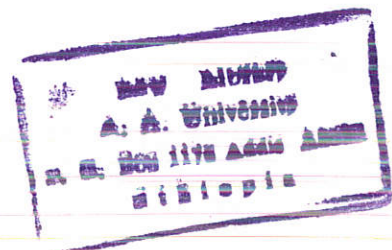
In addition, the national laws of South Africa, particularly several sections of the constitution provide protections that apply to persons with disabilities in the education sector. They give all people the right to education. Discrimination in these areas is unconstitutional. Section 28 of the constitution of South Africa provides basic rights that apply to persons with disabilities. This includes the right of care to social services and to protection from maltreatment; to each of this right applies to persons with disabilities. Again, the educational policy of South Africa provides mechanisms to access to education at all levels of educational institutions.<sup>74</sup>

To conclude, education or learning is considered to be one of the fundamental principles of the "human rights generations". It is the base for any development and needs protection. This important concept of the rights of persons with disabilities has somehow been incorporated in different international, regional, and national legal and policy instruments which have also been discussed in the coming specific chapter. For the details of the right to education, see chapter four.

## End Notes

### Chapter Three

1. The UN Charter of 1945, Preamble.
2. The Universal Declaration of Human Rights of 1948, Preamble .
3. The International Covenant on Economic Social and Cultural Rights of 1966, Art. 2.
4. The International Covenant on Civil and Political Rights of 1966, Art. 2.
5. <http://www.apcdproject.org/publications/2006/newsletter17/convention.html> Retrieved on January 4, 2008, at 3 pm.
6. Don Mackay, negotiated the treaty [www.un.org/esa/socdev/enable](http://www.un.org/esa/socdev/enable) or visited on August 22, 2007, at 1 pm.
7. The UN Convention on the Rights of Persons with Disabilities of December 13, 2006, Art. 4 and Art. 6.
8. Extracted from the Convention in Brief, <http://shsph.up.ac.la> (disability) information rights. Htm, visited on Aug. 11, 2006, at 10 am.
9. Cited at note 7, the UN Convention on the Rights of Persons with Disabilities, 2006, Articles 33-39.
10. The Optional Protocol on the Rights of Persons with Disabilities, Preamble.
11. Gerard Quinn and Thersi a Degener Human Rights and Disability. The current use and future potential of United Nations human rights instruments in the context of disability. United Nations New York and Geneva, 2002, p.103.
12. Id, p. 104.
13. The UN Convention on the Elimination of all forms of Discrimination against Women Art. 5(B)
14. Id, Art. 2(e).
15. Supra Note 11, p.104 .
16. Supra Note 13, Article 1.
17. Retrived from, Human Rights Watch: Women's Human Rights: Disabled Women and Girls, <http://www.hrw.org/women/disabled.html> Visited on January 3, 2008, at 4 pm.
18. Ibid.
19. Retrived from, Human Rights Women with disabilities: Women's Human Rights Net [http://dawn.thot.net/wwd\\_human\\_rights.html](http://dawn.thot.net/wwd_human_rights.html) visited on January 1, 2008, at 12 pm.
20. Retrived from, WomenWatch: Feature on women with Disabilities <http://www.un.org/womenwatch/enable/index.html> visited on January 10, 2008, at 2 pm.



21. The UN Convention on the Rights of the Child of 1989 Art, 3(1).
22. Id, Article 2.
23. Supra Note at 21, Art 23(1).
24. The ILO Convention on Vocational Rehabilitation and Employment of Persons with Disabilities , No, 159 June, 1983, Article 1.
25. The Declaration on the Rights of the Disabled Persons of 1975, Preamble.
26. The UN Standard Rules of the Equalization of Opportunities for Persons with Disabilities of 1993, Preamble.
27. Cited at note 7, the UN Convention on the Rights of Persons with Disabilities of 2006, Preamble.
28. African Charter on Human and People's Rights 1981, Art. 18(3-4) .
29. Human Rights and Disabled Persons: Essay and Relevant Human Rights Instruments Marinus Nishoff Publisher, vol. 40, 1995 , pp. 721-722 .
30. Federal Democratic Republic of Ethiopia, Federal Negarit Gazeta, Proclamation No.1/1995, Constitution of the Federal Democratic Republic of Ethiopia. Addis Ababa: Berhanena selam Printing Enterprise, 1995, Art 9(4).
31. Id, Art 13(2) .
32. Ibrahim Edris, The Place of International Human Rights Conventions in the 1994 Federal Democratic Republic of Ethiopia ( FDRE) Constitution , Journal of Ethiopian Laws, Vol. 20, 2004, p. 114.
33. The UN Vienna Convention on the Law of Treaties, 1969, preamble .
34. Cited at note 30, FDRE Constitution, Art 25.
35. Id Art 41(5).
36. Id Art. 35(3).
37. Federal Negarit Gazzeta Proclamation No.414, the Ethiopian Federal Criminal Code of 2004, Arts. 48(2), 82, 179
38. Id, Art 84(1), (2)
39. Id, Art. 588.
40. Id, Art 589(2).
41. Id, art, 623.
42. Id, Arts 407(1), 411, 416.
43. Negarit Gazeta , The Ethiopian Civil Code of 1960, Art. 340 .
44. Id, Article 343 (1-2).
45. Id, Article 1728(3).

46. The Federal Negarit Gazeta, The Rights of disabled Persons to employment Proclamation No. 101/1994 of Ethiopia (Preamble).
47. Id, Art 3(1).
48. Id, Art 3(2).
49. Id, art 4.
50. Id, art 3(1) (a).
51. Id, Art 3(1) (b).
52. Id, art 3(4).
53. Federal Negarit Gazeta, Labor Proclamation No. 377/ 2003. Article 109.
54. Id, art 29 (3) (a-d).
55. Id art 24(5).
56. Federal Democratic Republic of Ethiopia, Federal Negarit Gazeta , Proc. No. 5152007, Federal Civil Servants Proclamation. Addis Ababa: Berhanenaselam Printing Enterprise Art. 13(3).
57. Federal Democratic Republic of Ethiopia, Federal Negarit Gazeta, Electoral Law of Ethiopia Proclamation No 111/1995, Art. 14(2)
58. Id, art 21(4).
59. Id, art 64(5).
60. Frew Hailu, The Protection of the Rights to Employment of People with Disabilities Under the Ethiopian Law, Faculty of Law, Addis Ababa University, Unpublished material, 2001. p. 13.
61. Federal Democratic Republic government of Ethiopia Education and Training Policy, Addis Ababa, April, 1994, Introduction Part.
62. Id, Ethiopian Education and Training Policy, 1994, Items 2.1.1. & 2.2.3.
63. Id, Items 4.1-3.
64. The FDRE Constitution Art. 25.
65. [http://www.miusa.org/ncde/intloppportunities/indiasjawaharlal nehru-university](http://www.miusa.org/ncde/intloppportunities/indiasjawaharlal%20nehru-university) Special Needs Education A look at India's access to higher education for people with disabilities. By Anant Kumar Sri Chennakeshava Temple India's Jawaharlal Nehru University Retrived on October 13, 2007 at 4 pm.
66. Ibid.
67. Ibid.
68. Ibid.
69. Ibid.

70. Bonnie poitras Tuckers Federal Disability Law in a nut shell welt publishing com. Minnesota 2<sup>nd</sup> ed. 1986, p.332.
71. UNESCO; Over coming exclusion through inclusive approaches in education; A challenge and Vision, 2001, P.12.
72. Alan Mk. Koral EAL, Employer compliance with the Americans Disabilities Act, Practicina Law institutions, USA 1990, p.39.
73. Annsekeltan, children and the law, Lawyers for human rights publishing com. South Africa, 1998, p.20.
74. Retrived from,[http:// shsp .Up ac.ZA](http://shsp.ac.za) (disability) information rights. Html, visited on Nov.20, 2007, at 2 am.

# **Chapter Four**

## **4. Persons with Disabilities and Their Human Rights to Education**

### **4.1. General**

This chapter is directly and specifically related to the issue of the right to education for persons with disabilities in general and in higher institutions in particular. As it could be seen in Chapter Five of this paper, many say that there are various practical and theoretical problems or factors which negatively affect human rights of persons with disabilities.

Accordingly, today, it is common to hear and read complains <sup>1</sup> from persons with disabilities and other groups that most of the rights of persons with disabilities in educational sectors are not still recognized and protected as much as it deserves. Even, when we see chapter five of this thesis, it becomes the worst in the higher education levels. They say that getting one degree in the University is insufficient (considered to acquire more than two or above that).<sup>2</sup> These grievances arise from different challenges that could be seen under Chapter Five. These can generally be categorized as a social, economic, cultural, political, policy and legal ... factors.

Education or learning is still considered to be one of the fundamental principles of the "human rights generations" of the day. As it could be discussed in the next sections of this chapter of the paper, this important concept of the rights of persons with disabilities has been incorporated in different international, regional, and national legal and policy instruments.

### **4.2. The Right to Education under International Instruments**

#### **4.2.1. General**

As regards the issue of the right to higher education, currently, we have various instruments in the international level. Their primary objective is to make sure that men throughout the world live together peacefully and with harmony in all aspects of life.<sup>3</sup> the situation of "persons with disabilities" has been traced as an issue of human rights by these universal documents. These international documents are ratified by almost all countries including Ethiopia. This has its own

positive contribution for the protection of the rights of students with disabilities at national level. Accordingly, the FDRE Constitution of 1995 Art. 9 (4) declares that all international agreements ratified by Ethiopia are the integral parts of the law of the land/country. Following this, the constitution also added emphasis on the relation of the international instruments and the domestic laws of Ethiopia by saying: "... the fundamental rights and freedoms specified in this chapter,( i.e. chapter 3 of the constitution) shall be interpreted in the manner conforming the principles of the Universal Declaration of Human Rights. International Covenants on Human Rights and International Instruments adopted by Ethiopia".<sup>4</sup> (emphasis added)

Hence, pursuant to this provision, the Universal Declaration of Human Rights and other instruments like International Covenant on Economic, Social and Cultural Rights of 1966 together with their provisions which deal with the right to higher education, (the relevant instruments of this paper) became the integral part of the law of the land, i.e. the legislations of Ethiopia for they have been adopted and ratified by Ethiopia. However, I have added those instruments which are not yet ratified by Ethiopia for they do have positive contribution for the issue at hand.

#### **4.2.2. The Right to Education in the Universal Declaration of Human Rights**

It is obvious that only one reference to disability appeared in the Universal Declaration of Human Rights of 1948 in a general rather than in educational context. Article 25 (1) of the Declaration provides in part that "every one has the right to...security, in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control." Following this instrument, there emerged several instruments to govern the matter under discussion.

The Declaration of the Right of the Child of 1959 affirms the "disabled child's" right to special education.<sup>5</sup> Paragraph 5 of this instrument thereof states that "the child who is physically, mentally or socially handicapped shall be given special treatment, education and care required by his particular conditions."<sup>6</sup> Also, although the 1971 and 1975 Declarations are not legally binding as a matter of international or municipal laws, they do have power of moral and political suasion to secure important national policy change. Both declarations are designed to assist the mentally

retarded and physically handicapped persons to develop their abilities in different fields to promote their integration as far as possible in the normal life of the given society.<sup>7</sup>

More over, the Declaration of Mentally Retarded Persons of 1971 states, “the mentally retarded person has the right to . . . such education, training, rehabilitation and guidance as enable him to develop his ability and maximum potential.”<sup>8</sup> Not only this instrument, the 1975 declaration, on the other hand, recognizes the right of persons with disabilities to “... education, vocational training and rehabilitation, and, counseling, placement and other services which enable them to develop their capabilities and skills to the maximum and will hasten the processes of social integration or reintegration”<sup>9</sup> in every aspects of life.

In general, starting from its preamble, the Universal Declaration of Human Rights focuses on human rights, equality of all members of the human family, on the foundation of freedom, justice, etc which includes the field of education.<sup>10</sup> This declaration is a common denominator of the globe. So, it is deemed to lay down the corner stone to assure that all human rights should be respected and protected. The other comprehensive Article in the Declaration is Article 26 which clearly provides the rights of education. Sub article 1 of this article states that: “... Every one has the right to education. .... Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.”<sup>11</sup> With in the instrument, in this sub article, there are important elements to be picked out to show the educational rights for all human beings without the discrimination of any ground. Among these elements, the phrase, “everyone has the right to education” is comprehensive phrase which clearly enumerates that any person whose age has reached to education and who has the capacity has the right to schooling. Even technical and professional educations at the higher education level, shall be made equally accessible to all human beings regardless of race, color, disability..., and other status.<sup>12</sup>

Hence, from the above provisions of the UDHR, we can infer or understand that such declaration recognized the “rights of persons with disabilities” and entitled them with equal protection of their educational and other rights as non-disabled persons in the higher education levels. This includes students with disabilities in higher education. This novel idea on the right to education has also been recognized by the International Covenant on Economic, Social and Cultural Rights.

### **4.2.3. The Right to Education in the International Covenant on Economic, Social and Cultural Rights**

This instrument is very vital for the protection of the educational rights of persons with disabilities. As per article 13 (2) of the FDRE Constitution of 1995, this international covenant has a binding effect on fundamental rights specified in chapter three of the FDRE Constitution. Also, Article 41 (4) and (5) of the constitution say that “the state has the obligation to... education.” “The state shall, within available means allocate resources to provide rehabilitation and assistance to the physically and mentally disabled...”<sup>13</sup> These provisions, to some extent, specified the “physically and mentally disabled persons.” And According to the above provisions, which carry fundamental rights of human beings, are the products of the 1966 international covenant; and the convention binds Ethiopia to respect and implement it.

As a matter of fact, the international covenant which is referred to as “ICESCR” provides the rights to education to all individuals under article 13 of the Covenant. Sub article (1) of this article specially states this right to education as “... The state’s parties to the present covenant recognize to the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect of human rights and fundamental freedoms.”<sup>14</sup>

In article 13 (2), it states about higher education which should be made available and accessible in equal manner to all citizens.<sup>15</sup> Pursuant to these international instruments, every states party is under obligation to recognize the right to education for all of its nationals without any discrimination to enact national legal instruments and frame policies to ensure this right. The states parties are also bound to take steps for implementation of these legislations. As a member state to this Covenant, Ethiopia has both the moral and legal obligation to implement the instrument at all levels of education. Moreover, in general, it is very essential to remember that Article 13 of the ICESCR proclaims the above idea in line with article 26 (1) of the UDHR. These provisions impliedly recognize the concept and equality to educational opportunities which are implemented by the non-discriminatory nature in article 2 (2) of the UDHR.

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#### **4.2.4. The Right to Education in the UNESCO Convention Against Discrimination in Education**

Although Ethiopia is not a member state for this instrument up to the date on which I wrote this paper, it is very vital to raise some provisions of the instrument for they are morally binding for all states. In addition to the above instruments, the Convention against Discrimination in Education of 1960 stresses the need to ensuring the right to equal opportunities to education for all human beings at all levels of education. Particularly, article 3 of the convention provides the equal opportunities for any person without any requirement to the particular group. Specially, sub articles (c) and (d) add emphasis on equal right to education to all persons. These sub articles are read as follows respectively:

not to allow any differences of treatment by the public authorities between nationals and the grant of scholarships and other forms of assistance to pupils and necessary permits and facilities for the pursuit of studies in foreign countries.” “Not to allow any form of assistance granted by the public authorities to educational institutions, any restrictions or preferences based solely on the ground that pupils belong to a particular group.”<sup>16</sup>

Moreover, this convention urges states to eliminate any discriminatory laws or administrative acts which result in educational segregation based on race, color, sex, religion, disability, etc. Not only abrogating the discriminatory provisions, but also the states are obligated to formulate, develop and apply a national policy which, by method appropriate to the circumstances and to the national usage, will tend to promote equality of opportunity and of treatment in the matter of education.<sup>17</sup> This non-discriminatory convention on education, according to articles 1, 13, 56 of the UN Charter and Articles 2 and 26 of the UDHR and other instruments of UN in the field, requests the cooperation of all states on the world to strengthen to respect the human rights to education of all individuals.

Hence, it is clear that special care or treatment for the educational human rights of persons with disabilities is very much necessary in order to enable them to develop their capacity and to use their maximum potential for the personal and societal development. That is why the UN confirmed through its declaration of the right to education of the disabled on vocational training rehabilitation and other services to enable them develop their skill.<sup>18</sup> This is expected to be done through giving equal opportunities for persons with disabilities in higher education.

#### **4.2.5. The Right to Education in the UN Standard Rules on Equal Opportunities of the Rights of Persons with Disabilities**

Strictly speaking, the issue of the educational right is highly stressed by the UN Standard Rules on Equal Opportunities of the Rights of Persons with Disabilities. The standard rules are considered to be the spring board of other instruments of the international community. These standard rules create a new opportunity for persons with disabilities to be given the right to education and it has been laid down an obligation upon states to draw legislative measures for the implementation and protection of the rights of these persons under consideration. Therefore, as Ethiopia is a member state of the UN and accepted the obligation under Rule 6 which realizes the importance of equal opportunities of persons with disabilities with other non-disabled people, every person who lives with disabilities is with different rights that may be exercised equally with others.<sup>19</sup> The spirits of the Standard Rules have been incorporated in the Convention on the Rights of a Child, Convention on the Rights of Persons with Disabilities....

#### **4.2.6. The Right to Education in the Convention on the Rights of a Child**

This instrument is very vital for persons under eighteen years and who attend their higher learning programs. As it is stated in the above sections of this chapter, International bodies have recognized the rights of children with disabilities to have access and receive suitable education issues series of the UN declarations and conventions. Among these international instruments, the UN's Convention on the Rights of a Child is the most important international treaty which fully recognizes the rights of children with disabilities. Thereby, it has contributed to a more serious recognition of the universal human rights for persons with disabilities in general.<sup>20</sup> Formulations of the rights to special education have become more specific and binding in character<sup>21</sup> specially for the protection of the rights of persons with disabilities under eighteen years of age.

Obviously, we should never forget that, no matter how children with disabilities are explicitly mentioned in article 23 of the convention, it is important to know that all provisions of the convention are relevant for this group. In fact, the principle of non-discrimination as expressed in article 2 is the most important to these children with disabilities.<sup>22</sup> This article of the convention contains about non-discrimination in all aspects of life, including education.<sup>23</sup> This devolves to the rights of students under eighteen years of age. Following this, Article 28 of the convention consolidates as "states parties should recognize the right of the child to education... on the basis

of equal opportunities.”<sup>24</sup> Thus, if school-age children with non-disabilities are entitled to the right to public education, the same age children with disabilities should enjoy similar rights.<sup>25</sup>

In general, the most comprehensive international norms pertaining to the rights of children with disabilities appeared in Article 23 of the Convention on the Rights of the Child of 1989. Article 23 (3) of the convention is the very interesting article regarding the recognition of the rights of persons with disabilities in explicit way. To read it as it is:

... recognizing the special needs of a child assistance extended in accordance with paragraph two shall be provided free of charge, whenever possible, taking in to account the financial resources of the parents or others carrying for the child and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child’s achieving the fullest possible social integration and individual development, including his/her cultural and spiritual development.<sup>26</sup>

As the previous instruments, this provision also emphasizes on social integration and individual development. It does succeed in enhancing legal protection of the rights of the children/persons with disabilities as prior to the adoption of the Convention on the Rights of the Child and the existing relatively few binding instruments in this scenario. Nevertheless, the combined effect of sub Art. (2) and (3) of article 23 is such that the child’s right to education is subject to available state resources and shall be provided free of charge whenever possible taking in to account, the financial resources of the parents or others caring for the child.<sup>27</sup>

To sum up, this convention has been ratified by Ethiopia in 1992 by proclamation number 10/1992. Therefore, according to the FDRE Constitution, this convention is the integral part of Ethiopian laws. Not only this, but also other relevant provisions of the Convention have equal footing with the other domestically promulgated laws in Ethiopia.

#### **4.2.7. The Right to Education in the Convention on the Rights of Persons with Disabilities**

Although this instrument has not been ratified up to the day I was writing the final draft of this paper, but signed by Ethiopia on March 30 ,2007, it is very vital to raise some of its provisions here for it is on process to be ratified by the Ethiopian Parlama. In addition to the above instruments, this convention recognizes the educational rights of persons with disabilities

together with other rights. From the very beginning it imposes duties on different states which are parties to the convention to recognize the right to education.

This right is exercised without discrimination and on the basis of equal opportunity. The talents, creativity, physical and mental ability to their fullest potential development should be respected.<sup>28</sup> While dealing with the concept of prohibition of 'discrimination on the basis of disability' in the area of education.<sup>29</sup> To realize these rights, every member state of the convention shall provide reasonable accommodation of the individual's requirements of persons with disabilities.<sup>30</sup> Hence, as the term indicates, reasonable accommodation refers to matters related to: "... Necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms."<sup>31</sup>

Persons with disabilities are entitled to learn life style and social development skills to facilitate their full and equal participation in education and as members of the community. These could be achieved by taking measures including the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communications and orientations with mobility skills, facilitating peer support and mentoring. Communication in its entire connotation includes:

... Languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology; "language" includes spoken and sign language and other forms of non spoken languages.<sup>32</sup>

Facilitating the learning of sign language and the promotion of linguistic and identity of the deaf community and deaf-blind persons is the other mandatory provision which levies obligations to take appropriate measures to hire or employ teachers, including teachers with disabilities who are qualified in sign language and/or Braille; to train professionals and staffs who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities at all levels of education in a given society.

What is more, persons with disabilities are also entitled to the right enabling them to access general tertiary education, vocational training, adult education and life long learning without

discrimination and on an equal basis with others. Even in such a case, states are obliged to insure that reasonable accommodation is provided to persons with disabilities. The accommodation should include legislative, policy, guidelines, psychosocial support, economical and lodging assistance academic tutorial classes and training the at most facility of accessible environment etc. These reasonable accommodations shall also include the appropriate utilization of universal design. Universal design means: “the design of products, environments, programs and services to be usable by all people to the greatest extent possible, without the need for adoptions or specialized design. Universal design shall not exclude assistive devices for particular groups or persons with disabilities where this is needed.”<sup>33</sup>

In general, the convention levies different obligations to insure and promote the full realization of all human rights for all persons with disabilities without discrimination of any kind on the basis of disability.<sup>34</sup> As part of the society of persons with disabilities, students with disabilities in higher educational institutions of Ethiopia do have the right to be protected from any human rights abuse. The convention requires states to adopt all appropriate legislative, administrative and other measures for the implementation of the rights required in the convention. This includes the right to education in higher educational institutions of Ethiopia. To realize equality and non-discrimination in education, it is required to take specific measures like affirmative actions which are necessary to accelerate or achieve de facto equality of persons with disabilities and others. Because such positive discrimination shall not be considered discrimination under the terms of the present convention<sup>35</sup> and related international and national human rights instruments.

### **4.3. The Rights to Education in the Ethiopian Context**

#### **4.3.1. The Right to Education in the FDRE Constitution**

It is the constitution which contains the rights and obligations of citizens. Accordingly, every citizen of any country should be governed by it, respects his/her duties and exercises his/her rights. Since the constitution is the supreme law of the land of the country, it is undoubtedly believed that the subordinate laws are required to be promulgated in conformity to the constitution. The current Ethiopian constitution, the same as other modern constitutions of the world countries, it also has stated human rights and the citizens of their equality before law and get the protection of the law.

The FDRE Constitution under Art. 25 clearly provides that all human beings are equal before the law and entitled to equal protection. In addition to this, chapter three of the FDRE constitution, Article 13 (2) is also another cornerstone provision of the issue of persons with disabilities. Because, it opens the opportunity for these group of persons to have legal guarantee by way of interpretation of relevant international and domestic instruments, ... in the area of education.

Most significantly, the FDRE Constitution deals with the right of education for persons with disabilities under Article 41(5) for it declares “the state shall, within its available means, allocate resources, to provide rehabilitation and assistance to physically and mentally disabled...” sub article (7) of the same article also states that “the government has an obligation to allocate resources to provide to public health, education and special services.”<sup>36</sup> Especially, the term ‘rehabilitation’ indicates the issue of the right to education for there are no rehabilitation with out any support in the area of education at all levels.

Last but not the list, the other important provision in the FDRE constitution which deals regarding education is Article 90. This provision declares that “education is to be provided in a manner that is free from any religious influence, political partisanship or for cultural prejudices.”<sup>37</sup> Also, although Article 41(5) seems to have been put to represent only the right of rehabilitation, it is possible to make it meaningful for educational right by way of interpretation pursuant to Article 13 (2) of the FDRE Constitution. Also, the other provisions of the FDRE constitution concerning the rights of the Ethiopian citizens are equally applicable for “persons with disabilities” in Ethiopia. This Constitutional right has also more or less been recognized by subordinate laws, policies and strategies of Ethiopia.

#### **4.3.2. The Right to Education in Proclamation No 351/2003**

The proclamation covers the different types of institutions which render education service in programs like regular continuing, and/ Programs like distance education. Institutions also may give short or long term education or training for up grading qualification or for imparting knowledge and skill in any specific field.<sup>38</sup> Persons with disabilities have also been entitled to attend those different programs and different fields of study. Hence, if a person is registered in any of the above programs he is entitled to receives due support from the institutions. This happens be cause of different factors like mal administration lack of proper system, lack of



consideration etc. The movement of some to get assistance is usually withhold by some administrative bodies that do not have proper understanding the duty to protect human right.

When we assess the different programs in each institution the administrative bodies try to exercise unlimited power on extension, post graduate studies, PHD, distance education etc conditions of learning have not yet been properly set up. Accordingly, there are different limitations imposed on persons with disabilities in rendering service or support and assistance in all the programs. Paradoxically, The proclamation does not have specific exclusion of getting assistance.

The proclamation provides different rights and duties/responsibilities on any student of any institution. Any student of any institution shall have the rights to

1. Learning ...
2. Receive services from the institutions as provided by law
3. Utilize the properties of the institution properly.
4. Evaluate and give opinions about academic teachers, heads and workers in relation to education or training, and other rights of students in the institution.
5. To be represented at the appropriate administrative organs and committees of the institution. ...<sup>39</sup>

To enjoy these aforementioned rights, any student, however, has to be enrolled or admitted to the institutions. This admission of a student to a given institution is required to be governed by laws and policies.<sup>40</sup> Again, As regards assessment, the proclamation has provided different rights by which any student is to be assessed and enter or stay within a given institution.<sup>41</sup>

Any right to join any institution or any condition to be assessed properly or to stay in the institution devolves to the situation where students with disabilities are found. The proclamation provides that any student with disability is entitled to special support. This special support extends to conditions like entry, assessment or admission by any institution and it is required to be guided by designed procedures.<sup>42</sup> special support and assistance is expected to be fully implemented by any government owned public institution. However, the special support during rendering service may be partial in cases where persons with disabilities do learn in privately owned institutions. Because privately owned institutions are most of the times established by one or more individuals for profit making or as commercial associations.<sup>43</sup> In this case it could be impossible for private institutions to render free lodging or financial assistance but they are

strongly required to provide accessible environment for persons with disabilities. Their libraries, class rooms, roads, toilets, upstairs and academic atmosphere are expected to be inclusive and accessible for all.

For instance if we see the right to learn using sign language, It is expected to be implemented by both public and private institutions. Neither the public nor private higher learning institution could violate the rights that has been provided as “notwithstanding the provisions of sub Article 1 of this Article, education for the dumb and deaf may be given in a sign language .<sup>44</sup> This provision has made the sign language of persons with hearing impairment to be one of the languages of instruction in higher educational institutions of Ethiopia. In general the proclamation levies duties on different higher educational institutions of Ethiopia to protect human rights found in the process of learning and teaching. The proclamation confers rights to persons with disabilities who are found under different kinds of disability in different levels and programs of education.

