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ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
FACULTY OF LAW

**AN ASSESSMENT OF THE REALIZATION OF THE RIGHT TO
PRESCHOOL EDUCATION FOR CHILDREN WITH VISUAL AND
HEARING IMPAIRMENT IN ADDIS ABABA ETHIOPIA**

BY
DEHININET FETENE

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AN ASSESSMENT OF THE REALIZATION OF THE RIGHT TO PRESCHOOL
EDUCATION FOR CHILDREN WITH VISUAL AND HEARING
IMPAIRMENT IN ADDIS ABABA, ETHIOPIA

By

Dehininet Fetene

Advisor:

Mizanie Abate (LLB, LLM, PHD, Assistance Professor of Law)

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AN ASSESSMENT OF THE REALIZATION OF THE RIGHT TO PRESCHOOL
EDUCATION FOR CHILDREN WITH VISUAL AND HEARING IMPAIRMENT IN ADDIS
ABABA, ETHIOPIA

Approved by Board of Examiners

Advisor

Signature

Date

Examiner

Signature

Date

Examiner

Signature

Date

DECLARATION

Dehininet Fetene, hereby declare that this research paper is original and has never been presented in any other institution. To the best of my knowledge and belief, I also declare that any information used has been duly acknowledged.

Name: Dehininet Fetene

Signature

This research has been submitted for examination with my approval as University advisor:

Advisor: Mizanie Abate (LL.B, LL.M, PHD, Assistant Professor of Law)

Signature:

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ACRONYMS

CEDAW	Convention for the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disability
CWD	Children with disability
ECCD	Early Childhood Care and Development
ECCE	Early Childhood Care and Education
ECEC	Early Childhood Education and Care
ECE	Early Childhood Education
FDRE	Federal Democratic Republic of Ethiopia
ICESCR	International Covenant on Economic, Social and Cultural