To implement the constitution, there should be subordinate legislations like the proclamation and relevant policies. The proclamation has empowered different entities like board / Senate together with their respective powers and functions. Accordingly any public institution does have its own board<sup>45</sup> with powers and duties including:

... approve ... organizational policies and internal regulations of the administration and programs of the public institution and follow up their implementation; submit to the government action plan, budget and performance reports... and follow its implementation up on approved; adopt strategic and development plan....<sup>46</sup>

Therefore the board has the power and the duty to mainstream the protection of rights of persons with disabilities when deeding each and every issue which is related to higher educational institutions. Not only the board but also the senate which is the accountable body to the head of the public institution has powers and duties to mainstream the different problems of persons with disabilities in the public higher learning institutions of Ethiopia. This is expected to be done when preparing and submitting the strategic and development plan of such institution.<sup>47</sup> Even it can consider matters while issuing specific directives on the basis of law and policies.<sup>48</sup>

The proclamation is now a days on preparation to be amended. The new draft proclamation has been made to incorporate the following somehow detailed sub Articles. It is expected to include

the following provisions which are to be the spring board of other rules, regulations and policies for the protection of the rights of persons with disabilities in the area of higher education. These elements are:

1. Institutions shall make to an extent possible existing facilities and programmes used by students amenable to use with relative ease by physically challenged students.
2. To the extent that situations and resources permit, institutions shall relocate classes, develop alternative testing procedures, and provide educational auxiliary aids, readers, or interpreters in the interest of students with physical challenges.
3. Institutions shall see to it that new facilities, including building designs, campus physical landscape, computers, other infrastructures, etc., shall take into account the interests of physically challenged students.
4. Institutions shall see to it that students with physical challenges get to the extent necessary and feasible academic assistance including through tutorials, exam time extensions, and deadline extensions.<sup>49</sup>

To sum up, the proclamation to establish higher educational institutions of Ethiopia provides different mechanisms for the protection of human rights of persons with disabilities in higher educational institutions of Ethiopia. The scheme of the protection may be fetched directly or indirectly from the different structural arrangement of the provisions of the proclamation. But to implement the proclamation there should be a positive and good faith interpretation towards the protections of human rights of persons with disabilities. The practical implementation and challenges of these rights has been assessed in the following chapter.

#### **4.3.3. The Right to Education in the Ethiopian Education and Training Policy**

Though it is said soft in its governing nature, the Ethiopian education and training policy states that “attempt shall be made to enable “persons with disabilities” learn in accordance with their potential and needs.”<sup>50</sup> The policy requires universalizing primary education, and expansion of secondary and higher education. It assures that the disadvantaged groups will receive special support in education.<sup>51</sup> In order to make the principle practical, the Ministry of Education issued the special needs education strategy. According to this strategy, the Ministry of Education is committed to provide universal primary education by 2015 and quality of education and to expand vocational training and higher education including private and public institutions. The overall goal of the strategy is to facilitate active participation of all citizens in the community and society.<sup>52</sup>

However, the provisions of the Constitution and the proclamation together with the principles of the education and training policy are “not only the right but also the guarantee” of their development, it is common and frequented to deny the educational rights of persons with disabilities. This assertion can be illustrated by different recent examples (See the next chapter of this paper). As we can understand from different cases, still, the present scenario of most higher learning institutions marginalize learners with disabilities either by blocking their admission or by not providing the necessary back-up support during their study years.<sup>53</sup> The exclusion of these people from accessing or having equal opportunity to basic social and economic opportunities, i.e. education, health, and employment is aggravating their already desperate situation making them more “hopeless” and “voiceless.”<sup>54</sup>

It is said that the overall education sector strategies and development programs have paid attention to some of the disadvantaged groups.<sup>55</sup> Particularly, students who have physical sensory or intellectual impairments may experience many difficulties in learning. Special attention has to be paid to persons who have learning difficulties or disabilities.<sup>56</sup> However, the studies done so far on the problems of disability in Ethiopia or on the rehabilitation measures taken against it are inadequate, incomprehensive and, at times, it is said to be even misleading. According to this research, it has also been revealed that of all the percents with disabilities in Ethiopia, 44.2% are females, whereas the remaining 55.8% are males. Most of Ethiopians with disabilities 56.9% to be more specific are children, young people or middle-aged.<sup>57</sup> The break down in terms of their levels of education looks like the following figure:

**Table to Show the Literacy Rate of Persons with Disabilities**

Area of residence	Non-literate	Those with primary education	Those with secondary education
Rural	78.4%	14.5	7.1%
Urban	49.8%	21.4%	28.8%

As it is shown in the table above, of all persons with disabilities, about 66.1% is non-literate whereas 17.5% has had elementary education, and 16.4% secondary education. In other words, most of persons with disabilities in our country are either illiterate or barely literate. What this fact indicates is that persons with disabilities have been more or less neglected.<sup>58</sup> This has its own negative influence on the participation rate of persons with disabilities in higher education. This is because, even today, as different researches revealed the educational situation of “persons

with disabilities” in Ethiopia indicates that 66.1% of persons with disabilities in the country are non-literate.<sup>59</sup>

According to the strategy’s estimation, less than 1% of children and students with special needs education get access to primary education level. Very few of them continue in vocational, secondary and higher education.<sup>60</sup> When we see children and youth with common disabilities of school age, their participation rate is less than 1%. If we consider the WHO’s (The World Health Organization) estimation of 10% prevalence, the condition could be perceived as the worst. This is making their participation rate and other factors have created their challenges on the number of students with disabilities to be low in the higher educational institutions of Ethiopia. the adequacy of the existing special schools and classes to meet the educational needs of the enrolled persons is questionable.<sup>61</sup> The information indicates that there are no conducive conditions for students with disabilities concerning educational training during the transitional period to higher educational institutions. However, the Ministry is trying to compensate the students with disabilities by minimizing the entrance point in the form of affirmative action.<sup>62</sup>

But, still, the same challenges and difficulties are awaiting them at the gate of and in university or college education programmes.<sup>63</sup> These and the like issues which require special consideration should be taken in to account This is achieved through affirmative action and similar measures in the higher educational institutions.

#### **4.3.4. Participation Rate of Persons with Disabilities In Higher Educational Institutions**

Currently, persons with disabilities in Ethiopia are said to be highly under represented in education. Even, when we consider the higher educational institutions, the situation of this group of people particularly is extremely marginalized. With regard to the rate of participation in higher learning institutions, it could be said that it is highly trifling or almost non-existent. Even if there are few students with disabilities who got the opportunity to join higher education institutions, most of them are placed and served at few institutions like Addis Ababa University and some others. Still, there are higher educational institutions, which completely deny access for those with visual and hearing impaired students.<sup>64</sup> This is a critical human rights violation contrary to the Constitution, other international instruments and the higher educational institution establishment proclamation particularly article 10 (3) and 33 (1) of the proclamation.

As it is envisaged in the next chapter, even if they are enrolled, they are provided with migger facilities by their respective institutions. Inclusion, however, is a process of addressing and responding to the diversity of needs of learners.<sup>65</sup> It requires a lot of adjustments as one goes along with changes in the curriculum, mode of educational delivery and the whole scenario in the country. The key to increasing successful inclusive experiences is recognizing the need to facilitate teaching techniques which consider every student in the class.<sup>66</sup>

Therefore, specific issues raised by students with disabilities in this research are all more or less relevant to other higher learning institutions in the country. The Proclamation states that “students with disabilities shall, during their stay in the institution get their special support to succeed in their education effectively.”<sup>67</sup> In addition, to this, the proclamation points out that “if it is found necessary, the hearing impaired and those students that have speech problems may be given an access to have sign language interpretation service during their studies in the higher institutions.”<sup>68</sup>

Generally, wherever, students with disabilities are being educated with no disabilities, those responsible organs or institutions for educational provision must develop a clearly stated plan which specifies the steps to be taken and their precise resources which will be required to ensure that the special needs of individuals will be fully met. This is achieved through the application of the concept of affirmative action and the like.

#### **4.4. The Right to Affirmative Action in Higher Education**

##### **4.4.1. General Over View of the Concept of Affirmative Action**

###### **4.4.1.1. Definitions and Descriptions of Affirmative Action**

Being a thoroughly relative term, the concept affirmative action lends itself to diverse definitions and descriptions. It is important to see that literatures and legal documents which define the term so that we could be able to specify the content and scope of the right of persons with disabilities, who the beneficiaries are, from whom they can claim their rights? And the procedures they have to undergo in order to exercise their rights. It could be said that like most of the concepts in the legal discourse, having an exclusive and universal definition of affirmative action is impossible

too. However, we can find dictionary and other definitions and descriptions which serve some of our needs. The Black's law Dictionary defines affirmative action as it is the issue that

...positive steps designed to eliminate existing and continuing discrimination, to remedy lingering effects of past discrimination; and to create systems and procedures to prevent future discrimination; commonly based on population percentage of minority groups in a particular area. Factors considered are race, color, sex, creed, disability and age.<sup>69</sup>

This definition makes emphasis on the purposes of affirmative action rather than telling us what exactly is affirmative action. However, justice requires that the most disadvantaged group or individuals from the particular group should be given priority to claim the goods or benefits. That being the case if there are the weakest from the weakest, the very rationale of affirmative action justifies special treatment of those who are at the tail end. A descriptive definition is also given by Sandra Freedman; it is "... the deliberate use of race-or gender-conscious criteria for the specific purposes of benefiting a group which has previously been disadvantaged based on groups of disabilities, race or gender."<sup>70</sup>

The definitions outlined above are more or less purpose-oriented ones. The fact or its being dynamic concept partly explains the difficulty of having a universal and conceptual definition. Originally it referred only to special efforts to ensure equal opportunities for members of groups that had been subjected to discrimination.<sup>71</sup> Now a days the term affirmative action has become to cover some degree of definite preferences for members of the disadvantaged group in order to enable them to access positions or social benefits like education from which they formerly were excluded. For this end, we have to find the basic elements found in the concept of affirmative action.

#### **4.4.1.2. Basic Elements and Purposes of Affirmative Action**

From the definitions and descriptions we have seen above and from its practical application we can generally deduce that affirmative action is a sort of temporary positive measures taken by some agents as a remedy for past and continuing discrimination based on race, gender, color or social status. Here we can identify certain constituting elements from these sorts of definition and descriptions.

Firstly, the measure should have a positive result in mind. This should be evaluated in terms of the social goal it tries to achieve. Secondly, there should be a definite group or individuals of classes who are the target of this measure. Usually this identification of the beneficiaries of affirmative action is done by legal instruments. And more often, these groups of individuals or classes are the victims of past and present discrimination.

The third element which should be included in the definition of affirmative action is that there has to be some agent responsible to take the positive action, be it government agency or private institution. There has to be some entity in the other side of the spectrum against which the beneficiaries can claim affirmative action. Finally, affirmative action is a time limited practice. When its objective, i.e. enabling the disadvantaged groups to have equal opportunity with other members of the society, is secured; it ceases to exist. These are the basic constituting elements which any definition of affirmative action should have space to include with in its essence and purposes.

Again, affirmative action does have many purposes to achieve. One of the main purposes of affirmative action is to ensure equal opportunity. Some times in the past, it is claimed that discrimination on illegitimate grounds had been a prevalent practice. This past discrimination is the principal cause of under representation for members of some disadvantaged groups. Its aim is to eradicate unhealthy divisions in the society, divisions whose removal is a condition of basic justice and social cohesion. It is a means of countering the effects of past social ... discrimination.

One of the purposes forwarded by the proponents of affirmative action is that it is deserved by the disadvantage groups as compensation for past injustice.<sup>72</sup> The idea is that these groups had suffered from some harms due to the unwarranted discrimination of the past. And the harm they suffered from must be compensated through allocating some benefits and resources in the area of education. Also, they say that affirmative action has some social utility purposes in that it entails diversity and enhances the social service in the hitherto unrepresented groups.<sup>73</sup> These are roughly the main purposes of affirmative action as practiced today. Hence, to achieve the other goals, education is the most voluble element to be held in a given society through different forms of affirmative action.

#### **4.4.1.3. Basic Forms of Affirmative Action**

There are various modalities or forms through which affirmative action can be implemented. Among which the Quota system is the principal one in education sector and political activities.<sup>74</sup> The Quota system is such that a certain percentage of the position or social benefit is reserved to be claimed by individuals or the disadvantaged groups. Other common form includes banding.<sup>75</sup> The system of banding is the form of affirmative action mostly used in the field of employment. It is the process by which a particular range of test scores are considered as equivalent for the purpose of selecting applicants for a given job. The other one is goal setting form which requires that factors like disability, race and sex may be taken in to account along with factors that bear up on merit or qualification.<sup>76</sup> It is a kind of tipping the balance in favor of one contender rather than another when all other factors are roughly equal.

As it has been discussed above, among the different forms of affirmative actions the quota system is the most controversial system in that it totally excludes members of same group from competing for some posts of privilege and advantages. Of course, this solution secures so greater consensus that it becomes the desideratum of modern society. The opportunities to be equalized between people can be opportunities for well being, for preference satisfaction, or for resources. The important thing to not here is that what should be equalized is not the resource or the well being or the satisfaction but an opportunity to gain these things. The worry of just society should be securing equal procedures to the access of the goods, benefits, duties, positions and etc, which are sometimes contingently and necessarily scarce and which do have their basic controversies to apply affirmative action in the area of education.

#### **4.4.1.4. Basic Controversies on Affirmative Action**

No matter how noble the purpose which affirmative action tries to achieve, this program has been the victim of strong objections, some of which are deeply troubling. The following are some of the basic objections forwarded against any affirmative action program including the concept of higher education.

Most importantly, the principle of equality condemned treatment of individuals or distribution of social goods based on race, gender and color or minority. But, the critics say, affirmative action program is nothing but a reverse discrimination.<sup>77</sup> This includes the issue of education too. The

proponents of this program have the following to answer this criticism. Discrimination based on race and gender in the past was to deny equal opportunity but the purpose of affirmative action is to provide it. The victims of past discrimination deserve compensation, and affirmative action provides this compensation.<sup>78</sup>

Others say that affirmative action develops a sense of inferiority among the beneficiaries.<sup>79</sup> Affirmative action is such as gesture it tells the beneficiaries that preferential treatment can do for them what they can not do for themselves. And thus, it encourages the beneficiaries (persons with disabilities, ...) to exploit their own past victimization as a source of power and privileges, rather than struggling for self-reliance. It also reinforces common stereotypes.<sup>80</sup> The argument from the other side of the spectrum in this regard is all these are nothing but prejudice. There is no evidence to substantiate these implied inferiority stereotype in the area of higher education. After all the idea behind preferential treatment is not to give the beneficiaries a leg up through their entire careers but to give them opportunity to prove themselves on a level playing field.<sup>81</sup>

To sum up this section, the point is though all members of human family are equal, the reality is they were and are not treated equally. That is why the normative principle "men should be treated equally" appeared in almost all national and international human rights instruments To remove these inequalities and secure similar starting condition for all, some thing more than incorporating non-discrimination principle is demanding. Some sort of positive discrimination. This brings us to the way through which we can maintain equality of opportunity and it is what we call affirmative action. This scenario is also true for the Ethiopian context in the area of higher education.

#### **4.4.2. The Concept of Affirmative Action in Ethiopia**

##### **4.4.2.1. Affirmative Action in the Ethiopian Constitution**

In this section I will try to locate the constitutional place of affirmative action in Ethiopia, making emphasis on the presently working constitution. The present constitution avoids any conceptual muddling surrounding the exact status of affirmative action by making it is a right to be claimed by the beneficiaries. Articles 35 and 41 of the constitution, being located in the human rights chapter of the constitution, and Art. 89-90 in the chapter of policy matters tell us affirmative action is a right of some groups. Some went to the extent of saying that affirmative

action is a human right.<sup>82</sup> But in view of the fact that affirmative action does not have the basic characteristics of human rights (universality and inalienability), this argument lacks the text of objectivity for there are the following shortcomings in its effects of application.

A certain right presupposes the existence of right holder (beneficiaries) and duty bearers. Since affirmative action under Ethiopian law is a right, there are the beneficiaries and duty bearers of it. The beneficiaries of affirmative action program according to the constitution are persons with disabilities .... Though the constitution used the term ‘affirmative action’ explicitly only in relation to women and used the term “special assistances” in relation to other spotted groups, the benefits of interpretation would help us to argue that the constitution does not envisage nothing short of affirmative action only to women. The minutes of the constitution reveals that not only women but also those groups listed under Article 41 (persons with disabilities ...are identified as the victims of past discrimination and thus to be benefited from this program.<sup>83</sup>

The other point, which has to be raised here, is the question of the duty bearers. Article 35 of the constitution states that both the public and the private sectors have the obligation to implement the program. Although Article 41 and Art. 89 do not mention the private sector, since affirmative action is a right of those specified groups and since every person has the obligation to respect other constitutional rights (Art 9(2) and Art. 13(1) of the constitution), we can safely say that the private sector has the respective obligation to implement this program in relation to those groups specified under Art. 41 and Art. 89 of the Constitution.

Though the constitution mandates affirmative action program, both in private and public sectors, its being silent about the form of affirmative action program to be implemented leads to arbitrariness over the choice of the forms. Some institutions, especially in the education sector adapt strong affirmative action program (e.g. quota, preferential treatment and etc.)<sup>84</sup> and other may employ weak affirmative action program (providing special training for persons with disabilities, women and minority members or creating timely and homely working conditions for such groups.) So this lack of uniformity in implementing affirmative action program would lead to an undesired result: institutionalized discriminations among the groups of the society in the field of education.

These are some of the basic problems facing the practical application of affirmative action program in our society. Most of the problems listed above traced their origin to the absence of implementing legislations. Naturally the constitution provides only the general principles, which need to be further articulated, crystallized and defined by subordinate legislations. With the exception of some scattered provisions located in different proclamations, there is no 'affirmative action law' as a sort of proclamation, regulation or order. The scope and nature of the problems require nothing short of a sort of affirmative action proclamation, which will address all the practical problems out there.

#### **4.4.2.2. Affirmative Action and Ordinary Laws/Policies in Ethiopia**

As regards the ordinary laws and the policies which deal with the right of affirmative actions recognized to persons with disabilities in the field of education in general and in the level of higher education in particular are found in the proclamation of the higher education<sup>85</sup> and the transitional government educational policy of Ethiopia.<sup>86</sup>

The proclamation and the policy on the issue of education have the power to be implemented both at the federal and regional state levels and for both the private and government institutions. But, they do have their own jurisdiction to exercise their respective activities. The proclamation under Article 3 in its scope of application which states that "This proclamation shall apply to any institution..." Is very vital to know the duty bearers. The proclamation dictates conditions in which special support is given to persons with disabilities in higher educational institutions. This is the pertinent part of my discussion for it states that:

Entry, assessment or admission procedure designed for any..., disabled student, and a student who has completed high school education in a developing region and who is native of the nationality of such region or a student from the nationality whose participation in higher education is low shall be different from others. They shall, during their stay in the institution, get special support; particulars of such support shall be determined by the ministry.<sup>87</sup>

This provision is mandatory and which needs to be applicable by the concerned organs for the provision is located in the part, i.e. Part Two which governs the general matters of higher education. The instrument contains different elements like procedures for entry and assessment, as to who the beneficiaries are (which includes persons with disabilities at any level of

education), about different assistance during staying in the institutions, about issuing other laws by the Ministry of Education.

The Ministry of Education and other concerned organs of the government both at the Federal and Regional levels seem to have focused particularly on the areas of placement or enrolment of students with disabilities in their respective higher educational institutions. But, this should not be the end of the right to affirmative action unless there is additional assistance in all aspects of attending education in the institutions. The support could consist academic, evaluating of tests, economic, social and psychological and the like. This is done because such students are not able to compete with others who had previous opportunities to get access to different facilities to their education.

#### **4.4.2.3. Placement by Ministry of Education**

In almost all the situations of placement of students to higher learning institutions of Ethiopia takes place by the annual program of the Ministry of Education. A brief look at the Ethiopian Herald which under the title “the Ministry Announces Higher Learning Institutions’ Enrolment Increase”, could indicate us that there are some implementation measures of affirmative actions that are held for beneficiary groups in the area of higher education.

For instance, if we see the 2006-2007 Ethiopian academic year, the Ministry of Education had its own considerations of affirmative action for persons with disabilities; including others. The Ministry indicated that students who took the Ethiopian general secondary Education Examination (EGSEE) from the year 1996 E.C. are expected to have satisfactory results in their academic performance of the two-year preparatory education. To make conditions to include such groups. The Ministry of Education said;

... Students who attended preparatory education and got remarkable points in 1998 E.C. fall under the following category: visually impaired students should score 120 and above, female students, the disabled and those from developing states are expected to get 150 and above while male students must score 175 and above to join higher learning institutions.<sup>88</sup>

This is said to be one of the areas in which human rights of persons with disabilities are to be protected by the Ministry of Education in the Ethiopian scenario during admission. In this case persons who are with disabilities have different capacities to benefit from this placement program. This program of affirmative action has the power to be implemented by publicly

funded and institutions and private institutions. The measure is considered to be better development in the areas of higher education placement which fulfills the intentions set in the FDRE constitution, the Education Policy, Higher Education Proclamation number 351/2003 etc. However for reasons unknown, the Ministry had forgotten the affirmative action conditions for students who attend their education privately for the Ministry had announced that

... Students that took the Ethiopian Schools Learning Certificate Examination (ESLCE) between 1993-1995 E.C and with a GPA of 3.2 and above and 3.0 and above for male and female students respectively can join the institutions for diploma and degree programs in the extension, continuing and distance education.<sup>89</sup>

This directive seems to have some defective features in that the Ministry of Education had not considered affirmative actions that should be taken for those students who are in the disability groups and had taken ESLCE in the previous 3 or above years. Because the directive is applicable for all circumstances which include the minority and majority groups; both the public and private institutions; the Federal and Regional States levels of governments to implement placement/enrolment policy of students into Higher Educational Institutions for, the Ministry of education had dictated that all the concerned government and private higher learning institutions to strictly follow its directives.<sup>90</sup>

#### **4.4.2.4. Affirmative Action and Governments in Ethiopia**

With regard to the implementation of affirmative action, states with a federal structure are more likely to choose for some form of shared responsibilities between the central and local governments.<sup>91</sup> As a federal state, there should be some form of shared responsibilities in Ethiopia between the federal and regional governments in implementing affirmative action programs. In some cases, there may also be separate responsibilities between them.<sup>92</sup> Art. 85(2) of the FDRE Constitution states that the term “government” in that chapter refers either to the federal state or to a member state according to the context. Since public authorities shall be guided by the directive principles and objectives of the chapter (Art. 85(1) regional governments also shall be guided by these policy directives in exercising their powers and duties. Economic and Social objectives provided in the constitution contextually apply to both levels of the government, i.e. to the federal and regional governments.

When, for example, the constitution provides that governments shall have the duty to formulate policies so that all Ethiopians shall benefit without discrimination from the country’s resources, or government shall ensure that all Ethiopians shall have equal opportunities, without

discrimination, to improve their economic conditions, etc., it is referring to both the federal and the regional governments in their respective jurisdictions. Hence, if the service in question is, funded by the federal government, then it is the duty of the federal government to implement affirmative action policies in favor of such beneficiary groups by virtue of Art. 89(4) and Art. 51(13) of the constitution, which provides that the federal state shall administer and expand all federally funded institutions and programs that provide services to two or more states like the big higher educational institutions of Ethiopia at equal levels according to their capacity of acceptance/reception and capacity of implementing their budget properly.

Also, even if the constitution clearly mandates affirmative action programs, the details about the requirements, conditions and procedures for their practical implementation may not be sufficiently found in the constitution. Because of this, additional formal enactment is required to give effect to the constitutional mandate of affirmative action or to establish the program where the constitution is silent. Such enactment may give answer to the issue whether affirmative action obligations are assumed by both the public and the private sectors, and if they cover the private sector which institutions are expected to implement such policies on what conditions and procedures. They may also make clear what types of affirmative action are required, i.e. reservations of preferential admitting into higher education institutions, preferential treatments in other matters. For example, there is no fixed and clear regulation in the Ministry of Education to conduct the preferential admission accorded to persons with disabilities.<sup>93</sup> There is no any fixed program as such. A decision on preferential admission is made and undertaken every year depending on the available places in each academic year. These issues necessarily raise the question of implementation and enforceability of constitutional entitlement.

In general, in case of special assistance for persons with disabilities under Art. 41 (5), the constitution does not make any distinction between different types of disabilities. MOE has been rendering special admission to higher education institutions. There is until now a growing demand for special admission from different groups, especially from the margins of the society.<sup>94</sup> The demand is the need to decrease the entrance result to join higher learning institutions for persons with hearing impairment in general and for female with hearing impairment in particular.<sup>95</sup> This is because, these category of persons do not have access to education due to the problem of sign language. Admission to the higher learning institutions is not the end by itself, but the means to have the chance of learning. The protection of human rights is said to be full-

fledged, if it is also supported by the provision of different support and assistance to achieve the objectives of learning. The next chapter has therefore been reserved to analyze the practical situations of the protection of persons with disabilities in higher educational institutions of Ethiopia.

## End Notes

### Chapter Four

1. Dibabee Bacha and Yetnebersh Niegussie: One Degree is Insufficient for Us: Intervie w with Reporter Gazeta, Volume 11, No. 94/662, Sunday, August 28, 1998 Ethiopian Calendar P. 29.
2. Ibid.
3. The UN Charter of 1945, Preamble and Art. 1.
4. Federal Democratic Republic of Ethiopia, Federal Negarit Gazeta, Proclamation No.1/1995, Constitution of the Federal Democratic Republic of Ethiopia. Addis Ababa: Berhanena Selam Printing Enterprise, 1995, Art. 13 (2).
5. The Universal Declaration of Human Rights, Dec.10, 1948, Art. 25 (1).
6. Douglas Hodgson, The Human Right to Education, Aldershol Publisher Corn., Ashagate, 1998, P. 160.
7. Id at 156.
8. Declaration on the Rights of Mentally Retarded Persons, General Assembly Resolution 2856 (XXVI), 1971, Para 2 .
9. Declaration on the Rights of Disabled Persons, General Assembly Resolution 3447 (XXX) 1975, Para 6.
10. Cited at note 5, the Universal Declaration of Human Rights, of 1948, Para I.
11. Id, Para. 26.
12. Id, Para. 25.
13. Cited at note 4, FDRE Constitution, Art. 41(4) and (5).
14. International Covenant on Economic, Social and Cultural Rights, of 1966 Art. 13.
15. Id, Art. 13.
16. The UNESCO Convention Against Discrimination in Education, 1960 Art. 3.
17. Cited at note 6, Hodgson , at 165.
18. Ibid.
19. Standard Rules on Equalization of Opportunities for Persons with Disabilities, General Assembly Resolution 48/96, 993, Rule 6.
20. Human Rights and Disabled Persons; Essays and Relevant Human Rights Instruments, Theresia Degener Etal. ed., Martinus Nijhoff Publisher Corn., 1995, P. 142 .
21. P. Milter Etal, Special Needs Education World Year, World Year Book of Education, 1993, P. 38.
22. Supra Note 20, P. 124.
23. The UN Convention on the Rights of the Child, Nov. 20 1989, Article 2 (1).
24. Id, Art. 3(3).

25. Id, Art. 28.
26. Id Art. 23(3).
27. Ibid.
28. The UN Convention on the Rights of Persons with Disabilities of 2006 Art, 24(1).
29. Id, Art.2.
30. Id Art. 24.
31. Id Art. 2.
32. Ibid.
33. Ibid.
34. Id. Art. 4.
35. Id Art 5(4).
36. Cited at note 4, FDRE Constitution, Art. 41.
37. Id, Art. 90(2).
38. Proclamation No 351/2003 Article 9 (1).
39. .Proclamation 351/2003, Article 29.
40. Id, Preamble.
41. Id Article 31.
42. Id Article 32.
43. Id Article 32.
44. Id Article 33 (1).
45. Id Article 2 (4).
46. Id Article 10(3).
47. Id Article 35.
48. Id Article 37 (8).
49. Draft Proclamation for the Establishments of Higher Educational Institutions of Ethiopia, Feb. 10, 2008. Art. 41.
50. Tirusew Tefera et al, Towards Creating an Inclusive Learning Environment for Students with Disabilities; Perspectives of Addis Ababa University. Unpublished Addis Ababa University, 2005, P. 2.
51. Ministry of Education, Special needs Education Program Strategy, Feb. 2005, p. 4.
52. Ibid.
53. Tirusew, Supra note 5, at P. 1.
54. Cited at 37, FDRE Constitution, Art. 90.

55. Ministry of Education, Supra note at 51.
56. Id, p. 41.
57. Tirusew Tefera, Human Disabilities, Developmental, Educational and Psycho-Social Implications, Unpublished Addis Ababa University, 2000, p. 2.
58. Ibid.
59. Tirusew Tefera, Baseline Survey on Disabilities in Ethiopia, Unpublished 1995 P. 17
60. Ministry of Education, Supra note 51, at p. 8.
61. Tirusew, Supra Note 59, at 28.
62. Interview conducted with Ato Desalegn Samuel, the Head of the Department of P.R of the Ministry of Education Addis Ababa , Dec. 2, 2007 at 10 am.
63. Ministry of Education, Supra Note 51, at p. 30.
64. Ibid.
65. UNESCO; Overcoming Exclusion Through Inclusive Approaches in Education; A Challenge and Vision, 2003 P.10.
66. Tirusew, Supra Note 50, at p. 7.
67. The Establishment of Higher Education Proclamation No. 351/2003, Fed.Neg. Gaz., Art.33 (1).
68. Id, Art. 10(3).
69. Black's Law Dictionary Abridged 6<sup>th</sup> Ed. 1993 .
70. Sandra Fredman, Reversing Discrimination, The Law Quarterly Review Vol. 113, 1997, p. 575.
71. Thomas Nagel, A Defense of Affirmative action in David M, Adam Philosophical Problems in Law, UK 2001, P. 219.
72. Brand Lindemna Diversifying the work place: Affirmative Action in private sector after 1995, South Dakoto Law Review, Vol. 42, No. 3, 1997, pp. 137, 39.
73. Discrimination in education, <http://www.understandingpreregjudicel.org/readroom/arricle/affrm.htm> Visited on December 15, 2007, at 9 pm.
74. Supra at note 72. p. 137-139.
75. Ibid .
76. Ibid .
77. Jeffrey Olen and Vincent Barry Applying Ethics Canada, Wads Worth, 2002, P. 420.
78. Ibid .
79. Directions in education, <http://www.Sterlingharwood.com> Visited on October 10, 2007, at 11 am.

80. Ibid .
81. Supra at not 67. 420.
82. Emezat Hailu, The Role of the Law in the Implementation of Affirmative Action Program for women In Ethiopia; a human Right Approach, Senior thesis, unpublished, Archive, Addis Ababa University, Faculty of Law 2003,p 30.
83. The Minutes to of the 94<sup>th</sup> regular session of the Council of Representative of Transitional Government of 1994 p. 49.
84. Supra note at note 82p. 53.
85. The Establishment of Higher Education Proclamation No. 351/2003.
86. The Education and Training policy of the Transitional Government of Ethiopia, of 1994 for example, provides for need of employing affirmative action program in favor of members of persons with disabilities and minority groups Education and Training Policy of Ethiopian Government, 1994, Art. 3, (9) (2).
87. Supra note at 85, Art. 33(1).
88. The Ethiopian Herald Ministry announces higher learning institutions enrolment increase Volume LXII Friday 22, September 2006, pp. 1 and 7.
89. Ibid .
90. Ibid .
91. Samuel Asfaw, Affirmative Action Programmes and the Rights to equality before the law: Comparative and practical Oriented Senior Thesis, Addis Ababa Univeristy, Faculty of law, 1997, p. 62 .
92. J. Foundez, Affirmative Action: International Perspectives, 1994, p. 29.
93. Supra note at 91, p. 758.
94. Id, 761.
95. Interview with, Abay Tesfaye, Manager of The Ethiopian Deaf Association, Held onFebruary 1,2008, at 10 am.

# ***CHAPTER FIVE***

***DATA ANALYSIS ON THE CHALLENGES OF THE  
PROTECTION OF HUMAN RIGHTS OF PERSONS  
WITH DISABILITIES IN HIGHER EDUCATIONAL  
INSTITUTIONS OF ETHIOPIA***

## Chapter Five

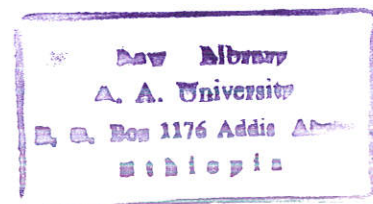
### **5. Data Analysis on the Challenges of the Protection of Human Rights of Persons with Disabilities in Higher Educational Institutions of Ethiopia**

#### **5.1. General**

So far, I have tried to show the different conceptual definitions and descriptions, general and specific aspects of the educational human rights of persons with disabilities. And now, the focus of this chapter is to analyze the different data gathered and to show the results obtained during my research. According to the qualitative and quantitative data generated from the survey done in different Universities and University Colleges, as well as the consultation held with administrative bodies, the Deans of faculties, the Deans of departments, professionals, the Deans of Students, and discussions conducted with the representatives of the Associations of students with Disabilities, students with no disabilities, and other concerned groups like the Governmental and non governmental institutions, from referred documents, etc many challenges on the issue could be identified.

Accordingly, as it could be seen from Chapter One, Section 1.5 of this thesis, for this part of the paper, in addition to the other source of data gathering, it was intended to distribute about 250 questionnaires and find at list 200 results for the quantitative data from different concerned bodies. As a result, I have been able to gather the quantitative data from 68 out of 100 (68%) respondents (persons with disabilities) 77 out of 100 (77%) respondents from students without disabilities, and 38 out of 50 (76%) respondents from administrative bodies; and the sum total 183 out of (250 (73%) collected. These are who have completed and given the questionnaire to me with very little flaws.

So, I have found the qualitative and quantitative data to be enough for finding the relative truth. The analysis is made based on the data obtained from all the above information. It is also important to remember that, so long as one of the main objectives of this research is to find the real challenges and possible solutions on the protection of persons with disabilities in any higher learning institution of Ethiopia, any specific issue raised for students with disabilities in this



paper could all more or less be relevant to other higher learning institutions in the country. Again, I have only tried to include those very relevant points for the number of pages could be unmanageable. My data presentation is related firstly by describing the general matter of any issues then presenting data and finally discussing or analyzing the tables and other qualitative data. I have not put any table within the specific sub-issues. My presentation on the data includes indicative graphes which have been labeled and other scenarios which illustrate or magnify the entire challenges of the protection of human rights of persons with disabilities in higher educational institutions of Ethiopia. In this chapter, the proportion number and percentage is only given and presented in the discussion. Keys for the graphs are also used once in the first one. This format is applicable in all the tables and graphs used in this research

Hence, the problems and challenges faced by persons with disabilities in the higher educational institutions are summarized in the following broad areas of focus like: the existence and awareness of legal and policy matters together with their implementation issues, participation in decision making and social conditions, educational issues, matters related with services, accessibility issues, gender based and emotional issues and other general matters which have been mentioned under chapter one Section 1.3 have been raised and analyzed in this chapter.

## **5.2. Assessing Legal and Policy Issues**

The protection of human rights of persons with disabilities in higher educational institutions of Ethiopia is associated with several elements of human rights. In the previous four chapters, I have tried to show that education is considered to be one of the fundamental principles of the "human rights generations". It is the base for any development and needs its own legal and policy protection. This important concept of the rights of persons with disabilities has somehow been incorporated in different international, regional, and national legal and policy instruments.

At the International level, the International Covenant on Economic, Social and Civil Rights states that higher education should be made available and accessible in equal manner to all citizens.<sup>1</sup> In addition, though not yet ratified by Ethiopia, the Convention against Discrimination in Education, stresses the need on education for all human beings at all levels of education.<sup>2</sup> It is also essential to remember that the Convention on the Rights of Persons with Disabilities recognizes the educational rights of persons with disabilities together with other rights and enabling them access to general tertiary education, vocational training, adult education and life long learning without discrimination and on an equal basis with others.<sup>3</sup>

Pursuant to these international instruments, every state party is under obligation to recognize the right to education for all of its nationals without any discrimination, to enact national legal instruments and frame policies to ensure this right for they have pledged for it.<sup>4</sup>

... As part of the society of persons with disabilities, students with disabilities in higher educational institutions of Ethiopia do have the right to be protected from any human rights abuse. For this and other purposes, the ratification of the convention on the Rights of Persons with Disabilities has become demanding in Ethiopia. Hence, it has been found necessary to ratify the Convention and different bodies like the house of people's representatives has found it to be useful to ratify the convention and still it is waiting for ratification.<sup>5</sup>

The ratification process, involves the translation of the English language into the Amharic version. Again, the Federal Negarit Gazette which is published under the umbrella of the House of Peoples Representatives, is hereby expected to fulfill at list the basic points to be considered as any law of the country and to be applicable before any court of law.<sup>6</sup>

Accordingly, as regards to the Ethiopian context, it is the constitution which contains the rights of citizens. Although Article 41(5) seems to have been put to represent only the right of rehabilitation, it is possible to make it meaningful for educational right by way of interpretation pursuant to the FDRE Constitution.<sup>7</sup> The other provisions of the constitution concerning human rights of the Ethiopian citizens are equally applicable for persons with disabilities in the Ethiopian context. The rights of access to publicly funded services and the support that should be given to accommodate the needs of persons with disabilities has more significantly been included in many instruments. The inclusion starts from the recognition of these rights and duties by the constitution.<sup>8</sup> For this end, there should be the existence of different subordinate laws and specific policies.

The higher education Establishment proclamation no. 351/2003 states that "students with disabilities shall, during their stay in the institution get their special support to effectively succeed in their education." In addition to this "if it is found necessary, the hearing impaired and those students that have speech problems may be given an access to sign language interpretation service during their studies in the higher institutions." The Ethiopian education and training policy of 1994 under Item 2.2.3 also states that "attempt shall be made to enable "persons with disabilities" learn in accordance with their potential and needs."

Hence, laws and policies are the main instruments of describing and determining of the right holder and duty bearers of any given society. This is also true for the higher educational

institutions of Ethiopia and their relation with the protection of human rights of persons with disabilities who are to engage in the learning and teaching process. These laws and policies should also be known by concerned bodies for the proper implementation of rights and duties. Although, these instruments are found scattered here and there, there should be a sort of relatively specific and clear awareness about the existence of these laws and policies by the beneficiaries and duty bearers. For farther understanding about the problems, see the following tables, graphs and their respective analysis.

**Table 5.1a. Legal and policy awareness of persons with disabilities**

Legal and policy issues	No	I don't Know	Sometimes	Yes	Valid Total
Have you idea about current laws on this issue?	*40(58.8)	0(0)	0	28(41.2)	68
Have you idea about current policy framework?	49(72.1)	0(0)	0	17(25)	66
Have you Internal proper policies, rules and regulations? or Institutions	37(54.4)	16(23.5)	0	13(19.1)	66
Are they properly implemented?	10(14.7)	0(0)	12(17.6)	5(7.4)	27
Do you try to get remedy?	21(30.9)	0(0)	24(35.3)	23(33.8)	68

**Table 5.1b. Legal and policy awareness of administrative bodies**

Legal and policy issues	No	Sometimes	Yes	Valid Total
Your idea about current legislative framework?	19(48.7)	0(0)	17(43.6)	36
Idea about current policy frame work	18(46.2)	0(0)	18(46.2)	36
Does the institution have proper policies, rules and regulations?	17(43.6)	0(0)	19(48.8)	36
Are they properly implemented?		5(12.8)	2(5.1)	7
Do you try to get remedy	2(5.1)	15(38.5)	15(38.5)	32

**Table 5.1c . Legal and policy awareness of Students without disabilities**

Legal and policy issues	No	I don't Know	sometimes	Yes	Valid Total
Does your institution have proper laws, policies, and regulation?	24(31.2)	32(41.6)	0(0)	18(23.4)	74
Do you believe there is proper implementation?	18(23.4)	0(0)	16(20.8)	2(2.6)	36

### **5.2.1. Assessing Clear knowledge of Laws about Disability**

The overall knowledge of the existence of laws related to the issue of educational right is the path way to the protection of human rights in all aspects of life. All instruments discussed in this paper and related to this issue require states to have laws and create ways to make their citizens know the governing laws. However, when the respondents asked “their idea about the current legislative framework of Ethiopia with regard to the educational human rights of persons with disabilities”, the result shows that more than half of them replied no. (Persons with disabilities said no = 58.8%; Yes = 41.2%. When the same question was asked to administrative bodies of different institutions, the result also shows that 48.7% of the respondents replied no, and 43.6% of them replied yes.

### **5.2.2. Assessing Clear Knowledge of Policies about Disability**

Not only the issue of laws, but also the existence of national policy is also the other area of focus that should be known by different persons or entities for the protection of the rights of persons with disabilities. When asked whether respondents do have clear idea about the existence of specific policy which protects the human rights of persons with disabilities in the area of education, the result obtained in table 5.1a is that is 72.1% of respondents (persons with disabilities) replied no and 25% of them said yes. Whereas when the administrative bodies were asked the same question, 46.2% of them replied yes and 46.2% of them replied no.

### **5.2.3. Assessing Institutional Laws and policies**

All higher educational institutions of Ethiopia are required to have specially well designed and known internal rules, regulations, policies and strategies to implement the protection of human rights in their respective jurisdictions. The requirements have specially been provided within the different instruments which have been mentioned under chapters three and four of this paper. Instruments like conventions, declarations, the FDRE constitution, proclamations,<sup>9</sup> policies,<sup>10</sup> strategies ... of the government directly or indirectly provide to have specific internal laws and policies.

When persons with disabilities were asked the question “Does your institution have proper policies, rules and regulations for the protection of the rights of persons with disabilities?” The result has revealed that 54.4% of the respondents said no, 23.5% I don’t know and the remaining 19.1% of them said yes. Still, the result for the same question obtained from the administrative bodies shows that 43.6% no and 48.5% yes and the result obtained from persons without

a right or preventing or redressing a wrong; legal or equitable relief.” And it is protected by a court or a given entity. It has its own claimant who is right holder. The right holder could be individual person or group of persons.

The basic source of any remedy in Ethiopia is the FDRE constitution. To identify the remedies for violation of human rights in the FDRE constitution, they can be achieved by using the direct and indirect application of human rights provisions of the constitution. These are declaration of the unconstitutionality of a given law or act, omission. Again, in situations where chapter three of the FDRE constitution enjoys the indirect application to interpret human rights matters through other laws and decisions, it goes further than the invalidation of the acts or omissions and gives concrete remedy to any one who has been or would be denied of his rights. This would have the effects of protection. For this end, there should be awareness and strive for getting or trying to adjust and readjust one self to wards getting remedy individually or in groups for the protection of human rights of persons with disabilities.

The data for the issue whether there is effort to achieve getting and giving remedy, indicate the following results. When persons with disabilities were asked, 30.9% of them replied no, 35.3% of them replied sometimes and 33.8% of them replied yes. Whereas when the administrative bodies were asked the same question, 5.1% of them replied no, 38.5% of them replied sometimes and 38.5% of them replied yes. The result of the gathered data shows that, particularly persons with disabilities, seem trying to get remedy when their rights are violated. However, when the result obtained from the administrative bodies is investigated, ”their struggle to give remedy when the rights of persons with disabilities are violated may come from the moral and ethical or humanity based on subjective values.”<sup>14</sup>

The violations of human rights could affect personal or group interest or both. Also, the violated right may be claimed by a person or any interested group. For instance, the results of the data gathered reveal that in most cases remedies are claimed both (in group and in person) which accounts 66.6% from administrative bodies and 57.4% from persons with disabilities. Very few respondents from administrative 5.1% and 8.8% from persons with disabilities give or get remedy in group, where as 28.3% from administrative bodies and 33.8% from persons with disabilities try to give or get remedy in person

### 5.3. Participation in Decision Making and Social Issues

Participations in decision making and social issues enable persons with disabilities to construct self reliance and personal stamina. Involving in social life and participating in all aspects of life is very vital for development. These conditions of life also include persons with disabilities in higher educational institutions of Ethiopia. Thus, empowering them to participate in decision making about choice of educational programs and thereby learn the skill of group/self-advocacy of rights are very vital issues. These rights also need their own protection. To know the general conditions of the issue, see the following tables, graph and the analysis.

**Table 5.2a. Participation of persons with disabilities in decision making and Social Issues (Response of students with disabilities)**

Participation issues	No	Sometimes	Yes	Valid Total
Are you given equal opportunities in Decision making and social issues?	31(45.6)	16(23.5)	20(29.4)	67
Are the decisions of the institution in line with your interests?	30(44.1)	25(36.8)	11(16.2)	66
Do you have any social Problems in relation to other persons with disabilities?	49(72.1)	5(7.4)	12(17.6)	66
To other persons without disabilities?	45(66.2)	11(16.2)	11(16.2)	67
Do you have any problem with the staffs?	23(33.8)	22(32.4)	22(32.4)	67
Other students with no disabilities?	40(58.8)	17(25)	7(10.3)	64

**Table 5.2b. Participation of persons with disabilities in decision making and social issues(Response of students with no disabilities)**

Participation issues	No	I don't Know	Sometimes	Yes	Valid Total
Are students with disabilities given equal opportunity?	16(20.8)	9(11.7)	20(26.0)	27(35.1)	72
Do you feel all the decisions of the institution are in line with the interests of Persons with disabilities	24(31.2)	11(14.3)	24(31.2)	13(16.9)	72

**Table 5.2c. Participation of persons with disabilities in decision making and Social issues (Response of administrative bodies )**

Participation issues	No	I don't Know	Sometimes	Yes	Valid Total
Do you give equal opportunity for persons with disabilities to participate in decision making?	1(2.6)	18(46.2)	8(20.5)	5(12.8)	32
Are all the decisions in line with the interests of persons with disabilities?	9(23.1)	0(0)	19(48.7)	4(10.3)	32

### **5.3.1. Equal Opportunities in Decision Making**

Giving equal opportunities of decision making and social issues for persons with disabilities in the higher educational institutions of Ethiopia is mandatory. It has been recognized by different legal and policy instruments. This right is also morally acceptable one. The decision making or involving in social issues is related with the election, deliberation, implementation ... of different binding or non-binding matters. This is done when living in a given institution or on external matters which affect national situations of a given country like election. This right has been recognized by the FDRE Constitution Art. 38, the Electoral Proclamation No. 111/1995, Proclamation No. 351/2003 Art. 29... See chapter 3.5.2.4 of this paper.

My informants were asked whether there is equal participation right for persons with disabilities in decision making and social matters or not. As a result, when we see the table above, the result indicates that 45.6% of them replied no, 23.5% of them replied sometimes and 29.4% of them replied yes. Whereas when the administrative bodies and persons without disabilities were asked, as is shown in the table 5.2a, b (the administrative bodies replied no 2.6%, I don't know 46.2% and those who said yes 33.3% and students without disabilities replied no 20.8%, and 11.7% of them I don't know, 26.0% of them replied sometimes and 35.1% of them said yes.

### **5.3.2. Decision vis-à-vis Interests of Persons with Disabilities**

No matter how few persons with disabilities are involved in decision making and social issues, the decision or the social relations must consider the interests of these category of persons at large. When we see the result, it shows: from persons with disabilities 44.1% of them replied no, 36.8% of them replied sometimes, 16.2% of them replied yes. Similarly the result obtained from the administrative bodies: 23.1% of them replied no, 48.7% of them replied sometimes and 10.3% of them replied yes; and the result from persons without disabilities shows that 31.2% of them replied no, 14% of them replied I don't know, 31.2% of them replied sometimes and 16.9% of them replied yes for their respective questions.

### 5.3.3. Psycho-social Issues

It is possible to say that communications which are held by smooth psycho-social atmosphere are very vital for any educational right. Students with disabilities are expected to have such relations with other category of the society. When asked whether there is good psycho-social relation, the results of the table indicate that 72.1% of persons with disabilities replied no, 7.4% of them sometimes and only 17.6% of them replied yes. This might indicate that there is little mismatch of social interaction between students with disabilities vis-à-vis their fellows with similar disabilities, with other category of persons with disabilities, students with no disabilities, administrative bodies.

### 5.3.4. Support and Assistance

Support or assistance enables students with disabilities to have equal opportunity with others. But when we associate it with private life and support provided by the will of individuals, it is said to be dependent on the wishes of those persons expected to do something morally. The support or the assistance would be non-binding in the eyes of the law. This is also provided by the smooth relation between or among persons with disabilities and others. The table below indicates that persons with disabilities are provided with different kinds of support and assistance by their friends who are persons with disabilities and others see table 5.3 and fig 5.1 below.

**Table 5.3 who supports you most**

	Frequency	Percent	Valid Percent	Cumulative Percent
Both	28	41.2	41.2	42.6
Diabiled persons	2	2.9	2.9	45.6
None	8	11.8	11.8	57.4
without Disabilities	29	38.2	38.2	100.0
		4.4	4.4	61.8
Total	68	100.0	100.0	

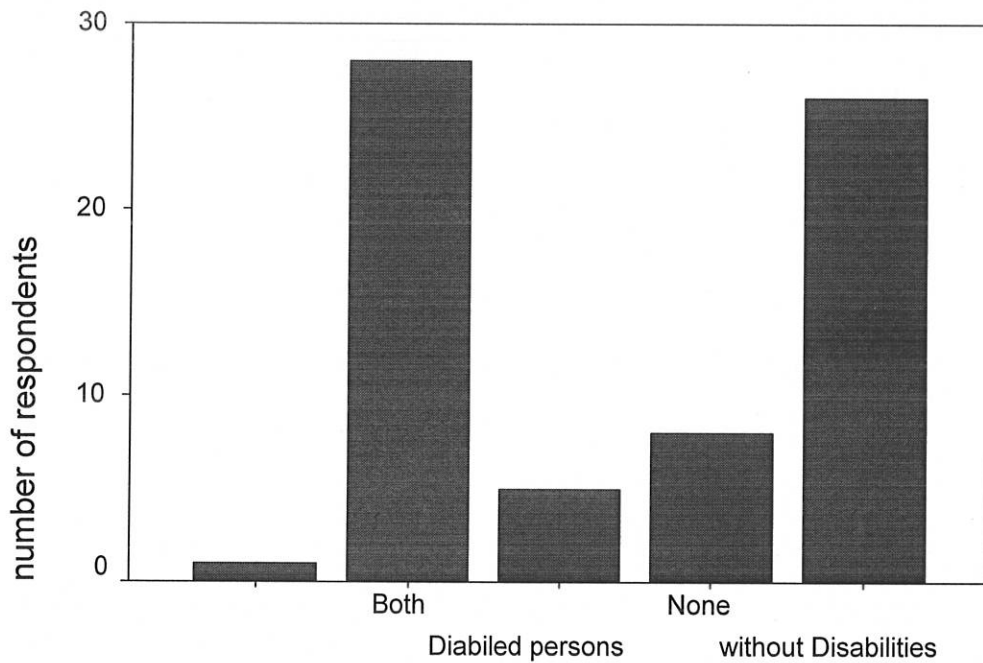


Fig. 5.1. Who supports you most?

The figures in the above table and positions of the graph indicate that persons with disabilities are mostly supported by persons with no disabilities (almost 79.4% supported by both and without disabilities) to accomplish their educational duties. The justification for assisting persons with disabilities is only social obligation which is morally created. It is not assisted by internal rules and regulations of institutions. However, if we see the Indian practice which has been included under chapter three of this paper, universities provide their rule and regulation for voluntary service which could be rendered to persons with disabilities when they attend their education in higher learning institutions.<sup>15</sup> Even, in Ethiopia, “ 10 years ago, Addis Ababa University, Kennedy library used to gather such voluntary service through the then Association of Friends of the Blind of the University. In those days, persons who were voluntary used to give their reading and writing service for students with visual impairment;<sup>16</sup> But, it is no longer continuing and in many instances it has been substituted/subjected to unaffordable readers’ service payment.

#### 5.4. Educational Issues

The right to learn in higher education is considered to be one of the fundamental human rights generations. It has been recognized by many international instruments including the International Covenant on Economic, Social and Cultural rights.<sup>17</sup> The key to successful inclusive experiences is recognizing the need to facilitate teaching techniques which consider every student in the class

and out of it. It requires a lot of adjustments as one goes along with changes in the curriculum, mode of educational delivery and the whole scenario in the country including admission and enrolment to institutions and departments.

Although the right to education and its protection have already been incorporated in various scattered domestic laws and policies, there are many complaints from different parts of the society that the rights have not yet been fully protected. Directly or indirectly, the administrative bodies and other concerned groups raise the issue that there should be special attention to the problems of persons with disabilities in higher learning institutions of Ethiopia.<sup>18</sup> Again, the information taken from reporter Gazette reveals that there are measures to be taken for the proper implementation of educational rights of persons with disabilities within the institutions.<sup>19</sup> For farther understanding about the problems, see the following tables, graphs and their respective analysis.

**Table 5.4a. Educational issues (Response of students with disabilities)**

Educational issues	No	sometimes	Yes	Valid Total
Have you been admitted to the institution with your interest?	34(50)	0	34(50)	68
Have you been enrolled to the department which you need most?	32(47.1)	0	36(52.9)	68
Do you attend your classes?	18(26.5)	0	46(67.6)	64
Are you given extra time during your exam?	59(86.8)	4(5.9)	4(5.9)	67
Are you given extra time to work your assignment/paper?	55(80.9)	5(7.4)	7(10.3)	67
Do you get extra tutorial class?	59(86.8)	0	2(2.9)	61
Are you given any motivational training?	61(89.7)	2(2.9)	5(7.4)	67

**Table 5.4b. Educational issues (Response of administrative bodies)**

Educational issues	No	I don't know	Sometimes	Yes	Valid Total
Do you think students with disabilities are placed to the institution with their interest?	18(46.2)	4(10.3)	0	13(33.3)	35
Are they enrolled to the department which they need?	3(7.7)	11(28.2)	0	20(51.3)	34
Are they given extra time during their assignment/paper?	13(33.3)	2(5.1)	0	19(48.7)	34
Are they given extra time during exam?	15(38.5)	3(7.7)	0	13(33.3)	31
Are they given extra tutorial class?	14(35.9)	4(10.3)	2(5.1)	1(2.6)	21

**Table 5.4c. Educational issues (Response of students with no disabilities)**

Educational issues	No	I don't know	sometimes	Yes	Valid total
Are students with disabilities given extra time during their exam?	32(41.6)	13(19.5)	2(2.6)	14(18.2)	67
Are students with disabilities given extra time during their assignment/paper?	40(51.9)	23(29.9)	5(6.5)	3(3.9)	67
Do they get tutorial class?	55(71.4)	7(9.1)	7(9.1)	1(1.3)	70

### 5.4.1. Placement/Admission to the Institutions

Usually, placement to the institutions is determined by the Ministry of Education, by the respective Bureaus of regional states, and by the results of the entrance exams of the student or by the quota of the institutions. When placement takes place, persons with disabilities are said to have the right to affirmative action. "However, it is said that even, currently, there is the challenge which comes from the institutions to accept students with hearing impairment because of sign language."<sup>20</sup> But, the proclamation exceptionally and equally recognizes sign language to be a medium of instruction when the learning and teaching process involves dumb and deaf people.<sup>21</sup> Also, there are some additional complains that the result which enables students with hearing impairment to join the institutions has to be further diminished. This is done because they are the most disadvantaged for their languages is problematic and a barrier for them to communicate with others.<sup>22</sup>

Persons with disabilities in Ethiopia are said to be highly under represented in higher education. Even, when we consider the higher educational institutions, the situation of this group of people particularly is said to be extremely marginalized. If there are few students with disabilities who got the opportunity to join higher educational institutions, most of them are placed and served in few institutions like Addis Ababa University. Persons with disabilities usually prefer Addis Ababa University for it is said to have relatively better facility conditions and long existed practice to provide meager assistance than any institution in Ethiopia. The result of the data shows 50% of persons with disabilities are placed to the institution without their interest. When the same question was asked to the administrative bodies 46.2% of them replied no, 10.3% of them replied I don't know and 33.3% of them replied yes this result is still consistent with the result obtained from persons without disabilities which shows that almost more than half of them (10.3% have said I don't know and 46.2% said no which is totally about 56.5% close to no).

### 5.4.2. Enrollment to the Departments

It is undeniable fact that there are some departments which relatively accommodate the abilities and special needs ... of the situations of students with disabilities and unless conditions are facilitated by the concerned organs, students with disabilities have the rights to be enrolled to the department that they need it most. This is done to make them successful in their academic life which in turn enhances the proper implementation of human rights in the field of education. The right to learn in the department that one needs is one of the legally recognized and supported by the elements of the Ethiopian policy of training and education matters. In almost all the time, persons with disabilities do not have the chance of affirmative action during enrolment or registration to a given department in any institution. Even if a little is done it is not guided by fixed and clear policy or by law but by the permission of some body or by the will of individuals.

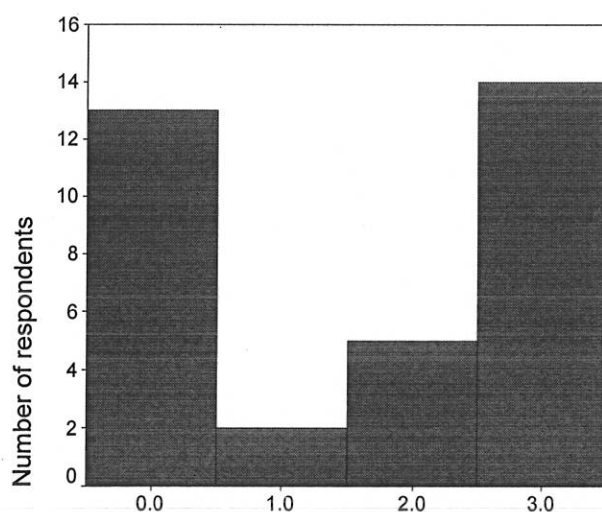
For this and other factors, there are situations in which students with disabilities are forced to change their department after they have passed two or three academic years because of the nature of courses. If we see particular cases, students with hearing impairment are said to be living with tuff challenges for they don't have sign language interpreters in the university. It is said that there is effort to hire those persons who give translation service of sign language.<sup>23</sup> In the academic area, this category of persons need special focus for there are conditions in which there is a 3<sup>rd</sup> year student with hearing impairment whose major was learning in the English Education Department of Addis Ababa University. He was made to take listening and spoken English (which is one of the required courses of the field). It was very difficult for him to continue his learning.<sup>24</sup> For this and other factors, he was made to request and to change his department from English Education in to Special Needs Education Department after three years laps.<sup>25</sup>

Still, the data collected envisaged that half of students with disabilities are enrolled to the department which they need it most and half of them are not (47% replied no and 52.9% replied yes). When the same question was asked to the administrative bodies, 7.7% of them replied no, 28.2% of them replied I don't know and 30.8% of them replied yes. This result is still consistent with the result obtained from persons with disabilities which shows that almost half of them (28.2% of them have said I don't know and 7.7% not which about 35.9% are said to be close to no.

The right to education is also affected by the rate of class attendance. The class attendance of persons with disabilities is also affected by elements like inaccessibility, good or bad relation with instructors, personal problems...etc. The responses in one of the open ended questions to the concerned bodies, indicate that most of the students with disabilities attend their classes regularly (67.6% replied yes and 26.5% replied no). However, 26.5% (18 out of 68) replied no, which indicates that they don't attend their class regularly. The reason behind why the large proportion of persons with disabilities do not attend their class might be because of one or more of the following factors like inaccessibility of infrastructures, some instructors ignore some students with disabilities, no interpreter for persons with hearing impairment, in some instances there are disagreement with classmates, leg and back pain, etc.

### 5.4.3. Time Consideration

Any move within a given higher educational institution is usually time bounded. Exams, preparing assignments, writing thesis/desertion require time framework. Disability affects the way in which one can accomplish a given exam, making assignment, term paper, thesis.... These conditions could be compensated by allocating extra time for students with disabilities. This is one of the ways by which students with disabilities are brought to the equal position where others are found. When they are asked "is extra time given for exam, assignment, or tutorial class?" The result shows that more than 80% of persons with disabilities have replied that they are not given extra time see fig5.1a, 5.1b. Further the result obtained from administrative bodies and students without disabilities have replied almost consistent answer with the result obtained from that of persons with disabilities.



#### Labeling for fig5.1a,b and 5.2

- 0=No
- 1= I don't know
- 2=Sometimes
- 3=Yes

Figs 5.1. a) Are students with disabilities given extra time during their exam

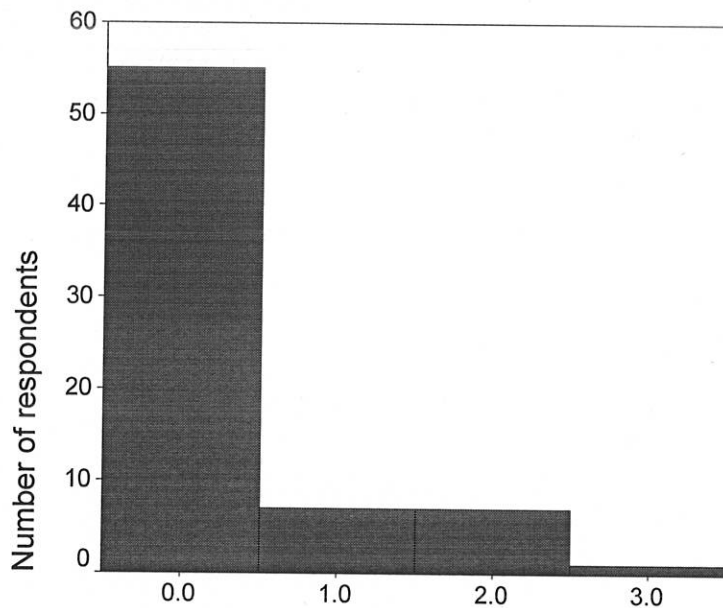


Fig. 5.1. b. Are students with disabilities given extra tutorial and training

#### 5.4.4. Extra Tutorial Class and Special Trainings

Extra tutorial classes are usually given for those who are in any special condition. This is the practice which could be envisaged in some Indian and American Universities for such conditions include giving assistance. In these countries special tutors are hired and allocated for each student with disability. For the details, see Chapter three Section 3.6 of this thesis. Even, in the Ethiopian context, this right has been recognized by different legal and policy instruments. Students with disabilities, during their stay in the institutions they are expected to get special assistance according to their needs and capacity.<sup>26</sup> These also include the right to get special tutorial class. The result in the above table and graph revealed that (from administrative body 35.9% and from students without disabilities accounts 71.4% replied there is no tutorial class given to persons with disabilities.)

Again, the different standards set for persons with disabilities indicate that there should be special training for students with disabilities for their personal development. This measure is expected to be taken by the institutions or by a given concerned organ. The data reveal that most institutions do not give special training for students (89.7% replied no) with disabilities in their respective campus. However, this has been a back bone to build the motive of persons with disabilities to achieve their goal in the educational environment as well as in their life time.

### 5.4.5. Rating CGPA and Appreciation or Blame

The entire protection of the rights of persons with disabilities in higher educational institutions of Ethiopia is reflected in their CGPA. The effects of CGPA may be the basic element to make one self to learn or not learn or to have better opportunities in all circumstances including the rights to be employed. From the table below, it is possible to understand that most of students with disabilities (19.1% poor, 32.4% good) rate their CGPA to be lower than good and very few rates excellent (2.9%). However, there are considerable proportions (33.8%) which rate their CGPA Very Good. To assess the situation of CGPA of persons with disabilities in the sample higher educational institutions of Ethiopia, see the following table.

**Table on the situation of CGPA of persons with disabilities in the sample higher educational institutions of Ethiopia**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Poor	13	19.1	21.7	21.7
	Good	22	32.4	36.7	58.3
	V. Good	23	33.8	38.3	96.7
	Excellent	2	2.9	3.3	100.0
	Total	60	88.2	100.0	
Missing	System	8	11.8		
Total		68	100.0		

As usual, there are situations in which some one appreciates or acknowledges others for his or her success. When asked in one of my open ended items of my questioner, most students with disabilities give credit to or appreciate them selves for their academic success. Again, in almost all the time, there is blame when there is failure. The blame may also be extended to one self and others. Most of the students with disabilities have expressed their failure to be related to others like the administrative bodies of the institution, some instructors, their surrounding environment.

### 5.5. Issues Related with Basic Services and Assistance

All students of higher educational institutions of Ethiopia do have the right to receive basic services from their respective institutions as provided by law.<sup>27</sup> Be it publicly owned or private

institution, there are matters to be delivered as standard service or services. The support given to the students with disabilities by some universities like Addis Ababa University, was a long standing tradition for supporting only visually impaired students; but, recently, it has been reconsidered and started to be given to others too. Because, as it has been discussed in chapter four of this paper, the higher educational institution proclamation states, “students with disabilities shall, during their stay in the institutions, get special support to succeed in their education effectively”,<sup>28</sup> From this statement, any Ethiopian citizen, who is with disability, is not excluded from such special support during his/her stay in any higher institution.

Still, students with visual impairment, severe motor disorders, hearing impairment and others are badly in need of special assistance in many institutions.<sup>29</sup> The support and assistance could be related to many aspects. It may be dependent on the degree of disability, type of disability, disability and gender, disability and age, disability and minority; the level and type of education, academic year, program to be attended; geographic conditions, distance; the existence of facilities . These conditions may determine the type and quantity of service to be provided.

It is true that the type of quantity and quality of service rendered has to be variable with the level of education i.e. the more the complexity of the nature of education, could make the type of service rendered to increase. For example, a person with disability who attends diploma program may not require a sort of service which a given person who is attending post graduate program. The same is true with the type of program, department, year... The nature of special support rendered, availability of adaptive facilities and adjustable fixtures and accessible services affect not only their academic achievement, but also the pattern of their personality adjustment and the protection of human rights.

Depending on the level and type of education, there are different types of services which a given institution is expected to render services on a right based approach. These could be categorized as follows. All of the following mentioned types of services that are required to be rendered by the higher educational institutions of Ethiopia do have direct or indirect relation for the protection of human rights of persons with disabilities. For farther understanding about the situations of the issue, see the following tables, graphs and their respective analysis

**Table 5.4a. Service issues (Response of students with disabilities)**

Service Issues	No	sometimes	Yes	Valid Total
Does the institution have an accountable body for the protection of your interest?	40(58.8)		12(17.6)	52
Does this body advocate to your rights?	11(16.2)	6(8.8)	6(8.8)	23
Does your institution give you counseling because of your disability?	53(77.9)	5(7.4)	8(11.8)	66
Are you given exceptional health service because of your disability?	59(86.8)	0	4(5.9)	63
Do you get pocket money	26(38.2)		36(52.9)	62
Are you provided with assistive technology?	47(69.1)	10(14.7)	8(11.8)	65
Have you got computer training from the institution?	52(76.5)	0	13(19.1)	65
Do libraries give you affirmative action because of your disabilities	41(60.3)	9(13.2)	17(25)	67
Are you satisfied with the services given by the library?	42(61.8)	12(17.6)	13(19.1)	67
Does the institution provide you recreational facilities?	54(79.4)	4(5.9)	7(10.3)	65
Does the institution provide you access to information facilities?	49(72.1)	7(10.3)	10(14.7)	66

**Table 5.4c. Service issues (Response of students with no disabilities)**

Service Issues	No	I don't Know	Sometimes	Yes	Valid Total
Do libraries give affirmative action to students with disabilities?	22(28.6)	14(18.2)	16(20.8)	20(26)	72
Does the institution provide recreational facilities to students with disabilities?	45(58.4)	12(15.6)	9(11.7)	6(7.8)	72
Does the institution provide access to information facilities to students with disabilities?	23(29.9)	17(22.1)	19(24.7)	13(16.9)	72
Are students with disabilities given exceptional health service because of their disability?	35(45.5)	20(26)	0	7(9.1)	62

**Table 5.4b. Service issues (Response of administrative bodies)**

Service Issues	No	I don't Know	sometimes	Yes	Valid Total
Does the institution have an accountable body for the protection of persons with disabilities?	19(48.7)	0		4(10.3)	23
Does this body advocate to the rights of students with disabilities?	10(46.2)	0		2(5.2)	12
Does your institution give counseling to students with disabilities?	12(30.8)		9(23.3)	8(20.5)	29
Do you give exceptional health service to students with disabilities?	19(48.7)	0	0	1(2.6)	20
Do you give pocket money?	13(33.3)	0	0	11(28.5)	24
Do you provide assistive technology to students with disabilities?	10(25.6)	0	13(33.3)	5(12.8)	28
Do libraries give affirmative action to students with disabilities?	5(12.8)	0	7(17.9)	13(33.3)	25
Does the institution provide recreational facilities to students with disabilities?	16(41.0)	0	5(12.8)	10(25.6)	31
Does the institution provide information facilities to students with disabilities?	9(23.1)	6(15.4)	9(23.1)	6(15.4)	30
Are students with disability allowed to spend vacation in the institution?	9(23.1)	8(20.8)	5(12.8)	8(20.8)	30

### 5.5.1. Setting Special Accountable Body and Its Role

Any service which could be rendered to any student should be guided by rules and regulations of the given institution.

... Not only rules and regulations, but also the service should be guided by the relevant body. When you come to the situation of persons with disabilities, it is very essential to set up or have a given entity which assesses or receives the special needs and problems of students with disabilities in higher learning institutions. The body is highly required to be accountable for any failure and reward for its success....<sup>30</sup>

However, from the data presented in table 5.4a 58.8% of persons with disabilities replied that there is no an accountable body for the protection of the interests of persons with disabilities and only 17.6% replied in the positive about the existence of the body. The nonexistence of such entity directly or indirectly affects the protection of the rights of persons with disabilities and if it

exists, it has to be given exclusive jurisdiction on the issue of the protection of the entire rights of persons with disabilities. From the result reported in table 5.4.a,b, 16.2% of persons with disabilities replied the answer not, 6.8% replied yes and sometimes whereas 46.2% of the administrative body replied no, 5.2% of them replied yes.

In almost all higher educational institutions of Ethiopia, it is the Dean of Students of any institution that dominantly handle the specific needs of students with disabilities. This is done together with the affairs of other students with no disabilities. Some say that “This has its own problem on the budget allocation and implementation.”<sup>31</sup> And even in some instances the services rendered for some kinds of cost to students with disabilities are facilitated by faculties and departments of different institutions. This has the effect of making the service rendered to be scattered here and there; to have lack of uniformity in rendering service for students with disabilities....

### **5.5.2. Counseling and Exceptional Health Service**

Counseling is the best method of rehabilitation and education which is professional advice about a problem<sup>32</sup> and rendered to students who would be in trouble. It constructs the social and educational structure of students with disabilities who would be affected by their personal and external situations related with education. The result in table 5.4a,b indicates that (77.9% of persons with disabilities replied that there is no counseling offered to them, 11.8% of persons with disabilities replied there is counseling and 7.4% of persons with disabilities replied sometimes counseling is given to them; 30.8% of the administrative bodies replied counseling is not given to persons with disabilities, 23.3% of them replied that sometimes counseling is given and 20.5% of them replied counseling is given to persons with disabilities). Again, the responses to one of the open ended questions and interviews indicate that most institutions do not provide counseling to their students with disabilities, because, for there is no proper counseling body; no attention from the university, no orientation about the existence of counseling, even some from the administrative part say there is no demand from the ones to be counseled.

Services related to health are required to be rendered for all registered students unless there are exclusionary rules for there are instances in that some thing which is not prohibited by law is presumed to be enjoyed. However, there are instances in which post graduate and extension students are prohibited from getting special health service. Unless there is protection of health,

the meaning of learning would be with no value. When the question “is exceptional health service given to persons with disabilities?” was asked, the result shows that (in table 5.4a, b, c) 86.8% of persons with disabilities, 48.7% of the administrative bodies and 45.5% of students without disabilities have replied that there is no exceptional health service, which represents the majority of the respondents. Whereas 5.9% of persons with disabilities, 2.6% of the administrative bodies and 9.1% of students without disabilities, which could be said that a minor part of the respondents, replied saying that there is exceptional health service to persons with disabilities.

### **5.5.3. Financial Assistance/Pocket Money**

Problems related with finance may be the mother agents of factors which may hinder the learning and teaching conditions of higher learning institutions. This becomes very tangible when associated with the conditions of persons with disabilities. Their respective institutions are required to provide them with payment for the concept assistance and support as provided under different instruments includes financial support to fulfill educational facilities.

Many institutions including Bahir Dar University, by mentioning budget problems, discriminate one type of disability from the other and they give pocket money only for visually impaired students but not for other types of disabilities.<sup>33</sup> Even, institutions exclude visually impaired students if they are extension or post-graduate or summer students. Although the types of the need related with these types of students are different one from the other, it doesn't mean that their disability factor needs no assistance. Neither the proclamation nor the policy provides the ways to discriminate one type of disability from others or one type of program from another.

Regarding pocket money that is given to persons with disabilities, the result shows, 38.2% of persons with disabilities and 33.3% of the administrative bodies replied that no pocket money is given to persons with disabilities where as 52.9% of persons with disabilities and 28.5% of the administrative bodies replied that pocket money is given to persons with disabilities (see table 5.4a,b). The result may envisage that there are students with disabilities who are given financial assistance and those who get and who do not get financial assistance from the institutions.

Surprisingly enough, the assistance provided for students with disabilities is not only insufficient but also it varies from one institution to the other. For instance, students with other types of disabilities at Addis Ababa University have started getting financial assistance from the

university while some category of persons in Bahir Dar university, Mekelle University, Debulb University, Jima University, ... do not get financial support. But if we examine the source of the budget, it is the federal government which allocates the budget of any public institution. Still, all of the informants state that the money that is given in some institutions is very small which does not cover their educational expenses. The recommended solution about the amount of money as stated by the majority of the informants is to be minimum birr 300 while others say birr 500. The data collected indicate that the support should cover the entire types of disability and any sort of program in which persons with disabilities are attending.

Here again it is interesting to raise the novel practice which is being done by the regional state of Oromiya Bureau of Education. The Bureau is rendering assistance for students who are living with visual impairment and attending their higher learning in the different higher educational institutions of Ethiopia.<sup>34</sup> But, this practice is not seen in other Regions.

#### **5.5.4. Assistive Materials and Information Technology**

The provision of assistive technology for any type of disability is usually helpful to accomplish education. It is obvious that the more assistive technology is provided the less could be the dependency ratio of persons with disabilities and the more they become successful in their academic performance. And a letter written by Bahir Dar University Students' Council to the Dean of Students strongly emphasizes on this issue.<sup>35</sup> (See Annex 5). It is a matter which has been provided with in the different instruments. Again, Globalization in its positive essence has brought about the development of technology transfer.

As regards the provision of adaptive technology, in table 5.4a,b 69.1% of persons with disabilities and 25.6% of the administrative bodies replied that assistive technology is not provided to persons with disabilities; 11.8% of persons with disabilities and 12.8% of the administrative bodies replied assistive technology is provided to persons with disabilities. Whereas 14.7% of persons with disabilities they don't know whether assistive technology is provided or not, 33.3% of the administrative bodies replied assistive technology is sometimes facilitated to persons with disabilities.

As academic institutions have complex nature of learning, that may be guided by assistive technology, persons with disabilities need the provision of such devices according to their

disability type and degree. Currently, as it is known, one of the most assistive educational tools in the higher institutions is computer. In addition to this, when persons with disabilities were asked whether they are given computer training or not, the majority of the respondents (72.1%-76.5% of persons with disabilities and 23.1% of the administrative bodies) replied that they have not been given any computer training and only few of them (14.7%-19.1% of persons with disabilities and 15.4% of the administrative bodies) replied computer training is given to them. This positive result reflects the situation in Addis Ababa University.

Still, some say that there are some instances, in which the lack of assistive technology results in the dropping of computer course. One of the interviewee of this researcher also has stated that “we have never taken courses and trainings related with computer. We were made to drop such courses. This was done because Bahir Dar University does not have jaws soft ware technology.”

<sup>36</sup> This situation, directly or indirectly affects the right to learn of persons with disabilities in higher educational institutions. Training computer is the basic useful way of assisting students with disabilities. It could have advantages like writing, access to information, recreation, simplifying life etc, for students with disabilities. Information is something that could be collected for the entire consumption of the facts including education. Access to information is the demand of the day. The global and national trend require access to information in order to cope up with the current happenings of the world. The quantity and quality of the information is also dependent on the condition that is needed by the very person who needs it.

### **5.5.5. Library Services**

Libraries of any higher learning institution are established to render equal service for all and the service which is provided by libraries is said to be one of the path ways to graduation. Therefore, libraries are required to give sort of affirmative actions for users who are living with disabilities and this is a very recognized fact by the principles of library.<sup>37</sup> Nonetheless, regarding to the library service rendered to persons with disabilities, 60.3% of persons with disabilities, 12.8% of the administrative bodies and 28.6% of students without disabilities replied that there is no any affirmative action (exceptional library service) given to persons with disabilities. Further, when persons with disabilities consistently replied (61.8%) they are not satisfied by the service given by the library. Whereas 33.3% of the administrative bodies replied that affirmative action (library services) are given to persons with disabilities.

Again, when asked the question “why the service has become unsatisfactory?” majority of the informants in the open-ended question have replied that their rights are being violated by the improper services of libraries of different institutions because of factors like no special treatment which could be rendered through affirmative action measures for persons with disabilities lack of materials, in accessibility of libraries no skilled man power to consider the special needs of persons with disabilities lack of awareness of librarians ...

### 5.5.6. Recreation and Vacation Services

As the fact of recreation is related with “... the fact of people doing things for enjoyment when they are not working...”<sup>38</sup> It is obvious that education is an activity which is followed by recreation for both of them go hand in hand. When we associate this issue with disability factors, little has been done to accommodate the needs of students with disabilities in higher educational institutions of Ethiopia. Because, the information gathered in table 5.4a,b,c shows that 79% of persons with disabilities, 41.0% of the administrative bodies and 58.4% of the students without disabilities replied that there is no any special recreational facility. Whereas in both groups of the respondents as it is shown in the table, very few respondents replied that there are recreational facilities to persons with disabilities (10.3% of persons with disabilities, 25.6% of the administrative bodies and 7.8% of the students without disabilities replied that there are recreational facilities.

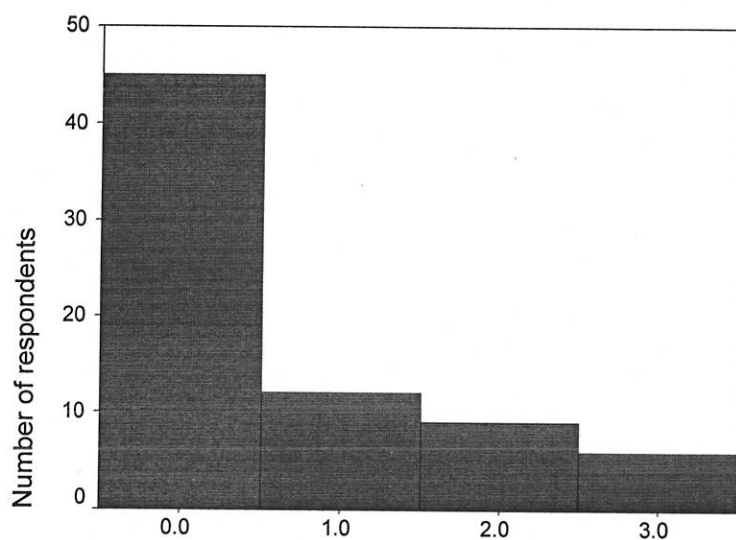


Fig 5.2. Are students with disabilities provided with recreational facilities?

Any academic semester in every higher learning institution is followed by vacation. It is the situation where by one of the periods of time when universities are closed for short or long period of duration. During this period students may or may not go out of the higher learning institutions. Most of students with disabilities want to spend their vacation in the institution for various reasons. But, almost all higher learning institutions except Addis Ababa University do not provide vacation service during summer for students with disabilities and for these and other factors students with disabilities are forced to leave their respective compass during summer.

Most of students with disabilities prefer to stay in the higher learning institutions for various reasons. However, some administrative bodies raise the issue of budget. But their reason is far from the truth in that “if properly asked, the government is ready and capable enough to provide them with relatively sufficient budget”.<sup>39</sup> Some of the institutions like Addis Ababa University do collect money from the government and their internal sources to accommodate this issue.

## **5.6. Accessibility Issues**

Accessibility enables persons with disabilities to live independently and participate fully in all aspects of life. Instruments provide that states parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and services open or provided to the public, both in urban and in rural areas. Measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to interalia.<sup>40</sup> Again, accessibility has its own various connotations. It can be defined or described as a way of easily entering, reaching or approaching a place or something to be used by somebody. When we associate this concept with disability factors, it is usually related to reach to a given place or to use something like any other person with no disability. Some also describe it as:

easily understood: able to be appreciated or understood without specialist easily available: able to be obtained, used, or experienced without difficulty; approachable/not aloof and not difficult to talk to or meet with; susceptible to or likely to be influenced by something; easy for physically challenged people to use: suitable or adapted for people with physical challenges....<sup>41</sup>

Hence, accessibility is one of the major factors which needs scheme of protection of human rights. It is a decisive factor to accomplish anything including education. Higher learning

institutions are required to have accessible environment for all because it has already been stated that "... any environment should be accessible for persons with disabilities too."<sup>42</sup> Learning institutions are considered to be the main symbols or role models of the protection of human rights of anybody. But, it is said that there are several students with disabilities who have never taken shower in their respective campus during their whole years of study because of matters of inaccessibility.<sup>43</sup> Although there are various ways in which the issue is expressed, the following elements are very vital to be mentioned. These are dorms, roads, class rooms, libraries, cafeterias, lounges, bathrooms, toilets, beds, up and down stairs, recreational places . . . are some among others. The notion includes access to information and the results of information technology. To assess the issue in light with higher learning institutions it is better to have a look at the rate of accessibility from the data gathered and its related analysis reported in table 5.5a, b and c below.

**Table 5.5a. Accessibility issues (Response of students with disabilities)**

Are these accessible?	No	Sometimes	Yes	N
Road	25(36.8)	17(25)	25(36.8)	67
Dormitories	16(23.5)	10(14.7)	37(54.4)	63
Classrooms	34(50)	11(16.2)	22(32.4)	67
Libraries	42(61.8)	7(10.3)	16(23.5)	65
Cafeterias	27(39.7)	8(11.8)	30(44.1)	65
Lounges	34(50)	11(16.2)	18(26.5)	63
Bathrooms	32(47.1)	8(11.8)	23(33.8)	63
Toilets	26(38.2)	13(19.1)	28(41.2)	67
Beds	13(19.1)	11(16.2)	39(57.4)	63
Stairs	36(52.9)	10(14.7)	16(23.5)	62

**Table 5.5b. Accessibility issues (Response of administrative bodies)**

Are these accessible?	No	Sometimes	Yes	N
Road	13(33.3)	14(35.9)	8(20.58)	35
Dormitories	11(28.2)	10(25.6)	6(15.4)	27
Classrooms	19(48.7)	7(17.9)	7(17.9)	33
Libraries	17(43.6)	9(23.1)	8(20.5)	34
Cafeterias	12(30.8)	9(23.1)	8(20.5)	29
Lounges	13(33.3)	6(15.4)	8(20.5)	27
Bathrooms	18(46.2)	7(17.9)	3(7.7)	28
Toilets	20(51.3)	6(15.4)	4(10.3)	30
Beds	13(33.3)	4(10.3)	7(17.9)	24
Stairs	24(61.5)	5(12.8)	1(2.6)	30

**Table 5.5c. Accessibility issues (Response of students with no disabilities)**

Are these accessible?	No	Sometimes	Yes	N
Road	38(49.4)	15(19.5)	18(23.4)	71
Dormitories	33(42.9)	10(13.0)	27(35.1)	70
Classrooms	30(51.9)	18(23.4)	13(16.9)	61
Libraries	31(40.3)	17(22.1)	22(28.6)	70
Cafeterias	38(49.4)	11(14.3)	22(28.6)	71
Lounges	40(51.9)	17(22.1)	12(15.6)	69
Bathrooms	51(66.2)	10(13.0)	10(13.0)	71
Toilets	48(62.3)	10(13.0)	13(16.9)	71
Beds	14(44.2)	14(18.2)	22(28.6)	50
Stairs	42(54.5)	16(20.8)	7(9.1)	65

### 5.6.1. Accessibility of Roads and Stairs

The roads to in and out of the campus; between or among buildings, simple path ways, corridors, car parking places etc within the given institution are required to be accessible for all. However, As it is reported in table 5.5a,b,c persons with disabilities (36.8%) rated it is inaccessible to them. This result is in line with the result obtained from the administrative bodies (33.3% said yes, 35.9% said sometimes and 20.58% said no) students without disability (49.4% said yes, 19.5% said sometimes and 23.4% said no). Almost all the respondents have just said that the rods in the higher educational institutions of Ethiopia are inaccessible for persons with disabilities. The usual practice is having holes, poles, ditches, and trees, fences with wrapped wires or speared irons, with one or more up and down stairs. Again, the currently collected data on the issue of up or down stairs in any institution shows that 52.9% of persons with disabilities, 61.5% of the administrative bodies and 54.5% of the students without disabilities replied the up and down stairs are not accessible, which shows that, the majorities of higher educational institutions have been built or found being built without the considerations of the rights of persons with disabilities.

### 5.6.2. Accessibility of Dormitories and Beds

The accessibility of dormitories in the higher learning institutions is also required to be suitable for persons with disabilities. When the issues of accessibility of dorms are evaluated, they are said to have relatively better accessibility (54.4% replied it is accessible) for persons with disabilities. The result obtained from the administrative bodies (15.4% of the administrative bodies and 31.4% of students without disability replied yes). Again, my observation has led me

to conclude that currently, it is usual that concerning the type of service rendered in the dormitories, special arrangement is made to get in the first ground to ease accessibility in any higher educational institution. Also, usually, beds in the higher learning institutions are fixed to be in pairs. These pair beds, one from the Up and the other from the bottom, are expected to be accessible to students with disabilities. There is an instance in which a student with visual impairment failed from the upper bed and knocked with his fore head on the floor, and lost much of his blood. His statement reveals that he was to quit his learning because of his injury on his forehead.<sup>44</sup>

### **5.6.3. Accessibility of Classrooms and Libraries**

Classrooms are where the basic issue of learning and teaching process takes place and they must be accessible for all including persons with disabilities. Regarding accessibility of class rooms, 50% of persons with disabilities, 48.7% of the administrative bodies and 51.9% of students without disabilities replied that class rooms in Ethiopian higher educational institutions are not accessible. Inaccessibility has its own negative consequence on the result of students with disabilities. The more inaccessible the classrooms the more will be the envisaged fact to be absent from classes.

For this and other factors students with disabilities are forced to change from one higher learning institution to the other, from one department to the other, delays, withdrawals, dismissals, etc. On the other hand, most of students suffer in the learning classroom buildings, as there are no special considerations still for the needs of students with disabilities. One can imagine how unmanageable it would be for a student who uses wheelchair or crunch users and whose classes are conducted in the third or fourth floor with no or other mechanism/rump. For instance, in some institutions not only the already existing classroom buildings, but also the new classroom buildings under construction have still accessible problems as the old ones in any higher learning institutions.<sup>45</sup>

Higher educational institutions are required to have libraries which are accessible for all including persons with disabilities. Because of its long experience, unlike libraries of other institutions, the Kennedy Library has a long standing tradition of providing service in its Braille Collection, Special computer and reading room for the visually impaired students. However, for students with motor disabilities, there is only gate for wheelchair users. Some have spinal problem which does not allow them to sit on chairs and work for a long time. They rather prefer to study lying on their beds for there is accessibility problem.<sup>46</sup> The proclamation and the policy which deal with the education sector require libraries to be accessible for all. However, the results of the questioner indicate the other side of the fact. The majority of the respondents

(61,8% of persons with disabilities, 43.6% of the administrative bodies and 40.3% of students without disabilities) have replied that the libraries in Ethiopian higher educational institution are not accessible. The figures in the above 3 tables have envisaged that almost all higher learning institutions do not have accessible libraries.

#### **5.6.4. Accessibility of Cafeterias and Lounges**

The cafeterias with in the higher learning institutions have been set up to fulfill the personal needs of any student including students with disabilities. As it is shown in table 5.5a, b, c the result is that more than half of persons with disabilities (11.8% of persons with disabilities replied sometimes and 44.1% of them replied yes) agreed that some of the cafeterias are somehow accessible. Whereas the majority of the administrative bodies and students without disabilities have inclined more to say that cafeterias are not as such accessible to persons with disabilities. In some institutions they are remote; in some others their path ways are not suitable. Again, respondents (50% of persons with disabilities, 33.3% of the administrative bodies and 51.9% of the students without disability) agreed that the lounges are not accessible to persons with disabilities.

#### **5.6.5. Accessibility of Bathrooms and Toilets**

Bath rooms are the other areas where there should be accessible environment for all. The situation of persons with disabilities is not exception to this condition. As 47.1% of persons with disabilities, 46.2% of the administrative bodies and 66.2% of the students without disabilities agreed that the bathrooms in Ethiopian educational higher institutions are not accessible. The toilets of any higher learning institutions are expected to be accessible for all. Their inaccessibility deprives the right to have personal maximum utilization of resources and the right to enjoy. “. . . persons who move with wheelchair usually do not take much water to quench their thirsty; this is because they do have accessibility problems for the toilets are inaccessible in the institutions . . .”<sup>47</sup> Again, the result in table 5.5a,b,c indicates (38.2% of persons with disabilities, 51.3% of the administrative bodies and 62.3% of students without disabilities) said that the majority of the institutions do not have toilets which are accessible for persons with disabilities.

This is a dehumanizing experience and a serious violation of-basic human rights and an embarrassment to any institution. They say that

... to alleviate the problems,. . . there should be the inclusion of curriculum in the learning and teaching process of the curriculum design of the engineering and other

related fields like urban planning and the like. Dormitories, dinning halls, libraries and classrooms and all important buildings should be accessible to all students to live, to learn and to work.<sup>48</sup>

### 5.7. Disability, Gender Based and Emotional Issues

Gender and emotion based issues go hand in hand with the learning and teaching process. When we see chapter three of this paper, the current legal trend is to protect persons with disabilities from gender discrimination, sexual violence and harassment, emotion based challenges, etc. For farther understanding about the problems, see the following tables, graphs and their respective analysis.

**Table 5.6a. Gender and emotional issues (Response of students with disabilities)**

Gender and emotion	No	Sometimes	Yes	N
Do you think there is sexual violence against persons with disabilities?	51(75)	3(4.4)	8(11.8)	62
Have you ever been sexually harassed?	51(75)	5(7.4)	9(13.2)	65
Do you think your sex has contributed to your low GPA?	3(4.4)	4(5.9)	56(82.4)	63
Do you think your sex has contributed to your high GPA?	50(73.5)	3(4.4)	6(8.8)	59
Do you think female disable students get more assistant than male?	39(57.4)	8(11.8)	15(22.1)	62

**Table 5.6b. Gender and emotional issues (Response of administrative bodies)**

Gender and emotion	No	Sometimes	Yes	N
Is there sexual violence against persons with disabilities?	37(48.1)	3(3.8)	27(35.1)	67
Do you think female students with disabilities get more assistant than male?	44(57.1)	11(14.3)	15(19.5)	70

**Table 5.6c. Gender and emotional issues (Response of students with no disabilities)**

Gender and emotion	No	I don't know	Sometimes	Yes	N
Do you think there is sexual? Violence against persons with disabilities?	15(38.5)	13(33.3)	1(2.6)	4(10.3)	33
Do you think female students with disabilities get more assistance than male?	11(28.2)	0	3(7.7)	17(43.6)	31

institutions of Ethiopia. This affects and denies their right to double affirmative action.

### **5.7.3. Disabilities and Personal Feelings**

When asked in the open ended question, as to what the feeling of persons with disabilities could be, almost all the respondents have responded as follows. Most of the time persons with disabilities in higher educational institutions do feel sad about their disability (majority); they feel lack of confidence and inferiority complex, rejected, unequal and discriminated. Sexual violence when combined with harassment may create emotional stress on persons with disabilities. In general, if gender and emotional factors are inseparable conditions from the right to education they affect the learning and teaching atmosphere in the given higher learning institution.

### **5.7.4. The Effects of Disability -Gender and CGPA**

As reported in table 5.6a, it has been indicated that, some consider as if their sexual status has contributed to their less CGPA. Accordingly, the result obtained from persons with disabilities 82.4% of them replied that their gender has contributed to their low CGPA and 73.5 of them replied that their Gender contributed to their higher CGPA. But in other instances, there are who have responded (4.4% of persons with disabilities replied no) that their sexual status does not affect their CGPA to be less. On the other hand, the table also shows that there are respondents who have informed that there are conditions where a given sexual status becomes as the agent to score good grades.

## **5.8. General Issues**

The general issues which could affect the protection of persons with disabilities in higher educational institutions of Ethiopia have been considered. Data have been gathered on different sub-issues. Moreover, I have tried to find the list of the main problems of persons with disabilities in their rank order. Also informants were required to identify and suggest their respective solutions to the problems they raised; etc. . For further understanding about the problems, see the following tables, graphs and their respective analysis.

**Table 5.7.a1. General issues (Response of students with disabilities)**

General Issues	No	I don't Know	Sometimes	Yes	Valid Total
Is there association established by you?	43(63.2)	0	0	24(35.3)	67
Does your institution make experience share?	47(69.1)	0	4(5.8)	15(22.1)	66
Does the institution make research to assess your needs?	29(42.6)	4(5.9)	8(11.8)	26(38.2)	67
Do you think you get proper support from the institution?	49(72.1)	0	0	15(22.1)	64

**Table 5.7.a2. General issues (Response of students with disabilities).**

General Issues	Poor	Fair	Good	V. Good	Excellent	Total
What do you rate the contribution of NGO's to protect the rights of students with disabilities?	40(58.8)	0(0)	12(17.6)	12(17.6)	3(4.4)	67
What is your attitude towards the public image?	33(48.5)	2(2.9)	15(22.1)	14(20.6)	2(2.9)	66
What do you think about the general protection you get?	36(52.9)	10(14.7)	15(22.1)	3(4.4)	1(1.5)	65
How do you rate your contribution for the protection of your right?	25(36.8)	12(17.6)	20(29.4)	4(5.9)	4(5.9)	65

**Table 5.7.b1. General issues (Response of administrative bodies)**

General Issues	No	I don't know	Sometimes	Yes	Valid Total
What positive contribution have you made for the protection of students with disabilities?	8(20.5)	6(15.4)	5(12.85)	15(38.5)	34
Is there any committee/association established for students with disabilities?	9(23.1)	15(38.5)	0	11(28.2)	35
Does your institution make experience share with other institutions?	11(28.2)	19(48.7)	3(7.7)	1(2.6)	34
Does the institution make research to assess the needs of students with disabilities?	9(23.1)	0	16(41.0)	8(20.5)	33
Does your institution provide service to students with disabilities with their level of education?	14(35.9)	10(25.6)	0	9(23.1)	33
Does your institution provide service to students with disabilities with the type and degree of disability?	12(30.8)	11(28.2)		6(15.6)	29
Does your institution have proper statistics to identify the needs of students with disabilities?	11(28.2)	14(35.9)	4(10.3)	5(12.8)	34
Do you think there is proper support and assistance?	20(51.3)	0	0	8(20.5)	28

**Table 5.7.b2. General issues (Response of administrative bodies)**

General Issues	Poor	Fair	Good	V. Good	Excellent	Total
What is your attitude toward the rate of public image about the protection given to students with disabilities?	11(28.2)	7(17.9)	4(10.3)	10(25.6)	1(2.6)	33
How do you rate the general protection of human rights of students with disabilities in your institution?	12(30.8)	1(2.6)	9(23.1)	12(30.8)	0	34
How do you rate your contribution for the protection of the rights of students with disabilities?	25(36.8)	12(17.6)	20(29.4)	4(5.9)	4(5.9)	65

**Table 5.7.c. General issues (Response of students with no disabilities)**

General Issues	Poor	Fair	Good	V. Good	Excellent	Total
What positive contribution you made for the protection of the rights of students with disabilities?	33(42.9)	19(24.7)	12(15.6)	2(2.6)	1(1.3)	67
What is your attitude toward the public image about the protection given to students with disabilities?	23(29.9)	12(15.6)	20(26.0)	7(9.1)	5(6.5)	67
How do you rate the general protection of human rights in your institution?	26(33.8)	26(33.8)	15(19.5)	1(1.3)	0(0.0)	68

### 5.8.1. Formation and the Role of Associations or Committees

It is a recognized right to form associations, counsel, committee . . . for the protection of the rights of persons who are found in group or in person depending on the case. The body they form is required to be legal in its kind and functional.<sup>52</sup> Higher learning institutions should facilitate the ways by which this body could be formed. If this association or committee is formed, there could be instances where group or personal claims are presented with a louder voice of a given recognized association or committee.

Each higher learning institution has its own duties and responsibilities to protect the rights of its community including persons with disabilities. The concept good governance within any institution includes taking measures on persons who violate the human rights of others. This could be achieved with the contribution of associations or committee which has been formally established. In this regard, Addis Ababa University has got long lasting experience to recognize committees formed/set up by persons with disabilities and work with them for the protection of their human rights. For example, the following administrative measure was taken through the main participation of the Association of Students with Visually Impaired of Addis Ababa University.<sup>53</sup>

In Addis Ababa University, there was a situation where physical violence occurred against a student with disability. In this case, a student of the faculty of education, history department, who is with visual impairment, was physically attacked by his instructor. The instructor was insulted by the student and the instructor boxed the student on his face on March 30, 2007. The reason for their quarrel was grading. Then the University after the immediate suspending of the instructor and long consideration of the matter, decided on the instructor to receive last written

warning, not to involve in the administrative affairs for the coming three consecutive years and was made to sign on the condition.<sup>54</sup> He continues saying that

... the case could be said to be with great value to be a lesson for all those who are potential with such mistake. It could also be mentioned as a measure to protect the vulnerable group from the physical attack (violation of human rights). We shall keep it up to protect the rights of all students in general and those persons with disabilities in particular. The University strongly tries to implement the senate legislation and other laws to protect the rights in the academic atmosphere. Indeed, the measure has been taken by the university in accordance with the senate legislation and the federal civil service workers proclamation No 515/2006.<sup>55</sup>

These legal instruments provide conditions which enable to take such measures on any employee (instructor) who violets the rights of others.<sup>56</sup>

In general,, if we see the issue of the right to set up associations or committees in the collected data, table 5.7a1 indicates that in almost all the institutions 63.2% of persons with disabilities say that there are no such units legally established and recognized for the protections of the rights of persons with disabilities in the institutions. However there are very few bodies established in some institutions which are 35.3% of the respondents replied by saying that there are some forms of committee established.

### **5.8.2. The Role of NGOs to Protect Rights**

Here again, to form any positive move towards the protection of human rights in general and for the rights of persons with disabilities in particular, the role of NGO's is very vital and inevitable. There are some specific instances in which some associations /NGOs try to the extent to have dictionaries of sign language which may insures/helps to protect the rights of persons with hearing impairment or others in the education sector.<sup>57</sup> There are also some exemplary activities in which some NGOS contribute there efforts for the protection of persons with disabilities. For instance,

ENAB provides some scholarship tuition fee for students with visual impairment. The beneficiaries of this chance are female and persons who don't have one to support them. In addition, it gets some free chances from different higher learning institutions for admitting and attending different continuing education and post graduate study programs. The organization also provides materials embossed into Braille for higher educational institutions by receiving some amount of financial charge from them. It distributes Braille materials when there is donation from others.<sup>58</sup>

Again, there were instances in which those associations tried to defend the rights of persons with disabilities. The case which was litigated by the Ethiopian National Association of the Blind

(ENAB) versus Bureau of education of Oromia and Jimma Teachers' college could be a good example.

... The Ethiopian National Association of the Blind (ENAB,) versus the Education Office of Oromia and Jimma Teachers' College were parties to a case. They were the plaintiff and the defendants respectively. The plaintiff presented its case to the court on Hidar 5 1992. In the suit, the plaintiff complained that the first defendant prohibited students Alem Jebera and Habtamu Guta to join the Jimma Teachers' college. The prohibition is based on the ground of their blindness. Had it not been for the discriminatory action on the ground of disability, they would have fulfilled the criteria that were requested by the college. The second defendant on the other hand, was accused of to have violated the educational right of the blind students contrary to the constitution and education and training policy's principle. This defendant had issued the directive which prohibited or discriminated those students against their constitutional right only on the case of disability.

The case mentioned here above has been attached with this paper; and see annex 3. As we can understand from the above case, the present scenario indicates that not only students but also Associations/NGOS try to get remedy when the rights of students with disabilities are violated.

**Labeling for fig5.3-5.6**

- 0=Poor
- 1=Faïre
- 2=Good
- 3=V. Good
- 4=Excellent

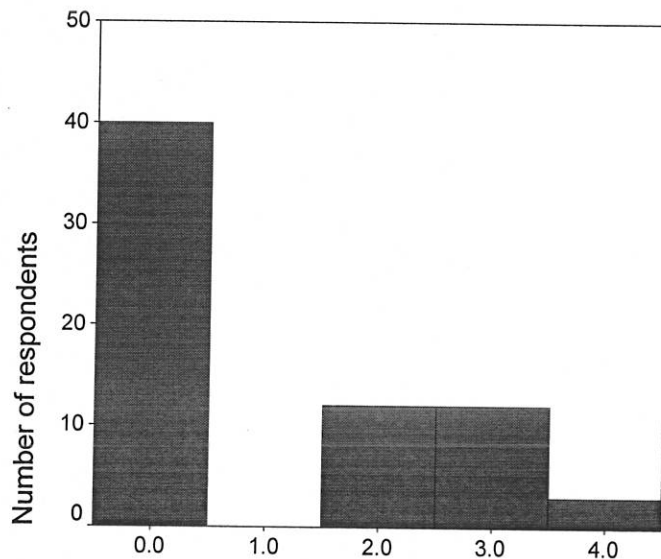


Fig 5.3 Rating the Contribution of NGO's towards the protection of the rights of persons with disabilities

Informants were inquired to rate the contribution of NGO's to protect the rights of persons with disabilities in higher learning institutions. As a result, in the graph, it has been provided that the rate of protection is insignificant. The result in Table 5.7.a2 also shows that 58.8% replied poor, 17.6% replied good, 17.6% replied very good and 4.4% replied excellent.

### 5.8.3. Contributions of Informants for the Protections of the Rights

The contribution rate of any informant for the three groups of my questionnaire, towards the protection of persons with disabilities in the higher learning institutions is the other area of focus to be assessed. However, the responses indicated in the table above do show that most of them (52.5% and 14.7% of persons with disabilities replied poor and fair, 30.8% (see also fig 5.4) of the administrative bodies replied poor and 33.8% and 33.3% of the students without disabilities replied poor and fair respectively).

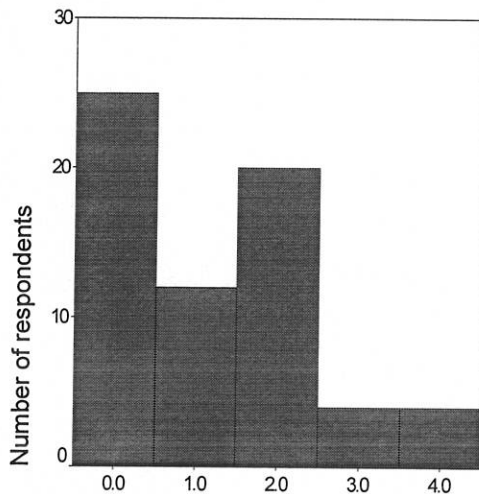


Fig 5.4. How do you rate your contribution for the protection of the rights of persons with disabilities?

The very essence of contribution for the protection of human rights in general and the rights of persons with disabilities in particular could be one of the ways out from poverty and related problems. The protection of human rights of persons with disabilities is not the only duty of states but it is also the duty of all citizens of the country. This is because there are conditions in which the rights of somebody could be the tramp or duty of others (see Chapter Two, Section 2.42 of this paper).

#### 5.8.4. Rating the Public Image Towards the Protection of Rights of persons with disabilities.

The lives of persons with disabilities are always interrelated with the entire aspects of the sum total of the public image. Because, what ever protection of human rights is required, it is accomplished with the active participation of a given society in which persons with disabilities are living with. The public image starts from the change of derogative terms or changes of attitude and accept that these category of persons have the right and capacity to learn. The public is required to accept that persons with disabilities have been endowed with different rights which are considered to make the educational right to be full-fledged. From this we can construe that the public attitude or image towards the teaching and learning process of persons with disabilities is also the other significant factor for the protection of the rights of persons with disabilities in the field of education. When asked, many respondents rate the image of the public as follows.

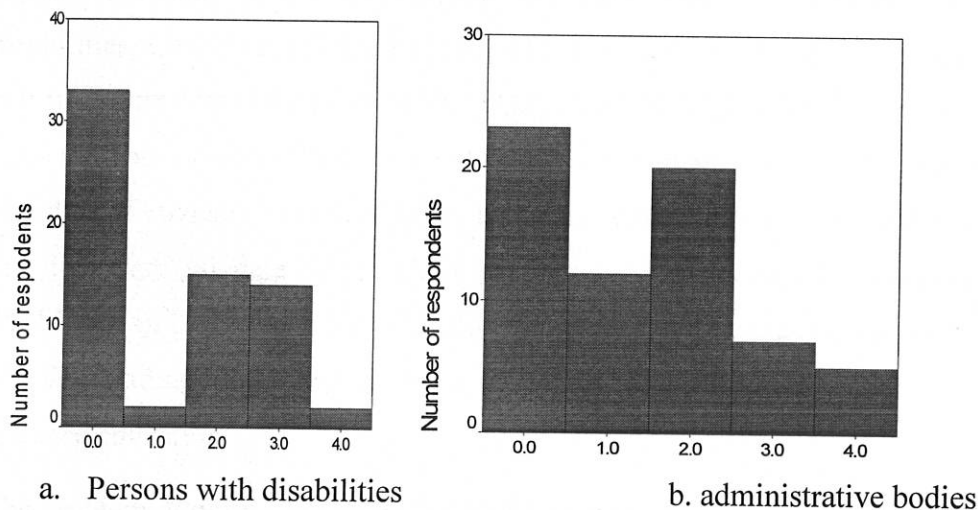


Fig. 5.5. The attitude toward the public image

In table 5.7a2, b2,c, it is possible to see that the majority have said that the public image towards the teaching and learning process of persons with disabilities is poor (fig 5.5.a), which is 48,5% of persons with disabilities, 28.2% of the administrative bodies (fig5.5.b) and 29.9% of the students without disabilities replied that the attitude of the public image is poor. It is also said:

... The misconceptions of causal attribution added to the misunderstandings of the capabilities of "persons with disabilities" contributed to the low social and economic status of them. The exclusion of these people from accessing or having equal opportunity to basic social and economic opportunities, i.e., education, health, and employment is

not known by their respective associations.<sup>62</sup>

### **5.8.6. Rating Assistance or Support**

Support and assistance could have direct co-relation with the rate of protection of human rights in the academic area. Finding this problem could help to get the solution how to render proper support with in a given institution. To know the reality whether there is proper support or not in any institution, see table 5.7a1, b1. In this table, the figures incorporated envisaged that almost all respondents (27.1% of persons with disabilities and 51.3% of the administrative bodies) have replied no. But still 22.1% of persons with disabilities and 20.5% of the administrative bodies replied that they get some support. Nonetheless, the constitution provides the duty to maintain and protect the economic, social and cultural rights to the physically and mentally disabled.<sup>63</sup> (See chapter three and four). This idea has also devolved to the other subordinate legislations and policies related with the education sector.

When respondents are inquired as to why there is no proper service, they replied elements like: lack of rules and regulations at national and institutional levels (majority); lack of awareness and good faith of some administrative bodies of institutions; no organized body for the proper protection of the rights of persons with disabilities..... The other condition to be related with the lack of proper support and assistance is reflected by the feeling of worry and anxiety for the lack of job opportunity after graduation. It is becoming the day to day activity of students with disabilities in higher learning institutions of Ethiopia. However, the current trend of job opportunity for students with disabilities is making most of them hopeless. They do not have the mechanism to be assisted or supported to get employment opportunities in the practical area. This is because; there exists discrimination in the field of employment in Ethiopia.<sup>64</sup>

### **5.8.7. Lists of Main Problems for the Protection of Rights**

It was my interest to inquire other list of main problems according to their rank of difficulty from respondents of the higher educational institutions. With in the list , we can find problems like lack of laws, regulations and policies; inaccessible environment in the higher learning institutions; shortage or lack of educational materials; shortage of budget or pocket money; lack of proper intervention of the government; problem of representation in decision making; lack of accountable body in the institutions; problems of library service; improper department choice and placement. No proper training on different issues; no chance for scholarship; problems of sign language; the existence of marginalization and discrimination, problems to make research;

inaccessibility of information(internet); lack of counseling service; shortage of time to take exam, write assignments and paper; absence of tutorial class service are some among others.

Of the above list of problems, almost all the respondents, have made lack of laws, regulations and policies; problem of accessibility; shortage of educational material and shortage of money the first the second and the third main problems of persons with disabilities in higher educational institutions of Ethiopia.

#### **5.8.8. The Suggested Possible Recommendations for Problems.**

Here again, almost all the respondents have given their different suggestions which could be helpful to solve the problems of persons with disabilities and protect their human rights in different higher learning institutions. These suggested solutions can be summarized as: there should be rules, regulations and policies proper budget allocation, creating accessible environment, proper provision of educational materials, paying enough pocket money, open special body, there should be participation in decision making, there should be network of governmental and non-governmental organizations, improving the administrative bodies of the institutions, awareness creation, assigning individuals who give support, implementing the existing and the would be formulated laws and policies.

#### **5.8.9. General Rating of the Protection of Human Rights**

To assess the rate of the general challenges of persons with disabilities in higher education, I have gathered information on the issue. Accordingly, the results of the aforementioned table reveals that almost all (persons with disabilities) have responded that the protection of the institution towards their rights is poor (36.8%) while some others rate it as fair (17.6%), which accounts the majority of the respondents see also fig5.6. Again, there are some who informed that the protection rate is to be said good (29.4%). As it is rated by the administrative bodies, most of them (36.8%) said poor while some other rate it as fair (17.6%), this accounts the majority. Also there are some informed that the protection rate is to be said good (29.4%). Students without disabilities, 67.6% of them said that the protection rate is poor and fair; but, a few said very good and excellent.

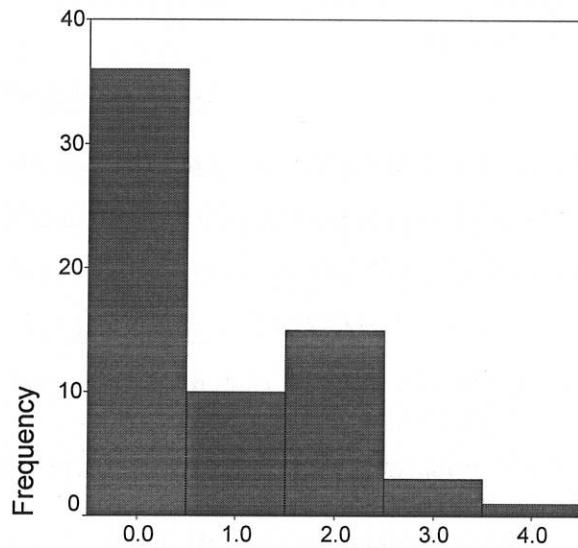


Fig.5.6. Rating of the general protection of human rights of persons with disabilities in higher education

To sum up, from the issues discussed here above, we can understand that the present scenario of most higher learning institutions marginalize or violate the rights of learners with disabilities either by blocking their admission or by not providing the necessary back-up support during their study years which could be considered as a challenge for the protection of human rights of persons with disabilities in higher educational institutions of the current Ethiopia.

19. Dr. Mengistu Legese, the Lack of Policies in the Institutions is the other Burden for Students with Disabilities: Ethiopian Reporter Gazeta, Vol. 13, No. 20/808, Sunday, Jan, 27, 2008.
20. interview with Ato Abye Tesfaye ( Manager of the Ethiopian Deaf Association ).
21. Id Proc. No. 351/2003, Art. 10 (3).
22. Cited at note 20, interview with Ato Abye Tesfaye ( Manager of the Ethiopian Deaf Association).
23. Cited at note 19, Dr. Mengistu Legesse, Ethiopian Reporter, p. 17.
24. Ibid, Dr. Mengistu Legesse, Ethiopian Reporter, p. 17.
25. Interview with Habtamu Kebebe, a hearing impaired student of A.A.U, Feb. 1, 2008, at 5 pm.
26. Id, Higher education Proclamation No. 351/2003, Art. 33.
27. Id, Higher education Proclamation No. 351/2003, Art. 29 (2).
28. Ibid.
29. Interview with, Fikru Dawit, a student with disability, in Jima University, held on January 30, 2008, at 2 pm. Jima Ethiopia.
30. Interview with, Ato Zerihun Jemaneh, Dean of students of A.A.U, held on Jan 25, 2008, at 3 pm.
31. Ibid.
32. Oxford Advanced learners Dictionary, 7<sup>th</sup> Edition 2006 .
33. Interview with, Dr. Alemayehu Kefle, Dean of the Students of Bahir Dar University, held on January 12, 2008, at 9 pm.
34. Interview with, Chala Gudeta, Student of Addis Ababa University, held on Jan 3, 2008 at 9 pm.
35. A letter written by council of students of the Bahir Dar University to the Dean of students of Bahir Dar university Dated on Dec 3, 2007.
36. Interview with, Yeme Yamire Fantahun Student who is with visual disability at Bahir Dar University held on Jan. 11, 2008 at 2. p.m .
37. Interview with, Miss merry Pauwl, Voluntary librarian, at Addis Ababa University, (IES), held on Feb, 1, 2008 at 12 am.
38. Cited at note 32, Oxford Advanced learners Dictionary, 7<sup>th</sup> Edition 2006.
39. Interview with, Ato Desaleng Samule Head of the department of Public relations of the ministry of Education, held on Dec, 3, 2007 at 9 am.
40. Cited at note 3, Convention on the Rights of Persons with disabilities Art 9.
41. Roger Johansson, Does accessibility encourage discrimination in education?|456 BereaStreet [http://www.456bereastreet.com/archive/200508/does\\_accessibility\\_encourage\\_discrimination/](http://www.456bereastreet.com/archive/200508/does_accessibility_encourage_discrimination/) Visited on December 12, 2007, at 2 pm.
42. Cited at note 3, Convention on the Rights of Persons with Disabilities, 2006, Art. 9.
43. Interview with, Bimirew Ambaye, a physically impaired student of A.A.U, on Feb. 3 2008,

Addis Ababa, Ethiopia.

44. Interview with, Fekadu Menberu, a visually Impaired Student, at Addis Ababa University, held on Dec 23, 2007 at 9 pm.
45. Interview with Geletaw Mulu, a student of Mekele University, held on Jan, 1,2008 at 2pm.
46. Dr Mengestu Legesse, Director of the Disability Center of Addis Ababa University, Taken from a speech in the Celabration of International Disability Day at Addis Ababa University cultural center, on Dec. 13, 2007 at 5 pm.
47. Ato Tegegn Jaleta, A speech held on talk show prepared by Millennium office of Addis Ababa Municipality hall on Jan 26, 2007 at 10 am.
48. Ato Mikirie Asfaw, A speech held on talk show prepared by Millennium office of Addis Ababa Municipality hall on Jan 26, 2007 at 11 am.
49. The UN convention on the elimination of all forms of discrimination against women of 1979, preamble.
50. Cited at note 7, the FDRE constitution of 1995, Art. 35.
51. Id, Art. 35 (3)
52. Id, Art 31.
53. Interview with, Awgichew Kibret, a visually impaired student, chairman of the association of visually impaired students of Addis Ababa University, held on Jan. 10, 2008 at 3 pm.
54. Interview with Dr. Bute Gotu, Academic Vice President of Addis Ababa University, held on February 3 2008, at 10 am.
55. Ibid.
56. The Addis Ababa University Senate legislation, June 2007 Article 52(4).
57. Cited at note 20, Interview with Ato Abay Tesfaye, Manager of the Ethiopian Deaf Association, held on feb.1,2008, at 3 pm .
58. Interview with Ato Getu Mulatu, Manager of the Ethiopian Association of the Blind, held on feb.8,2008, at 2pm ,Addis Ababa, Ethiopia.
59. Tirusew Tefera et al, Towards Creating an Inclusive Learning Environment for Students with Disabilities; Perspectives of Addis Ababa University, (2005) (Unpublished AAU), P. 2.
60. Cited above at not 53, Interview with, Awgichew Kibret, a Visually Impaired Student, and the chairman of the association of visually impaired students of Addis Ababa University , held on Jan. 10, 2008 at 3pm.
61. Cited above at note 57, Interview with Ato Abye Tesfaye ( Manager of the Ethiopian Deaf Association).
62. Id, Dr. Mengistu Legesse, Ethiopian Reporter, p. 17.
63. Cited at note 7, FDRE Constitution Art. 41(5).
64. Mendahun Gebretadike ,the Employment rights of persons with disabilities in Ethiopia, unpublished Addis Ababa University school of social work MA thesis ,2007, Addis Ababa, Ethiopia, p. 32.

# ***CHAPTER SIX***

***CONCLUSIONS***

***AND***

***RECOMMENDATIONS***

# Chapter Six

## **6. Conclusions and Recommendations**

### **6.1. General**

So long as the main objectives of this study are to assess, identify and forward conclusions and recommendations for the problems of the protection of educational human rights of students with disabilities in higher learning institutions of Ethiopia, this part of the paper has been reserved for conclusions and recommendations. Accordingly, based on the salient findings and analyses of the study, the following conclusions and recommendations have been made.

Most of the problems and challenges which persons with disabilities in higher educational institutions of Ethiopia face could be summarized in the following broad areas of focus. These are the existence and awareness of legal and policy matters together with their implementation issues, participation in decision making and social conditions, educational issues, matters related with services, accessibility situations, gender based and emotional conditions and other general problems which have been mentioned under different chapters of this paper have been discussed, concluded and recommended as follows.

### **6.2. Conclusions**

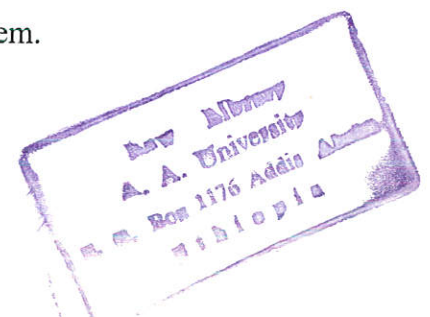
Based on the aforementioned findings of my qualitative and quantitative study, the following conclusions have been provided. Accordingly:

1. In almost all the cases, the majority of my target groups do not have clear awareness about the existence of international and domestic laws and policies which govern the protection of human rights of persons with disabilities in higher educational institutions of Ethiopia. Again, most of them do not have clear awareness about the existence of internal policies, rules and regulations of the protection of the rights of persons with disabilities in their respective institutions.
2. Also, as regards achieving remedy, the data indicate that though there are violations of human rights of students, the efforts to achieve remedy are very low in their degree. Still, there is no proper implementation mechanism for the rules, regulations and policies of the concerned Ethiopian Higher educational institutions.
3. Most persons with disabilities in higher educational institutions of Ethiopia are not participants in decision making and social issues. Again, most decisions and social relations

of institutions do not consider most of the interests of persons with disabilities.

4. All most all persons with disabilities do have relatively significant psycho-social problems. Also, persons with disabilities are provided only with meager support and assistance from their surrounding environment.
5. Although persons with disabilities have the right to affirmative action when placement to higher educational institutions takes place, most of them are admitted to institutions with out their interest. Again, there are some additional complains that the result which enables students with disabilities to join the institutions has to be further diminished for there are different problems which persons like with hearing impairment are facing in their academic life.
6. In almost all the time, persons with disabilities do not have the chance of affirmative action to choose their interest during enrolment or registration to a given department in any institution. For this and other factors, there are situations in which students are forced to change their department after they have passed two or three academic years because of the nature of courses.
7. Taking exams, preparing assignments, writing thesis/desertion require additional time framework for students with disabilities. Nonetheless, almost all persons with disabilities are not given such opportunities to accomplish their academic affairs.
8. Also, extra tutorial classes are usually expected to be given for those who are in any special condition. However, no institution gives special tutorial class to students with disabilities. Again, almost all students with disabilities are not trained or have not yet been given any training service to develop their personal capacity in their respective campus. Most of students with disabilities do score non-satisfactorious results for the existence of different factors. It is also indicated that the most to be blamed are some instructors and the administrative units of the institutions.
9. All students of higher educational institutions of Ethiopia do have the right to receive basic services from the institutions as provided by law. But, in almost all the institutions there is no required uniform implementation of such rights. As regards the type and degree of disability, level and type of education, the support given to students with disabilities by some universities is either empty or meager. So, still, students with visual impairment, severe motor disorders, hearing impairment and others are badly in need of special assistance in many institutions.

10. It is clearly observed that almost all the higher educational institutions of Ethiopia do not have special body which has been set up to follow the services rendered to students with disabilities. The role of the body is to work for the protection of the rights of persons with disabilities. In almost all higher educational institutions of Ethiopia, it is the Dean of Students of any institution that dominantly handles the specific needs of students with disabilities. This has its difficulty for budget processing.
11. Also, most institutions do not provide counseling, advocacy and exceptional health services to students with disabilities in their respective campus for there is no body to facilitate such services.
12. Many institutions discriminate one type of disability from the other or with in the same disability factor and they give pocket money and some other services only to some students. Again, the money that is given in some institutions is very small which does not cover their educational expenses. This creates its own problem on the learning and teaching process.
13. The more assistive technology, including computer, is provided the less could be the dependency ratio of persons with disabilities and the more they become successful in their academic performance. However, such devices are not provided by most institutions for there are various reasons including lack of budget and consideration. Currently, as it is known, one of the most assistive educational tools in the higher institutions is computer. But, majority of students with disabilities have not been given any computer training and almost all higher learning institutions do not make their computer laboratory accessible to students with disabilities.
14. The practice shows that still there are violations of the right to access to information for persons with disabilities in the higher learning institutions.
15. Libraries are established to render equal proper service for all and exceptional services for those who are in need of the service. Nonetheless, in almost all institutions there is no any proper service or affirmative action given to persons with disabilities. Further, all of them are not satisfied by the service given by the library(s).
16. Nothing has been done to accommodate such recreation facility and the needs of students with disabilities in the higher educational institutions of Ethiopia. Again, most of the institutions, except Addis Ababa University, do not serve their students with disabilities to pass the summer vacation in their respective campus. Some administrative bodies raise the issue of budget. But, the institutions, like Addis Ababa University, do collect money from the government and their internal financial system to solve such problem.



17. The result of the data in accordance with the issue of accessibility of the environment in higher learning institutions is strongly negative. Almost all the roads, up or down stairs, the dorms, beds, the already existing classroom buildings, the new classroom buildings under construction, libraries, cafeterias, lounges, bath rooms , toilets, ... are inaccessible for persons with disabilities.
18. The current legal and policy trend is to protect persons with disabilities from gender discrimination, sexual violence and harassment, emotion based challenges, etc. But, in the practical situation, discrimination, harassment and violence are prevalent in any institution.
19. Also, gender difference creates difference in getting more or less support and assistance. However, the current practice in higher education is very different from that has been stated. This is because female students with disabilities get the same support to what male students with disabilities do receive.
20. Most of the time persons with disabilities in the sample higher educational institutions of Ethiopia do feel sad about their disability. Again, most of them consider as if their sexual status has contributed to their less or good CGPA.
21. In almost all the institutions there are no such units like associations or committees legally established and recognized for the protections of the rights of persons with disabilities in the institutions.
22. The rate of the contribution of NGO's, any informant for the three groups of my questionnaire, towards the protection of the rights of persons with disabilities in the higher learning institutions is negative. Again, as regards the rate of public image towards the educational rights of persons with disabilities, it is said to be poor/low.
23. No higher learning institution has tried to make experience share with others for the protection of persons with disabilities. This makes the type and scope of providing service or the protection of the rights of persons with disabilities to be different one from the other.
24. Again, majority of sample higher learning institutions do not conduct proper research as their respective institution level. There are only some disorganized and non scientific approaches to the identifications of problems of persons with disabilities.
25. Almost all higher learning institutions do not have at least the approximate statistics of their students with disabilities. Though there are some institutions which try to have the figure of students with disabilities, it is very fragmented. This is also reflected in the data and statistics handling process of the Ministry of Education. No one can directly get the proper statistics of the current figure of any type of students with disabilities in higher learning institutions. Here

again, the number of students with particular type of disability is not known by their respective specific associations.

26. If we see the rating of general assistance or support, there is no proper support or assistance in almost all higher learning institutions of Ethiopia. The worst comes when the issue is assessed in light with remote public and private higher learning institutions.
27. Also, the current trend of job opportunity for students with disabilities is making most of them hopeless. They do not have the mechanism to be assisted or supported to get employment opportunities in the practical area for there exists discrimination in the field of employment in Ethiopia.
28. So, problems like lack of laws, regulations and policies; inaccessible environment in the higher learning institutions; shortage or lack of educational materials; lack of and shortage of budget or pocket money; non-existence of special accountable body ... are among others. Hence, although there could be mentioned many other lists of problems of students with disabilities their rank comes next to that of the above mentioned main problems.
29. The rate of general protection of persons with disabilities in the institutions has almost all been rated as poor. From the issues discussed here above, we can understand that the present scenario of most higher learning institutions marginalize or violate the rights of learners with disabilities either by blocking their admission or by not providing the necessary back-up support during their study years which could be considered as a challenge for the protection of human rights of persons with disabilities in higher educational institutions of the current Ethiopia.
30. The other main area which needs solution is that, the general rate of the contribution of the target groups towards the protection of the rights of persons with disabilities in the higher learning institutions is reported to be negative; (is said to be poor/low).

To sum up, in general, this finding shows that the practice of institutions is dominantly against the human rights of persons with disabilities. Because, the results of the research as regards most of the issues raised in chapter 5 indicate that there are sort of violations of human rights of persons with disabilities in almost all higher educational institutions of Ethiopia. It needs its own solution by the concerned body within and out of higher learning institutions. The writer of this thesis has given some of his recommendations or suggestions in the following section of this paper which could be solutions for the aforementioned problems.

### 6.3. Recommendations

Here again, I should mention that almost all the above raised problems do have their different suggestions which could be helpful to solve the challenges of persons with disabilities and protect their human rights in different higher learning institutions. The recommendations might be helpful for higher educational institutions, governmental and non governmental entities, media, individuals, and the like. The suggested possible recommendations for the aforementioned problems could be forwarded as follows. These are:

1. Those different relevant instruments should be reconsidered and domestic laws and policies must be formulated; International Laws should be legally translated in to the working language; internal rules and regulations of institutions have to be framed and there should be clear awareness through training about the existence of these laws, policies, rules and regulations of the protection of human rights of persons with disabilities with in and out of higher educational institutions of Ethiopia.
2. There should be the way for the proper implementation mechanism for the rules, regulations and policies in all of the concerned Ethiopian Higher educational institutions,. Also, as regards achieving remedy, the efforts should be made maximum in their degree so that the existing International laws, the FDRE Constitution, proclamations and the Education and training Policy of Ethiopia could be achieved in the field of education. For this end, persons with disabilities should exert their maximum effort to solve the problem.
3. Persons with disabilities should be made participants in decision making and social issues, with in and out of higher educational institutions of Ethiopia. Again, all the decisions should consider the interests of persons with disabilities.
4. As regards the psycho-social issues, the situation should be made to come to the better through all the efforts of training for persons with disabilities have relatively significant psycho-social problems. Also, persons with disabilities should be provided with sufficient support and assistance from their surrounding environment so that they could cope up with others in the field of study.
5. When placement to higher educational institutions takes place by the Ministry of Education, students with disabilities should be admitted to institutions with their interest and capacity to facilitate their success in the field of education. Also, the result which enables students with disabilities to join the institutions has to be further diminished to achieve the purposes of affirmative action. This is done for there are different problems which persons like female

with hearing impairment are facing in their academic life.

6. Again, persons with disabilities should have the chance of affirmative action to choose their interest during enrolment or registration to a given department in any institution for any program for there are situations in which students are forced to change their department after they have passed two or three academic years because of the nature of courses.
7. Students with disabilities should be compensated by allocating extra time for. Exams, preparing assignments, writing thesis/desertion require additional time framework for students with disabilities to accomplish their academic affairs.
8. Also, extra tutorial classes are usually expected to be given for those who are in any special condition. Hence, all institutions should give special tutorial class to students with disabilities. Persons with disabilities who are able to do, should assist institutions to implement the program.
9. Again, students with disabilities should be given training service to develop their personal capacity in their respective campus for different standards set for persons with disabilities indicate that there should be special training to students with disabilities for their personal academic development.
10. All students with disabilities in any higher educational institutions of Ethiopia should get basic services from the institutions as provided by laws and policies. It must include all with visual and hearing impairment and those with motor disabilities considering their type and degree of disabilities; level of education and gender status.
11. All higher educational institutions of Ethiopia should have special body to follow the services rendered to students with disabilities in their respective jurisdiction. The Dean of Students of any institution should not dominantly handle the specific needs of students with disabilities, but the general ones to avoid budget implementation problems.
12. The body is expected to have its own significance and roles. The roles of the body have to be to work for the protection of the rights of persons with disabilities like: counseling, advocacy and facilitating exceptional health service.... (for the proposed body, see Annex 7).
13. In some instances, there are persons with doubled and multiplied disability factors. So, institutions should allocate proper budget which considers these kinds of persons. Institutions must not discriminate one type of disability from the other or with in the same disability factor and give services. They should give enough pocket money and some other services for all who deserve it. Again, the money given by institutions is expected to cover educational expenses for it creates its own positive conditions on the learning and teaching

process.

14. There should be the provision of assistive technology and training in all higher learning institutions. Because, the more assistive technology, including computer, is provided the less could be the dependency ratio of persons with disabilities and the more they become successful in their academic performance.
15. The expectations of any reasonable person, international and national legal standards, policy directions, are to equip persons with disabilities to access to the at most information. So, the practice which shows that still there are violations of the right to access to information for persons with disabilities in higher learning institutions should be rectified and changed by arranging budget and facilities.
16. Libraries are required to adjust themselves to render equal and adequate service for all and exceptional services for those who are in need of the service. There should be affirmative action given to all persons with disabilities in all institutions.
17. All institutions must provide facilities related to recreation for students with disabilities in the higher educational institutions of Ethiopia for there is the right to share national resource. Again, All federally owned higher learning institutions should uniformly serve their students with disabilities to pass the Summer vacation in their respective campus. Some administrative bodies raise the issue of budget. But, the institutions, like Addis Ababa University, do collect money from the government and their internal financial system to accommodate this need.
18. All higher learning institutions in Ethiopia are expected to work their respective untouched huge assignment in accordance with the issue of accessibility of the environment in their respective campus. Because, almost all the roads, up or down stairs, the dorms, beds, the already existing classroom buildings, the new classroom buildings under construction, libraries, cafeterias, lounges, bath rooms , toilets, ... are inaccessible for persons with disabilities. To alleviate the problems, there should be the inclusion of curriculum in the learning and teaching process of the curriculum design of the engineering and other related fields like urban planning. It is vital to use such a mechanism to create awareness on the issue of disability and factors related with accessibility.
19. Also, the current trend of institutions should be to protect persons with disabilities from gender discrimination, sexual violence and harassment, emotion based challenges, etc. Because, the result of my study indicates that discrimination, harassment and violence are prevalent in any institution.

20. Female students with disabilities in higher learning institutions should get more support than to what male students with disabilities get. Because, in the current Ethiopia, in the legal and policy considerations, gender difference creates difference in getting more support and assistance through affirmative action.
21. There should be relentless effort to change the current outlook of persons with disabilities through gender based training and capacity building. Because, most of the time persons with disabilities in higher educational institutions of Ethiopia do feel sad about their disability. Also, most of them consider as if their sexual status has contributed to their less CGPA, while there are some who have informed that there are conditions where a given sexual status becomes as the agent to score good grades.
22. There should be such legally established and recognized associations or committees in all the institutions for the protections of human rights of persons with disabilities and to have louder voice.
23. The rate of the contribution of different bodies for the protection of the rights of persons with disabilities should be the target of plan to work and change the scenario. Because the rate of the contribution of NGO's, informants for the three groups of my questionnaire, towards the protection of the rights of persons with disabilities in the higher learning institutions is negative. Again, as regards the rate of public image towards the educational rights of persons with disabilities has been said to be poor/low. Here comes the role of institutions, concerned entities and media to create awareness of all the society.
24. There should be experience share and network between/among higher learning institutions or with others for the protection of human rights of persons with disabilities. This makes the type and scope of providing service or the protection of the rights of persons with disabilities to be similar or uniform.
25. Institutions must conduct proper research as their respective institution level. They are also required to avoid disorganized and non scientific approaches to the identifications of problems of persons with disabilities. To achieve this issue, persons with disabilities must cooperate the activities of institutions.
26. All higher learning institutions, the Ministry of Education, Some specific associations of persons with disabilities, and other concerned bodies do have the duty to have at least the approximate statistics of their students with disabilities. Though there are some institutions which try to have the figure of students with disabilities, it is very fragmented which creates problems to allocate budget.

27. The rate of general assistance or support should increase in almost all higher learning institutions of Ethiopia. The worst comes when the issue is assessed in light with remote government and private higher learning institutions. Mainstreaming disability, in education, health, social services and skills training is necessary. This should be also seen in light with multiple disability factors, age, social back ground, etc.
28. As regards the current trend of job opportunity for students with disabilities, all the concerned should work hard for it is making most of them hopeless to learn. Because, they do not have the mechanism to be assisted or supported to get employment opportunities in the practical area for there exists discrimination in the field of employment in Ethiopia.
29. The rate of the general protection of human rights of persons with disabilities in the institutions needs focus of the concerned body. From the issues discussed here above, we can understand that the present scenario of most higher learning institutions marginalize or violate the rights of learners with disabilities either by blocking their admission or by not providing the necessary back-up support during their study years which could be considered as a challenge for the protection of human rights of persons with disabilities in higher educational institutions of the current Ethiopia. It needs its own solution by the concerned body within and out of higher learning institutions.
30. The rate of the contribution of different persons with disabilities for the protection of the rights of persons with disabilities should be the target of plan to work and change the scenario. Hence, to achieve the aforementioned recommendations, there should be the proper and legal strive of concerned persons with disabilities. The proper implementation mechanism for the rules, regulations and policies in all of the concerned Ethiopian Higher educational institutions is maintained and their human rights are protected through their direct and indirect participation. For instance, as regards achieving remedy, the efforts should be made maximum in their degree by these beneficiaries so that the existing International laws, the FDRE Constitution, proclamations and the Education and training Policy of Ethiopia could be achieved in the field of education. Persons with disabilities should be participants in decision making and social issues, with in and out of higher educational institutions of Ethiopia. The effort must include all with visual and hearing impairment and those with motor disabilities considering their type and degree of disabilities; level of education and gender status. There should not be the high dependency ratio of persons with disabilities. Persons with disabilities must conduct proper research and exchange information as their respective institution level. Also, there should be experience

share and network between/among higher learning institutions or with others for the protection of human rights of persons with disabilities.

In general, the suggested solutions of the problems can be summarized as: there should be rules, regulations and policies proper budget allocation, creating accessible environment, proper provision of educational materials, paying enough pocket money, open special body, have network of governmental and non governmental organizations, improving the administrative bodies of the institutions, awareness creation, assigning individuals who give support, the provision of adaptive technology, implementing the existing and the would be formulated laws and policies, facilitating conditions for persons with disabilities and enhance their participation in decision making process, persons with disabilities should work or contribute alot to strive for the protection of their human rights. In deed, these suggestions are needed to be immediately implemented for they could solve the violations of human rights of persons with disabilities in higher learning institutions of Ethiopia and achieve the millennium development goals at national, regional and international levels.

#### **6.4. Future Potential Research Areas**

The results of my study indicate that there are ample matters to be particularly studied in the future. These are considered to be the key factors for the protection of the rights of persons with disabilities in higher learning institutions of Ethiopia. Some of the salient potential areas of the field to be studied by other interested researcher/s/ could be mentioned as follows.

1. Assessing the specific needs of students with disabilities based on their type and degree of disabilities or level of education or gender status.
2. Spesific comparative study between or among higher learning institutions should be made to know the better institution for the protection of the rights of persons with disabilities.
3. Spesific remedial conditions and institutions should be identified for any violation of human rights and the protection of persons with disabilities in their respective higher learning institutions and out of them.
4. The particular conditions of anxiety and worries of employment after graduation should be focused and studied to solve the problem of students with disabilities.
5. The specific reasons for the low protection rate of the concerned bodies for the right of persons with disabilities should be studied.

6. The specific body that could have vested interest or standing when remedy is sought and the enforcement mechanisms of the rights of persons with disabilities should be studied and identified.
7. Assess the conditions to maintain the uniformity of the specific and general service delivery of different higher learning institutions in their respective administration capacity.
8. To alleviate the problems of accessibility, there should be research on the inclusion of in the learning and teaching process of the curriculum design of the engineering and other related fields like urban planning and the like.
9. The right to double and multiple affirmative action of persons with disabilities when seen in light with factors like age, minority and gender should be further studied.
10. The major topics like legal and policy issues, participation in decision making and social matters, educational conditions, service status, accessibility issues, gender based and emotional problems should be specifically and critically researched....

These and other relevant issues and their effects should be further raised and studied to the extent possible to alleviate the challenges of human rights of students with disabilities in higher learning institutions of Ethiopia.

***PROTECT ALL HUMAN RIGHTS  
AND THE RIGHT TO  
EDUCATION FOR ALL!!!***

**REFERENCES**

**AND**

**ANNEXES**



# References of the Research

## 1 Books, Journals and Others

- Alan Mk, Koral EAL, Employer Compliance with the Americans Disabilities Act, (the Practitioner Law Institutions, USA, (1990).
- Annsekilton W. Children and the Law, p.20 Lawyers for Human Rights Publishing Com. South Africa, (1998).
- Bonnie Portrays Tuckers, Federal Disability Law in a nut shell welt publishing com. Minnesota 2<sup>nd</sup> ed., (1986).
- Brand Lindemna, Diversifying the work place: Affirmative Action in private sector after 1995, South Dakoto Law Review, Vol. 42 No. 3, (1997).
- Breading, Jean and Curtis, John; Disability Discrimination: A Practical Guide to the New Law, (1996).
- Bryana Garner, Editor in Chief, Black's Law Dictionary Eight Edition, (2006).
- Dibabee Bacha and Yetnebersh Niegussie, One Degree is Insufficient for Us: Interview with Reporter Gazeta, Volume 11, No. 94/662 Addis Ababa, Ethiopian Calendar, (Sunday, August 28,1998).
- Emezat Hailu, The Role of the Law in the Implementation of Affirmative Action Program for women In Ethiopia; a human Right Approach, (senior thesis) unpublished, Archive, Addis Ababa University, Faculty of Law, (2003).
- Foundez J. , Affirmative Action: International Perspectives, (1994).
- Frew Hailu, The Protection of the Rights to Employment of People with Disabilities Under the Ethiopian Law, Faculty of Law, A.A.U, Unpublished material, (2001).
- Gearheart, Bll R. Exceptional Student in the Regular Class Room, 4<sup>th</sup> ed. 25. (1986).
- George White Cross paton, A text-Book of Jurisprudence, Oxford, Clarend Press, third, Edition, (1964).
- Gerard Quinn and Theresia Degener, Human Rights and Disability, The Current Use and Future Potential of United Nations Human Rights Instruments in The Context of Disability; United Nations New York and Geneva, (2002).
- Gostin, Lawrence O., and Buyer, Henry a. Implementing The American with Disability Act: Responsibilities and Rights of All Americans (1993).
- Human Rights and Disabled Persons: Essays, and relevant human rights instruments, Theresia Degener et al ed, Martinus Nishoff publishers, (1995).
- Ibrahim Edris, The Place of International Human Rights Conventions in the 1994 Federal Democratic Republic of Ethiopia ( FDRE) Constitution , Journal of Ethiopian Laws, Vol. 20, Addis Ababa University, (2004).
- Jeffrey Olen and Vincent Barry, Applying Ethics Canada, Wads Worth, (2002).

- Longman, Dictionary of Contemporary English; 1st ed.(1978).
- Mendahum Gebretadike, Employment rights of persons with disabilities in Ethiopia(unpublished A.A.U school of social work MA Thesis ,Addis Ababa Ethiopia, (2007).
- Mengistu Legese, Lack of Policies in the Institutions is the other Burden for Students with Disabilities: Ethiopian Reporter Gazeta, Vol. 13, No. 20/808, (Sunday, Jan. 27, 2008).
- Ministry of Education, Special Needs Education Program Strategy, Feb. (2005).
- Oxford Advanced Learners Dictionary. 7<sup>th</sup> Edition (2006).
- P. Milter Etal, Special Needs Education World Year Book of Education, (1993).
- Peter Chris, Human Rights in Africa. A Comparative study of the African Human and Peoples' Rights charter and the new Tanzanian bill of rights, Greenwood press, (1990).
- Ronald Dworkin, Taking Rights Seriously, London: Duckworth, (1978).
- Roscopounded, Jurisprudence, Volume.IV, Sf.Paul Minn.West Publishing Co., (1959).
- Samuel Asfaw, Affirmative Action Programmes and the Rights to equality before the law: Comparative and practical Oriented (Senior Thesis), AAU, Faculty of law, (1997).
- Sandra Freedman, Reversing Discrimination, The Law Quarterly Revie Vol 113, (1997).
- Terusew Tefera, Disability in Ethiopia: Issues, Insights and Implications, Addis Ababa University: Addis Ababa University (2005).
- The Minutes to of the 94<sup>th</sup> Regular Session of the Council of Representatives of Transitional Government of Ethiopia of (1994).
- The Ethiopian Herald Ministry announces higher learning institutions' enrolment increase Volume LXIII Friday 22, September (2006).
- Thomas Nagel, A Defense of Affirmative action in David M, Adam Philosophical Problems in Law, UK, (2001).
- Tirusew Tefera, ET AL, Towards Creating an Inclusive Learning Environment for Students with Disabilities; Perspectives of Addis Ababa University, Unpublished Addis Ababa University, (2005).
- Tirusew Tefera, Baseline Survey on Disabilities in Ethiopia, Unpublished (1995).
- Tirusew Tefera, Human Disabilities Developmental, Educational and Psychosocial Implications unpublished, (2000).
- UNESCO; Overcoming Exclusion through Inclusive Approaches in Education; A Challenge and Vision, (2003).
- Webster's Third New International Dictionary, (1981).
- Workie Taye, Comparative Study on the Legal Status of Disabled Persons with Particular Reference to Ethiopia, Faculty of Law, A.A.U, Unpublished Material,(1997).

- World Health Organization: International Classification of Impairment, Disabilities and Handicaps, (1980).
- Ysseldyke and Algozzine, Special Education: A Practical Approach for Teachers. Third Edition, (1995).

## **2. Laws and Related Instruments**

- Addis Ababa University Senate legislation, Addis Ababa Ethiopia, (June, 2007).
- African Charter on Human and peoples' Rights, (1981).
- Convention on the Elimination of All Forms of discrimination against Women, (1979).
- Draft Proclamation for the Establishment of Higher Educational Institutions of Ethiopia, (Feb. 10, 2008).
- Federal Democratic Republic of Ethiopia, Federal Negarit Gazeta , Proc. No. 515/2007, Federal Civil Servants Proclamation, Addis Ababa: Berhanenaselam Printing Enterprise, (2007).
- Federal Democratic Republic of Ethiopia, Federal Negarit Gazeta, Proclamation No.3/1995 proclamation to provide for the Establishment of the Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia, 1<sup>st</sup> Year No.3, Berhanena Selam printing Enterprise, Addis Ababa, (22<sup>nd</sup> August, 1995).
- Federal Democratic Republic of Ethiopia, Federal Negarit Gazeta, Proclamation No. 1/1995, Constitution of the Federal Democratic Republic of Ethiopia, Addis Ababa : Berhanenaselam Printing Enterprise, (1995).
- Federal Democratic Republic of Ethiopia, Federal Negarit Gazeta, Proclamation No. 377/2003, Labor Proclamation. Addis Ababa: Berhanenaselam Printing Enterprise, (2003).
- Federal Negarit Gazzeta, Electoral Law of Ethiopia, Proclamation No. 111/1995, (1995).
- Federal Negarit Gazzeta, Proclamation No.414, the Ethiopian Criminal Code of (2004).
- Federal Negarit Gazzeta, Ethiopian Higher Education Institutions Establishment, Proclamation No. 351/2003, (2003).
- International Covenant on Civil and political Rights of (1966).
- International Labor Organization, Convention Concerning Vocational Rehabilitation and Employment [Disabled Persons] Convention No. 159, Adopted on 1, June, 1983 by the General Conference of the International Labor Organization, Entry in to Force on 20, June, (1985).
- International Covenant on Economic, Social and Cultural Rights of (1966).
- International Labor Organization, Recommendation Concerning Vocational Rehabilitation and Employment (Disabled Persons) Recommendation No. 168 Adopted on 1, June, 1983 by the General Conference of the International Labor Organization (1983).

- Negarit Gazeta , The Ethiopian Civil Code of (1960).
- Order of the Establishment of Rehabilitation Agency for the Disabled No (70)/ 1971.
- UN Charter of (1945).
- UN Optional Protocol to CEDAW of the (1999).
- UN Optional Protocol on the Rights of Persons with Disabilities, of (December 13, 2006).
- UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities, Adopted and Proclaimed by General Assembly of 1993. Resolution on 48/96 of (20 Dec. 1993).
- UN Vienna Convention on the Law of Treaties, (1969).
- UNESCO Recommendation Concerning the Status of Higher Education on (11 November 1997).
- Universal Declaration of Human Rights, Adopted and Proclaimed by General Assembly Resolution 217A (III) of (Dec. 10, 1948).
- Transitional Government of Ethiopia of Educational and Training Policy of (1994).
- Transitional Government of Ethiopia, Negarit Gazeta Proc. No. 101/1994, Proclamation Concerning the Rights of Disabled Persons to employment. Addis Ababa: Berhanenaselam Printing Enterprise (1994).
- UN Convention on the Rights of Persons with Disabilities of December 13, (2006).
- UN Declaration on the Rights of Mentally Retarded Persons, Proclaimed by General Assembly Resolution 2856 (xxvi), (1971 ).
- UN Declaration on the Rights of the Disabled, Proclaimed by General Assembly Resolution 3447(xxx) Dec. 9, (1975).
- UNESCO Convention Against Discrimination in Education, (1960).
- United Nations Convention on the Rights of the Child, Adopted by the General Assembly of the UN of (20<sup>th</sup> Day of Nov., 1989).
- United Nations World Program of Action Concerning Disabled Persons, Adopted and Proclaimed by General Assembly Resolution 37/52 of (3 Dec. 1982).

### 3. Internet Sources,

- Transcript of Remarks by Kathleen Mahoney in Response to Hans Kung's Talk, Global Ethic and Human Responsibilities, from a symposium held at Santa Clara University April 1, 2005. Human Responsibility in the age of Terrorism: [www.weltethos.org/dat\\_eng/index\\_e.htm](http://www.weltethos.org/dat_eng/index_e.htm) Retrieved on (April 25, 2007).
- Anant Kumar, Special Needs Education A look at India's access to higher education for people with disabilities, <http://www.miusa.org/ncde/intloppportunities/indiasjawaharlalnehru-university> India's Jawaharlal Nehru University admin, Retrived on (October 13, 2007).
- Bertrand Ramcharan, the former Acting High Commissioner for Human Rights, New Challenges in the Promotion and Protection of Human Rights, the Palaisdes Nations, Geneva, Aug. 11, 2003, Retrived on (Nov. 13, 2008).
- Directions in Education, <http://www.Sterlingharwood.com> Visited on (October 10, 2007).
- Discrimination in education, <http://www.understandingpreregjudicel.org/readroom/arricle/affrm.htm> Visited on (December 15, 2007).
- Don Mackay, Chairman of the committee negotiated the treaty ( [www.un.org/esa/socdev/enable](http://www.un.org/esa/socdev/enable) or visited on (August 22,2007).
- <http://shsph.Up.ac.ZA> (disability) information rights. Html, visited on (Nov. 20, 2007).  
<http://www.capitalethiopia.com/archive/2007/july/week4/interview.htm> (Nov. 12, 2007).
- [http://www.law.cornell.edu/uscode/html/uscode20/usc\\_sec\\_20\\_000\\_01001---000-.html](http://www.law.cornell.edu/uscode/html/uscode20/usc_sec_20_000_01001---000-.html) Retrived on (November 24, 2007).
- <http://www.nhsdirect.nhs.uk/articles/article.aspx?articleId=508> Visited on (August 31, 2007).
- <http://www.un.org/disabilities/convention/conventionfull.shtml>. Visited on (December 21, 2006).
- Human Rights Watch: Women's Human Rights: Disabled Women and Girls, <http://www.hrw.org/women/disabled.html> Visited on (January 3, 2008).
- Human Rights Women with disabilities: Women's Human Rights Net[http://dawn.thot.net/wwd\\_human\\_rights.html](http://dawn.thot.net/wwd_human_rights.html) visited on (January 1, 2008).
- Roger Johansson, Does accessibility encourage discrimination in education?|456 Berea Street [http://www.456bereastreet.com/archive/200508/does\\_accessibility\\_encourage\\_discrimination/](http://www.456bereastreet.com/archive/200508/does_accessibility_encourage_discrimination/) Visited on (December 12, 2007).
- Stanford encyclopedia of Philosophy: Human Rights: <http://plato.stanford.edu/entries/rights-human/>Retrieved on (May 1 2007).
- The Convention in Brief, <http://shsph,up.ac.la> (disability) information rights.Htm, visited on (Aug. 11, 2006).

- The Convention of Persons with Disabilities, <http://www.apcdproject.org/publications/2006/newsletter17/convention.html> Retrieved on (January 4, 2008).
- Visual Impairment From Wikipedia, the free Encyclopedia [http://en.wikipedia.org/wiki/Visual\\_Impairment](http://en.wikipedia.org/wiki/Visual_Impairment) Visited on (August 23, 2007).
- Women Watch: Feature on Women with Disabilities <http://www.un.org/womenwatch/enable/index.html> visited on (January 10 , 2008).
- Women's human Rights: Disabled Women and Girls.htm) visited on (January 20, 2007).
- Women's Human Rights: Disabled Women and Girls <http://www.answers.com/topic/human-rights> (Retrieved on (April 4, 2007).
- Women's rights Wikipedia, the free encyclopedia.htm) visited on (Jan. 30, 2007).

#### **4. Interviews and other Related Matters**

##### **A. Interviews**

- Interview with, Ato Desalegn Samuel, the Head of the Department of Public Relations of the Ministry of Education Addis Ababa , (Dec. 2, 2007).
- Interview with, Dr. Bute Gotu, Academic Vice President of Addis Ababa University, held on (February 3, 2008).
- Interview with, Habtamu Kebebe, a hearing impaired student of Addis Ababa University, held on (Feb. 1, 2008).
- Interview with, w/o Fantaye Gezohegn, deputy head of the legal and Administration affairs standing committee of House of People's Representatives, held on (Feb. 1/2008).
- Interview with, Abay Tesfaye, manager of The Ethiopian Deaf Association, Held on (February 1, 2008).
- Interview with, Ato Getu Mulatu, Manager of the Ethiopian Association of the Blind, held on (feb. 8, 2008).
- Interview with, Ato Semon T/Haymanote the then Hed of the reference department of Addis Ababa university main library (kendy) held on (Jan. 10, 2008).
- Interview with, Ato Tatek Tulu, an Instructor of law of the Debu University, held on )December 20, 2007).
- Interview with, Ato Yemanehe Gebreab, Dean of students of the Mekele University, (Jan. 1, 2008).
- Interview with, Ato Zerihun Jemaneh, Dean of students of Addis Ababa University, held on (Jan 25, 2008).
- Interview with, Awgichew Kibret, a visually impaired student, chairman of the association of visually impaired students of Addis Ababa University, held on

(Jan. 10, 2008).

- Interview with, Bimirew Ambaye, a physically impaired student of Addis Ababa University, held on (Feb. 3, 2008).
- Interview with, Chala Gudeta, a visually impaired Student of Addis Ababa University, held on (Jan 3, 2008).
- Interview with, Dr. Alemayehu Kefle, Dean of the Students of Bahir Dar University, held on (January 12, 2008).
- Interview with, Fekadu Menberu, a visually impaired student, at Addis Ababa University, held on (Dec 23, 2007).
- Interview with, Fikru Dawit, a student with physical disability, in Jima University, held on (January 30, 2008).
- Interview with, Geletaw Mulu, a student of Mekele University, held on (Jan. 1,2008).
- Interview with, Mikias Fekadu, a student with no disability in Jima University, held on (January 29, 2008).
- Interview with, Miss merry pauwl, Voluntary librarian, at Addis Ababa University, (IES), held on (Feb, 1, 2008).
- Interview with, W/o Mariam Cheru, Administrater at the Faculty of Law in Bahir Dar University, held on (January 13, 2008).
- Interview with, Yeme Yamire Fantahun Student who is with visual disability at Bahir Dar University held on (Jan 11, 2008).

## **B. Speeches**

- Mikirie Asfaw, A speech held on talk show prepared by Millennium office of Addis Ababa Municipality hall on (Jan 26, 2007).
- Mengestu Legesse, Director of the Disability Center of Addis Ababa University, Taken from a speech in the Celabration of International Disability Day at Addis Ababa University cultural center, held on (Dec. 13, 2007).
- Taken from a speech in the workshop on the issue of the right to education for persons with disabilities, at Addis Ababa University cultural center, prepared by Walta YeayneSeweram Mehabere. On (Dec. 20, 2007).
- Tegegn Jaleta, A speech held on talk show prepared by Millennium office of Addis Ababa Municipality hall on (Jan 26, 2007).

# **The End**

# Annex 1



## CONVENTION on the RIGHTS of PERSONS with DISABILITIES

### The Convention in Brief

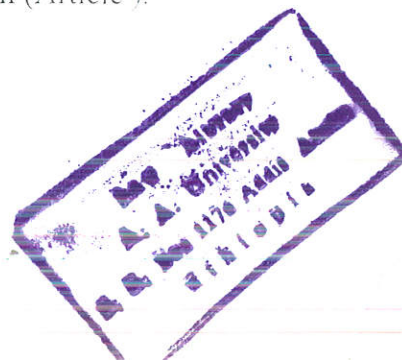
“What the Convention endeavours to do,” said Don MacKay, Chairman of the committee that negotiated the treaty, “is to elaborate in detail the rights of persons with disabilities and set out a code of implementation”.

Countries that join in the Convention engage themselves to develop and carry out policies, laws and administrative measures for securing the rights recognized in the Convention and abolish laws, regulations, customs and practices that constitute discrimination (Article 4).

As a change of perceptions is essential to improve the situation of persons with disabilities, ratifying countries are to combat stereotypes and prejudices and promote awareness of the capabilities of persons with disabilities (Article 8).

Countries are to guarantee that persons with disabilities enjoy their inherent right to life on an equal basis with others (Article 10), ensure the equal rights and advancement of women and girls with disabilities (Article 6) and protect children with disabilities (Article 7).

Children with disabilities shall have equal rights, shall not be separated from their parents against their will, except when the authorities determine that this is in the child’s best interests, and in no case shall be separated from their parents on the basis of a disability of either the child or the parents (Article 23). Countries are to recognize that all persons are equal before the law, to prohibit discrimination on the basis of disability and guarantee equal legal protection (Article ).



Countries are to ensure the equal right to own and inherit property, to control financial affairs and to have equal access to bank loans, credit and mortgages (Article 12). They are to ensure access to justice on an equal basis with others (Article 13), and make sure that persons with disabilities enjoy the right to liberty and security and are not deprived of their liberty unlawfully or arbitrarily (Article 14).

Countries must protect the physical and mental integrity of persons with disabilities, just as for everyone else (Article 17), guarantee freedom from torture and from cruel, inhuman or degrading treatment or punishment, and prohibit medical or scientific experiments without the consent of the person concerned (Article 15).

Laws and administrative measures must guarantee freedom from exploitation, violence and abuse. In case of abuse, States shall promote the recovery, rehabilitation and reintegration of the victim and investigate the abuse (Article 16).

Persons with disabilities are not to be subjected to arbitrary or illegal interference with their privacy, family, home, correspondence or communication. The privacy of their personal, health and rehabilitation information is to be protected like that of others (Article 22).

On the fundamental issue of accessibility (Article 9), the Convention requires countries to identify and eliminate obstacles and barriers and ensure that persons with disabilities can access their environment, transportation, public facilities and services, and information and communications technologies.

Persons with disabilities must be able to live independently, to be included in the community, to choose where and with whom to live and to have access to in-home, residential and community support services (Article 19). Personal mobility and independence are to be fostered by facilitating affordable personal mobility, training in mobility skills and access to mobility aids, devices, assistive technologies and live assistance (Article 20).

Countries recognize the right to an adequate standard of living and social protection; this includes public housing, services and assistance for disability-related needs, as well as assistance with disability-related expenses in case of poverty (Article 28).

Countries are to promote access to information by providing information intended for the general public in accessible formats and technologies, by facilitating the use of Braille, sign language and other forms of communication and by encouraging the media and Internet providers to make on-line information available in accessible formats (Article 21).

Discrimination relating to marriage, family and personal relations shall be eliminated. Persons with disabilities shall have the equal opportunity to experience parenthood, to marry and to found a family, to decide on the number and spacing of children, to have access to reproductive and family planning education and means, and to enjoy equal rights and responsibilities regarding guardianship, wardship, trusteeship and adoption of children (Article 23).

States are to ensure equal access to primary and secondary education, vocational training, adult education and lifelong learning. Education is to employ the appropriate materials, techniques and forms of communication. Pupils with support needs are to receive support measures, and pupils who are blind, deaf and deaf-blind are to receive their education in the most appropriate modes of communication from teachers who are fluent in sign language and Braille. Education of persons with disabilities must foster their participation in society, their sense of dignity and self worth and the development of their personality, abilities and creativity (Article 24).

Persons with disabilities have the right to the highest attainable standard of health without discrimination on the basis of disability. They are to receive the same range, quality and standard of free or affordable health services as provided other persons, receive those health services needed because of their disabilities, and not to be discriminated against in the provision of health insurance (Article 25).

To enable persons with disabilities to attain maximum independence and ability, countries are to

provide comprehensive habilitation and rehabilitation services in the areas of health, employment and education (Article 26).

Persons with disabilities have equal rights to work and gain a living. Countries are to prohibit discrimination in job-related matters, promote self-employment, entrepreneurship and starting one's own business, employ persons with disabilities in the public sector, promote their employment in the private sector, and ensure that they are provided with reasonable accommodation at work (Article 27).

Countries are to ensure equal participation in political and public life, including the right to vote, to stand for elections and to hold office (Article 29).

Countries are to promote participation in cultural life, recreation, leisure and sport by ensuring provision of television programmes, films, theatre and cultural material in accessible formats, by making theatres, museums, cinemas and libraries accessible, and by guaranteeing that persons with disabilities have the opportunity to develop and utilize their creative potential not only for their own benefit, but also for the enrichment of society. Countries are to ensure their participation in mainstream and disability-specific sports (Article 30). Countries are to provide development assistance in efforts by developing countries to put into practice the Convention (Article 32).

To ensure implementation and monitoring of the Convention, countries are to designate a focal point in the government and create a national mechanism to promote and monitor implementation (Article 33). A Committee on the Rights of Persons with Disabilities, made up of independent experts, will receive periodic reports from States parties on progress made in implementing the Convention (articles 34 to 39). An 18-article Optional Protocol on Communications allows individuals and groups to petition that Committee once all national recourse procedures have been exhausted.

Prepared by the UN Web Services Section, Department of Public Information © United Nations 2006

## Annex 2

### Questionnaire 1 For students with disabilities

#### General Directions

Dear respondent, I am doing my post graduate studies on the title: "The Protection of the Human Rights of Persons with Disabilities in Higher Educational Institutions of Ethiopia". So, this questionnaire is intended to collect data for the objectives of studying the main problems/needs of students with disabilities in the different higher educational institutions of Ethiopia and to look for the best possible legal and administrative solutions at the institutional and national levels. For this purpose, you have been chosen to be a resource person.

You, therefore, are kindly requested to give your honest and proper responses to the following open ended questions and/or put a X mark to the close - ended items when you find it relevant to you. Your honest responses to the questions do make differences to make the research empirical and achieve its basic objectives. Also, be sure that, your personal information shall never be revealed to any other third party.

### "ALL HUMAN RIGHTS FOR ALL" THANK YOU!!!

#### Part A: Legal and policy issues

1. Have you ever had any clear idea about current legislative framework of Ethiopia with regard to the educational human rights of persons with disabilities? Yes \_\_\_ No \_\_\_
2. Have you ever had any clear idea about the current policy framework of Ethiopia with regard to the educational rights of persons with disabilities? Yes \_\_\_ No \_\_\_
3. Does your institution have proper policies, rules and regulations for the protection of the rights of persons with disabilities? Yes \_\_\_ No \_\_\_ I don't know \_\_\_
4. If the answer for Q3 is yes, do you believe that the laws, rules, regulations and policies are being implemented properly? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
5. Do you try to get remedy when your rights are violated? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
6. If your answer is yes/sometimes, is it: in person \_\_\_ in group \_\_\_ both \_\_\_

#### Part B: Participation in Decision Making and Social Issues

1. Are you given equal opportunities to participate on decision making of any issues? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
2. Are all the decisions of the institution in line with your interests/rights? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
3. Do you have any problem in relation with other students with disabilities? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
4. Do you have any problem in relation with other persons without disabilities? Yes \_\_\_ No \_\_\_ Sometimes \_\_\_
5. Do you have any problem with the staffs because of your disabilities? Yes \_\_\_ No \_\_\_ Sometimes \_\_\_
6. Do you have any problem in relation with other students without disabilities? Yes \_\_\_ No \_\_\_ Sometimes \_\_\_
7. Who supports you most? A person with disability \_\_\_ A person without disability \_\_\_ Both \_\_\_ None \_\_\_

### Part C: Educational Issues

1. Have you been placed to the institution with your interest? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Have you been enrolled to the department which you need it most? Yes \_\_\_ No \_\_\_\_\_
3. Do you attend your class? Yes always \_\_\_ No Sometimes \_\_\_ If no, why? \_\_\_\_\_
4. Are you given extra time during your exam because of your disability?  
Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_ If no, why? \_\_\_\_\_
5. Are you given extra time to work your assignment/term paper/thesis because of your disability?  
Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_ If no, why? \_\_\_\_\_
6. Do you get extra tutorial class from the institution because of your disability? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_\_\_
7. Are you given any personal development or motivational training from the institution because of your disability? Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_
8. How do you rate your CGPA? Poor \_\_\_\_\_ Faire \_\_\_\_\_ Good \_\_\_ V.Good \_\_\_ Excellent \_\_\_\_\_
9. Whom do you appreciate for your success/good grades? \_\_\_\_\_
10. Whom do you blame for your less marks/grades? \_\_\_\_\_

### Part D: Issues related with services

1. Does the institution have an accountable body for the protection of the interests of persons with disabilities?  
Yes \_\_\_ No \_\_\_\_\_ I don't know \_\_\_\_\_
2. If your answer for Q1 is yes/sometimes, does it advocate/protect your rights? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_\_\_
3. Does your institution give you counseling because of your disabilities?  
Yes \_\_\_\_\_ Sometimes \_\_\_ No \_\_, If no, why? \_\_\_\_\_
4. Are you given exceptional health services because of your disability? Yes \_\_\_\_\_ No \_\_\_\_\_
5. Do you get pocket money from the institution? Yes \_\_\_\_\_ No \_\_\_\_\_
6. If yes, is it enough \_\_\_\_\_ not enough \_\_\_\_\_
7. If you think the pocket money is not enough what amount do you recommend? Total \_\_\_\_\_ Birr
8. Are you provided with assistive technology? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_\_\_
9. Have you got computer training from the institution because of your disability? Yes \_\_\_ No \_\_\_\_\_
10. Do libraries of the institution give you affirmative action because of your disability factors?  
Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_
11. Are you satisfied with the services given by the library(s) of the institution?  
Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_ If no, why? \_\_\_\_\_
12. Does the institution provide you recreational facilities? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_\_\_
13. Does the institution provide you access to information facilities? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_\_\_
14. Where do you often spend your vacation? \_\_\_\_\_  
Why? \_\_\_\_\_

### Part E: Accessibility Issues

Are the following built facilities in your institution accessible/suitable to you?

1. The roads Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_
2. The dormitories Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_
3. The Classrooms Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_
4. The libraries Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_
5. The cafeterias Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_

# Annex 2

## Questionnaire 2

### for administrative bodies

#### General Directions

Dear respondent, I am doing my post graduate studies on the title: "The Protection of the Human Rights of Persons with Disabilities in Higher Educational Institutions of Ethiopia". So, this questionnaire is intended to collect data for the objectives of studying the main problems/needs of students with disabilities in the different higher educational institutions of Ethiopia and to look for the best possible legal and administrative solutions at the institutional and national levels. For this purpose, you have been chosen to be a resource person.

You, therefore, are kindly requested to give your honest and proper responses to the following open ended questions and/or put a X mark to the close - ended items when you find it relevant to you. Your honest responses to the questions do make differences to make the research empirical and achieve its basic objectives. Also, be sure that, your personal information shall never be revealed to any other third party.

**"ALL HUMAN RIGHTS FOR ALL"**  
**THANK YOU!!!**

#### Part A: Legal and policy issues

1. Have you ever had any clear idea about current legislative framework of Ethiopia with regard to the educational human rights of persons with disabilities? Yes \_\_\_ No \_\_\_
2. Have you ever had any clear idea about the current policy framework of Ethiopia with regard to the educational rights of persons with disabilities? Yes \_\_\_ No \_\_\_
3. Does your institution have proper policies, rules and regulations for the protection of the rights of persons with disabilities? Yes \_\_\_ No \_\_\_ I don't know \_\_\_
4. If the answer for Q3 is yes, do you believe that the laws, rules, regulations and policies are being implemented properly? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
5. Do you try to give remedy when the rights of students with disabilities are violated?  
Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
6. If your answer is yes/sometimes, is it: in person \_\_\_ in group \_\_\_ both \_\_\_

#### Part B: Participation in Decision Making

1. Do you give equal opportunities to students (with disabilities and no disabilities) to participate on decision making any issues? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_
2. Do you feel that all the decisions of the institution are in line with students with disabilities' interests/rights? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_

#### Part C: Educational Issues

1. Do you think that students with disabilities are placed to the institution which satisfies their needs?  
Yes \_\_\_ No \_\_\_ I don't know \_\_\_
2. Are they enrolled to the department of the institution which they need it most?  
Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_

- |                  |     |       |           |       |    |       |
|------------------|-----|-------|-----------|-------|----|-------|
| 6. The Lounges   | Yes | _____ | Sometimes | _____ | No | _____ |
| 7. The Bathrooms | Yes | _____ | Sometimes | _____ | No | _____ |
| 8. The Toilets   | Yes | _____ | Sometimes | _____ | No | _____ |
| 9. The Beds      | Yes | _____ | Sometimes | _____ | No | _____ |
| 10. The Stairs   | Yes | _____ | Sometimes | _____ | No | _____ |

### Part F: Gender Based and Emotional Issues

1. Do you think that there is sexual violence against students with disabilities in the institution?  
Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_
2. If your answer is yes/sometimes, by whom? \_\_\_\_\_
3. Have you ever been sexually harassed? Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_
4. Do you think that your sex has contributed to your low CGPA? Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_
5. Do you think that your sex has contributed to your high CGPA? Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_
6. Do you think that female students with disabilities should get more assistance than male students with disabilities? Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_ If Yes/sometimes, Why? \_\_\_\_\_
7. What is/are your feeling because of your disability? \_\_\_\_\_

### Part G: General Issues

1. Is there any committee or an association established by yourselves to protect your rights or represent your interest in the institution? Yes \_\_\_\_\_ No \_\_\_\_\_
2. What do you think the possible contributions of NGOs are for the protection of the rights of persons with disabilities in higher institutions of Ethiopia? Poor \_\_\_\_\_ Faire \_\_\_\_\_ Good \_\_\_\_\_ Very Good \_\_\_\_\_ Excellent \_\_\_\_\_
3. What is your attitude towards the public image about the protection of persons with disabilities in the higher institutions of Ethiopia? Poor \_\_\_\_\_ Faire \_\_\_\_\_ Good \_\_\_\_\_ Very Good \_\_\_\_\_ Excellent \_\_\_\_\_
4. Does your institution make experience share with other institutions to minimize the problems of persons with disabilities? Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_
5. Does your institution make research to assess the needs of students with disabilities?  
Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_, I don't know \_\_\_\_\_
6. What do you think about the general protection of the human rights of persons with disabilities that you get from the institution? Poor \_\_\_\_\_ Faire \_\_\_\_\_ Good \_\_\_\_\_ Very Good \_\_\_\_\_ Excellent \_\_\_\_\_
7. Do you think that there is proper support and assistance for students with disabilities in your institution?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If no why? List some of the reasons \_\_\_\_\_
8. How do you rate your contributions for the protection of the rights of persons with disabilities in the institution? Poor \_\_\_\_\_ Faire \_\_\_\_\_ Good \_\_\_\_\_ Very Good \_\_\_\_\_ Excellent \_\_\_\_\_
9. Can you list in rank order the main problems of students with disabilities in your institution?  
A. \_\_\_\_\_  
B. \_\_\_\_\_  
C. \_\_\_\_\_
10. What possible recommendations do you suggest for these general problems?  
\_\_\_\_\_

3. Are students with disabilities given extra time to do their:
- A. Assignment/thesis/paper? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_
- B. Exam? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_
4. Are students with disabilities given extra tutorial class & training by the institution?

**Part D: Issues related with services**

1. Does your institution have an accountable body for the protection of the interests of persons with disabilities? Yes \_\_\_ No \_\_\_ I don't know \_\_\_
2. If your answer for Q1 is yes, does it advocate/protect the rights of persons with disabilities? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
3. Does your institution give counseling for students with disabilities? Yes \_\_\_ Sometimes \_\_\_ No \_\_, If no, why? \_\_\_\_\_
4. Are students with disabilities given exceptional health services? Yes \_\_\_ No \_\_\_ If no why? \_\_\_\_\_
5. Do you give pocket money to students with disabilities from the institution? Yes \_\_\_ No \_\_\_ If no, why? \_\_\_\_\_
6. If yes, what do you suggest with the pocket money? It is enough \_\_\_ not enough \_\_\_\_\_
7. If you think the pocket money is not enough what amount do you recommend? Total \_\_\_\_\_ Birr
8. Do you provide them with assistive technology? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ If no, why? \_\_\_\_\_
9. Do libraries of the institution give to students with disabilities affirmative actions? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_ If no, why? \_\_\_\_\_
10. Are students with disabilities provided with recreation facilities? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't Know \_\_\_\_\_
12. Are students with disabilities provided with access to information facilities? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_\_\_
13. Are students with disabilities allowed to spend their vacation time with in the institution? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_ if no why? \_\_\_\_\_

**Part E: Accessibility Issues**

Are the following built facilities in your institution accessible/suitable to students with disabilities?

1. The roads Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
2. The dormitories Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
3. The Classrooms Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
4. The libraries Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
5. The cafeterias Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
6. The Lounges Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
7. The Bathrooms Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
8. The Toilets Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
9. The Beds Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
10. The Stairs Yes \_\_\_ Sometimes \_\_\_ No \_\_\_

**Part F: Gender Based Issues**

1. Is there any sexual violence against students with disabilities in your institution? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_

2. If your answer is yes/sometimes, by whom? \_\_\_\_\_
3. Do you think that female students with disability should get more assistance than male students with disabilities? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ If Yes/sometimes, why ?  
\_\_\_\_\_

**Part G: General Issues**

1. What positive contributions have you made for the protection of the rights of persons with disabilities in the institution? Poor \_\_\_ Faire \_\_\_ Good \_\_\_ Very Good \_\_\_ Excellent \_\_\_
2. Is there any committee or an association to protect human rights of persons with disabilities or represent their interest in the institution? Yes \_\_\_ No \_\_\_ I don't know \_\_\_
3. What is your attitude towards the public image about the protection of persons with disabilities in the higher educational institutions of Ethiopia? Poor \_\_\_ Faire \_\_\_ Good \_\_\_ Very Good \_\_\_ Excellent \_\_\_
4. Does your institution make experience share with other institutions to minimize the problems of persons with disabilities? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_
5. How do you rate the general protection of the human rights of persons with disabilities in your institution? Poor \_\_\_ Faire \_\_\_ Good \_\_\_ Very Good \_\_\_ Excellent \_\_\_
6. Does your institution have proper statistics of persons with disabilities?  
Yes \_\_\_ No \_\_\_ I don't know \_\_\_ If no, why? \_\_\_\_\_  
If yes, total figure \_\_\_\_\_ in percent \_\_\_\_\_
7. Does your institution provide any service to persons with disabilities based on:  
A. Their level & type of education? Yes \_\_\_ No \_\_\_ I don't know \_\_\_  
B. The type & degree of disabilities? Yes \_\_\_ No \_\_\_ I don't know \_\_\_
8. Does your institution have proper standard to identify persons with disabilities from others?  
Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_
9. Does your institution make research to assess the problems/needs of students with disabilities?  
Yes \_\_\_ Sometimes \_\_\_ No \_\_\_
10. Do you think that there is proper support and assistance for students with disabilities in your institution?  
Yes \_\_\_ No \_\_\_ If no why? \_\_\_\_\_
11. Can you list in rank order the main problems of students with disabilities in your institution?  
A. \_\_\_\_\_  
B. \_\_\_\_\_  
C. \_\_\_\_\_
12. What possible recommendations do you suggest for these general problems? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part H: Your Personal Brief Background Information**

Your Institution \_\_\_\_\_  
 Department \_\_\_\_\_  
 Your Post/Position in the institution \_\_\_\_\_

**"THE RIGHT TO EDUCATION FOR ALL"!!!**

## Annex 2

### Questionnaire 3 For students with no disabilities

#### General Directions

Dear respondent, I am doing my post graduate studies on the title which says "The Protection of the Human Rights of Persons with Disabilities in Higher Educational Institutions of Ethiopia". So, this questionnaire is intended to collect data for the objectives of studying the main problems/needs of students with disabilities in the different higher educational institutions of Ethiopia and to look for the best possible legal and administrative solutions at the institutional and national levels. For this purpose, you have been chosen to be a resource person.

You, therefore, are kindly requested to give your honest and proper responses to the following open ended questions and/or put a X mark to the close - ended items when you find it relevant to you. Your honest responses to the questions do make differences to make the research empirical and achieve its basic objectives. Also, be sure that, your personal information shall never be revealed to any other third party.

### "ALL HUMAN RIGHTS FOR ALL" THANK YOU!!!

#### Part A: Legal and policy issues

1. Does your institution have proper laws, policies, rules and regulations for the protection of the rights of persons with disabilities? Yes \_\_\_ No \_\_\_ I don't know \_\_\_
2. If yes, do you believe that the aforementioned laws, policies rules and regulations are being implemented properly? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_

#### Part B: Participation in Decision Making and Social Issues

1. Do you think that students with disabilities are given equal practical opportunities to participate on decision making of any issues? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_
2. Do you feel that all the decisions of the institution are in line with the interests/rights of students with disabilities? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_
3. Do you assist/support students with disabilities? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_; If no why? \_\_\_\_\_

#### Part C: Educational Issues

1. Do you attend your class? Yes always \_\_\_ No Sometimes \_\_\_
2. Are students with disabilities given extra time to do their:
  - A. Assignment/thesis/paper? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_
  - B. Exam? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_
3. Are students with disabilities given extra tutorial class & training by the institution? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know

#### Part D: Issues related with services

1. Do libraries in your institution give to students with disabilities affirmative actions? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_
2. Are students with disabilities provided with recreation facilities?

Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_

3. Are students with disabilities provided with access to information facilities?

Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_

4. Are students with disabilities given exceptional health services? Yes \_\_\_ No \_\_\_ I don't know \_\_\_

### Part E: Accessibility Issues

Are the following built facilities in your institution accessible/suitable to students with disabilities?

- |                    |         |               |        |
|--------------------|---------|---------------|--------|
| 1. The roads       | Yes ___ | Sometimes ___ | No ___ |
| 2. The dormitories | Yes ___ | Sometimes ___ | No ___ |
| 3. The Classrooms  | Yes ___ | Sometimes ___ | No ___ |
| 4. The libraries   | Yes ___ | Sometimes ___ | No ___ |
| 5. The cafeterias  | Yes ___ | Sometimes ___ | No ___ |
| 6. The Lounges     | Yes ___ | Sometimes ___ | No ___ |
| 7. The Bathrooms   | Yes ___ | Sometimes ___ | No ___ |
| 8. The Toilets     | Yes ___ | Sometimes ___ | No ___ |
| 9. The Beds        | Yes ___ | Sometimes ___ | No ___ |
| 10. The Stairs     | Yes ___ | Sometimes ___ | No ___ |

### Part F: Gender Based and Emotional Issues

1. Is there any sexual violence in your institution against persons with disabilities?

Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ I don't know \_\_\_

2. If your answer is yes/sometimes, by whom? \_\_\_\_\_

3. Do you think that female students with disability should get more assistance than male students with disabilities? Yes \_\_\_ Sometimes \_\_\_ No \_\_\_ If Yes/sometimes, why? \_\_\_\_\_

### Part G: General Issues

1. What positive contributions have you made for the protection of the rights of persons with disabilities in the institution? Poor \_\_\_ Faire \_\_\_ Good \_\_\_ Very Good \_\_\_ Excellent \_\_\_

2. What is your attitude towards the public image about the protection of persons with disabilities in higher educational institutions of Ethiopia? Poor \_\_\_ Faire \_\_\_ Good \_\_\_ Very Good \_\_\_ Excellent \_\_\_

3. How do you rate the general protection of the human rights of persons with disabilities in your institution? Poor \_\_\_ Faire \_\_\_ Good \_\_\_ Very Good \_\_\_ Excellent \_\_\_

4. Can you list in rank order the main problems of students with disabilities in your institution?

A. \_\_\_\_\_

B. \_\_\_\_\_

C. \_\_\_\_\_

5. What possible recommendations do you suggest for these general problems? \_\_\_\_\_

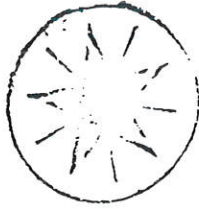
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part H: Your Personal Brief Background Information**

Your Institution \_\_\_\_\_  
Department \_\_\_\_\_ Program \_\_\_\_\_  
Level of Education \_\_\_\_\_ Academic Year \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_  
Nationality \_\_\_\_\_

**"THE RIGHT TO EDUCATION FOR ALL"!!!**

**Annex 3**



የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ ሪፖብሊክ  
የሥነ-ምግባርና የሥነ-ምግባር ሚኒስቴር ቢሮ

የመዝገብ ቁጥር 58/92  
8/11/94

ዳኛ ረዳኢ በላይ

ከሣሽ ኢትዮጵያ አይነሰውራን ብሔራዊ ማኅበር ነ.ፈ.ጅ አቶ ካሣሁን ይበልጣል  
ተከሣሽ አርሞ ክልል ትምህርት ቢሮ ነ.ፈ.ጅ ቃሲም ቡሬ ቀረቡ  
2ኛ ጅማ መምህራን ትምህርት ኩሌጅ ነ.ፈ.ጅ አበበ በፈቃዱ

ትዕዛዝ

ከሣሽ በ5/3/92 በአቀረበው የክስ አቤቱታ 1ኛ ተከሣሽ ተማሪ አለም  
ጀምበሬ እና ተማሪ ሀብታሙ ጉታ የተባሉ ዓይነሥውራን ተማሪዎችን በ1991  
የትምህርት አመት ወደ ኮሌጅ እንዳይገቡ በዓይነሥውራን ተማሪዎች ምክንያት  
ከልክሏል። ተማሪዎቹ ለምዕራብ ወለጋ ዞን ት/መምሪያ በተሰጠው ዕድል  
መሠረት ተወዳድረው ያሸነፉና ኮሌጅ አውጥቶት የነበረውን የመግቢያ  
መመዘኛ ሙሉ በሙሉ ያሟሉ ነበሩ። 2ኛ ተከሣሽ ሕገመንግሥቱንና  
የትምህርት ፖሊሲውን የሚጻጸርና በአካል ጉዳተኝነት ላይ ብቻ ያተኮረ  
መመሪያ በማውጣት የአይነሰውራን ተማሪዎች የመማር መብት ጥሏል።  
ተከሣሾች ለዜጎች ሁሉ የተረጋገጠውን የእኩልነት መብት ባለመቀበልና  
በአይነሥውራን ላይ የተመሠረተ አድልዎ የሕገመንግሥቱን አንቀጽ 9/1 እና  
2/፣ አንቀጽ 25፣ አንቀጽ 41/3/41/5/ እና አንቀጽ 90/1/እንዲሁም  
አዋጅ ቁጥር 101/86ን የተላለፈ ሰለሆነ በፍ/ብ/ሕ/ቁ. 2035/1/፣ 2028  
እና 2090-2092 በተደነገገው መሠረት ተማሪዎቹ ኮሌጅ ባለመግባታቸው  
ምክንያት የደረሰባቸውን ኪሣራ እንዲከፍሉ ኮሌጅ ተመሪዎችን እንዳይማሩ  
የከለከለው ያላገባብ ሰለሆነ ተቀብሎ እንዲያስተምራቸው እንዲወሰንበት፣  
የተከሣሾች ድርጊት ሕገፖሊሲን የሚጻጸር ሰለሆነ ድርጊቱ ሕገወጥ መሆኑ  
ታውቆ ዓይነሥውራን ተማሪዎች መመዘኛውን እስካሟሉ ድረስ በክልሉ ባሉ  
ኮሌጆች ገብተው የመማር መብታቸው በፍርድ እንዲረጋገጥ እንዲሁም በክሱ  
ምክንያት የወጣውን ወጪ ዝርዝር የማቅረብ መብቱ እንዲረጋገጥበት  
ጠይቋል። ለክሱ ይደግፋሉ የሚላቸውንም ማስረጃዎች አቅርቧል።

1ኛ ተከሣሽ ለክሱ ጥር 5/1992 በአቀረበው መልስ የወጣው መመሪያ  
ሕገመንግሥቱን የሚቃረን ሳይሆን ሕጻናት በተስተካከለ አካሄድ እንዲማሩ  
በሕጻናት አለምአቀፍ ኮንቬንሽንና በሕገመንግሥቱ አንቀጽ 36 የተሰጠውን  
የሕጻናት እንክብካቤ መሠረታዊ መርሆዎች ተግባራዊ ለማድረግ ጭምር የወጣ  
መመዘኛ ነው። በሕገመንግሥቱ አንቀጽ 84/2/ በታዘዘው መሠረት  
መመዘኛው ሕገመንግሥቱን ይቃረናል አይቃረንም የሚለውን ትርጉም  
የመሰጠት ሥልጣን ያለው የሕገመንግሥቱ ጉዳዮች አጣሪ ጉባኤ ሰለሆነ  
ለሕገመንግሥት ተርጓሚ ጉባኤ የሕገመንግሥቱን ትርጉም ለሕገመንግሥቱ ሲል ጠይቋል።



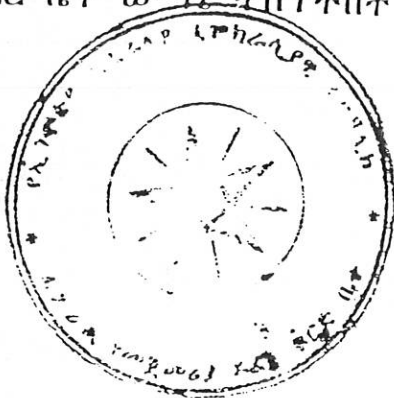
ሆጅቲ

ፍርድ ቤቱም ጉዳዩን እንደተመለከተው በ1ኛ ተከሣሽ የወጣው መመሪያ ሕገመንግሥቱን ጥሷል ወይ? የሚለው ጭብጥ በዋናነት የሚያዝ ሆኖ አግኝቶታል።

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፑብሊክ ሕገመንግሥት አንቀጽ 83/1/ መሠረት የሕገመንግሥታዊ ክርክር ጉዳይ ሲነሳ ውሳኔ የሚያገኘው በፌዴሬሽን ምክር ቤት ነው። ፍርድ ቤቶች ሕገመንግሥትን አስመልክቶ የሚቀርቡ ክርክሮችን አይቶ የመወሰን ሰልጣን የላቸውም።

በመሆኑም በሕገመንግሥታዊ ጥያቄ ላይ ተገቢውን ብይን የፌዴሬሽን ምክር ቤት ይሰጥበት ዘንድ ይህ መዝገብ በክፍሉ ሬጅስትራር አማካኝነት ለሕገመንግሥት ጉዳዮች አጣሪ ጉባኤ እንዲላክ ታሟቋል። የአጣሪው ጉባኤ ወይም የፌዴሬሽን ምክር ቤት ውሳኔ ተሰጥቶበት ሲቀርብ ይቀርባል።

*Handwritten signature*



የዳኛ ፊርማ ረዳኤ በላይ

# Annex 4

ባህር ዳር- ኢትዮጵያ

ባህር ዳር ዩኒቨርሲቲ

BAHIR DAR UNIVERSITY

BAHIR DAR- Ethiopia

የዋናው ግቢ ተማሪዎች መማክርት

Main campus students council

☒79

☎251 058 220-22-38,ext.232 Fax: (251) 20-20-25

E-mail-bdusts council@yahoo.com

ቁጥር 251/058/220-22-38/2020

ቀን 25/10/2020

ለተማሪዎች ዲን ጽ/ቤት

ባህር ዳር ዩኒቨርሲቲ

ጉዳይ: አካል ጉዳተኞችን ይመለከታል

በግቢያችን ካሉ ተማሪዎች መካከል የአካል ጉዳተኞች እንዳሉ ይታወቃል።

በተለይም ማየት የተሰናደው ማግኘት ካለባቸው እገዛዎች መካከል።

1. የራሳቸው የሆነ የማጥኛ ክለስ
2. ካሴት መቅረጫ ቦታ
3. በፈተና ስዓት የሚፈትናቸው ፍታኝ መመደብ
4. የፈተና ስዓት ማራዘም
5. ለነሱ መጠቀሚያ የማውል ሞጁል
6. ባዶ ካሴትና ወረቀት

እነዚህ ከላይ የተዘረዘሩት በተወሰነ መጠን ችግራቸውን ከሞላ ጉዳይ ይፈታሉ ብለን ስላሉን አስቸኳይ ምላሽ እንዲሰጣቸው በአክብሮት እንጠይቃለን።



ከሰላምታ ጋር

ደጉ ሰጠኝ

የዋ/ግ/ተ/መማ ሰብሳቢ

ደብዳቤ ሲጽፍልን ቁጥሩን ይጠቅሙልን ! In Replying, Please Quote our Ref.No.



# Annex 5

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1367

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ  
የትምህርት ሚኒስቴር  
The Federal Democratic Republic of Ethiopia  
Ministry of Education

ቀን  
Date 6-3-2000  
ቁጥር  
Ref: 11-259/1089/2000  
አዲስ አበባ  
ADDIS ABABA

- ለአዲስ አበባ ዩኒቨርሲቲ
- ለጅማ ዩኒቨርሲቲ
- ለሀሮማያ ዩኒቨርሲቲ
- ለሀዋሳ ዩኒቨርሲቲ
- ለመቀሌ ዩኒቨርሲቲ
- ለጎንደር ዩኒቨርሲቲ
- ለባህር ዳር ዩኒቨርሲቲ
- ለአርባምንጭ ዩኒቨርሲቲ
- ለአዳማ ዩኒቨርሲቲ
- ለሶዶ ዩኒቨርሲቲ
- ለመዳከላቡ ዩኒቨርሲቲ

- ለወለጋ ዩኒቨርሲቲ
- ለደብረማርቆስ ዩኒቨርሲቲ
- ለደብረ ብርሃን ዩኒቨርሲቲ
- ለሚህን/ቴፒ ዩኒቨርሲቲ
- ለአክሱም ዩኒቨርሲቲ
- ለጅጅጋ ዩኒቨርሲቲ
- ለደሴ/ከምቦልቻ ዩኒቨርሲቲ
- ለሠመራ ዩኒቨርሲቲ
- ለድሬዳዋ ዩኒቨርሲቲ
- ለዲላ ዩኒቨርሲቲ
- ቢዩሌብት

### ጉዳይ :- መረጃ ስለመጠየቅ

"ዋልታ የዓይነ ሥውራን ማህበር" የተሠኘ መንግሥታዊ ያልሆነ ድርጅት በከፍተኛ ትምህርት ተቋማት የሚገኙ ዓይነ ሥውራን ተማሪዎችን በትምህርቱ መስክ ለማገዝ የየተቋማቱን አብይተ መሃህናት በሙያና በማቴሪያል ለመደገፍ የሚረዳ እርዳታ ለማሰጠቱን ከትምህርት ሚኒስቴር ጋር በትብብር መሥራት እንደሚፈልግ ህዳር 3/2000 ዓ/ም በቁጥር ዋዓ/022/2000 በተሃፊ ደብዳቤ ጠይቆናል።

በመሆኑም ከላይ የተጠቀሰውን የፕሮጀክት ሃሳብ ለመተግበር እንዲረዳ በመማር ላይ የሚገኙ ዓይነ ሥውራን ተማሪዎችን በይታና በትምህርት መሥክ በመደራጀት እስከ ህዳር 30/2000 ዓ/ም ትልኩልን ዘንድ እንጠይቃለን።



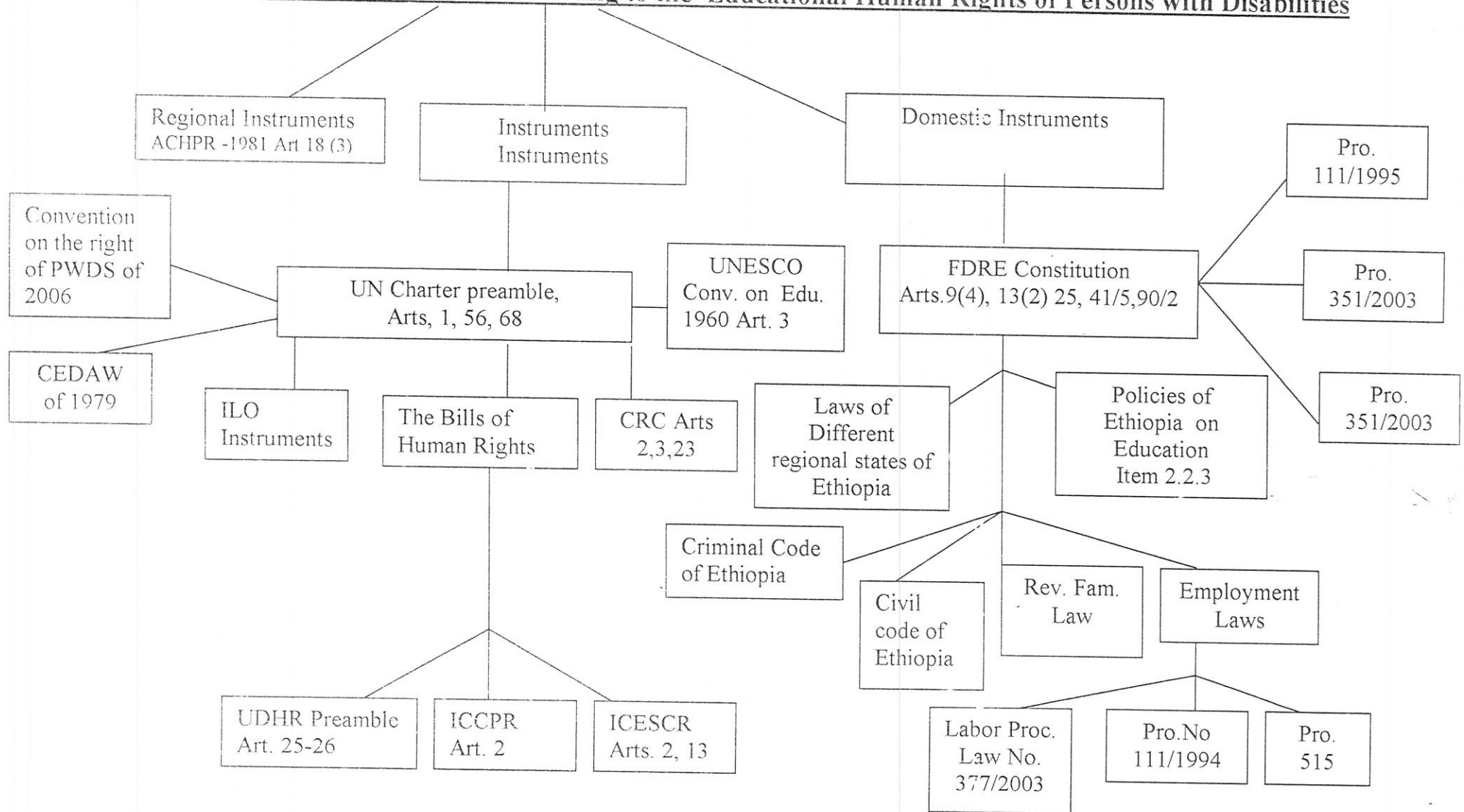
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ሚኒስትር

ግልባፊ  
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ትም/ሚኒስቴር  
ለዋልታ የዓይነ ሥውራን ማህበር  
አዲስ አበባ

መልስ ሲጻፍ ገጠኝን ቁጥር ይጠቀሙ  
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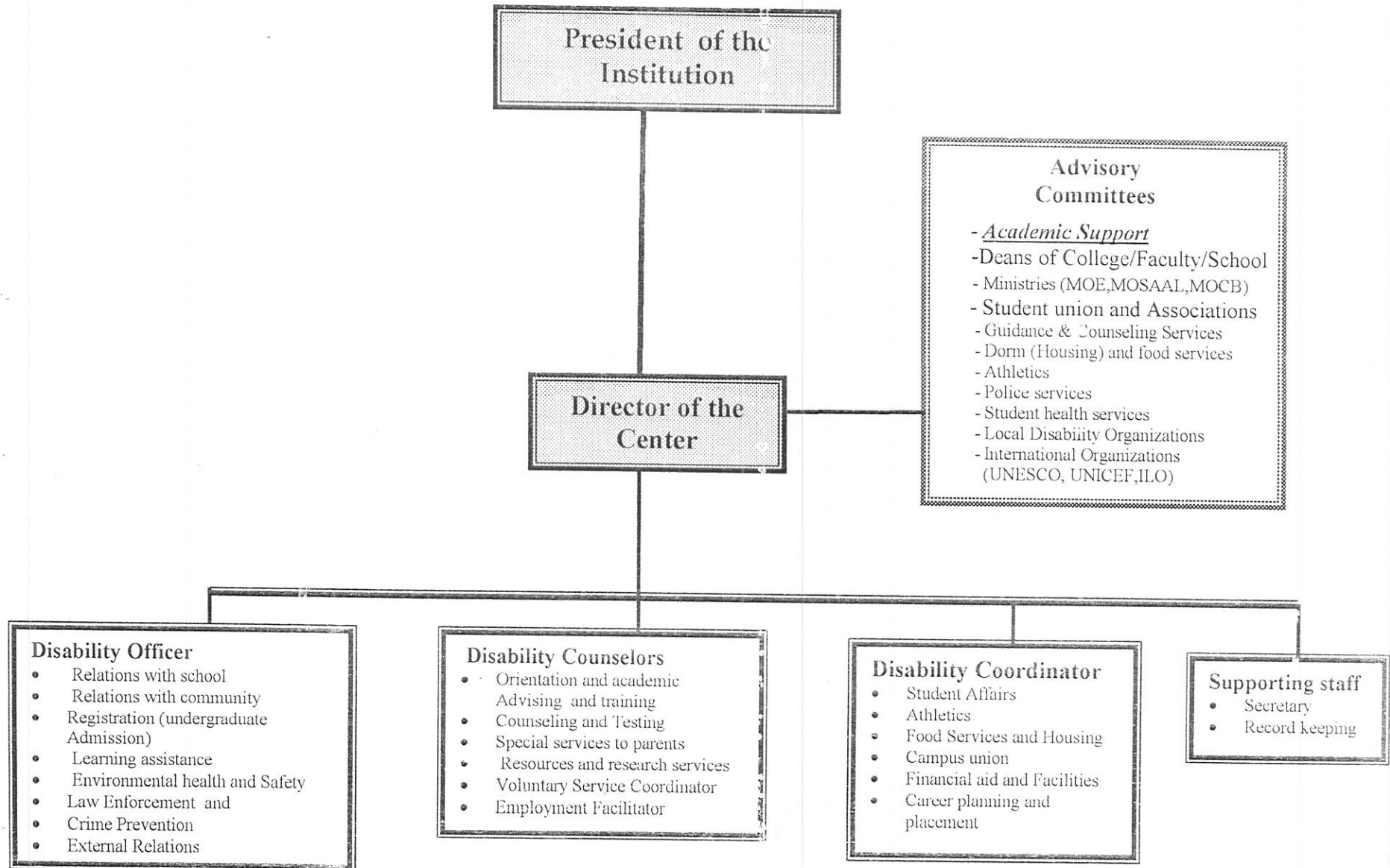
## Annex 6

### The Sketch of Some Instruments Relating to the Educational Human Rights of Persons with Disabilities



## Annex 7

### The would be Organizational Chart for the Center of Persons with Disabilities in Higher Learning Institutions of Ethiopia



## Declaration

I, Eshetu Alene muluneh, hereby declare that the thesis under the title “**The Protection of Human Rights of Persons with Disabilities in Higher Educational Institutions of Ethiopia**” is my original work for the specialization of human rights. It has not been presented for any impartial fulfillment Degree in Addis Ababa University or any other University. Also all sources of the materials used for the thesis have been duly acknowledged in their respective position.

### Declared by:

Name of the Student: Eshetu Alene Muluneh

Signature: EAM

Date: 30/3/2008

### Approval:

This thesis has been advised and approved by the following advisor/s/ and presented to the board of readers/examiners of the faculty.

Names of the Advisor/s: Professor Andreas Eshete and Ato Tsehay Wada

Signature: [Signature]

Date: MARCH 30'08

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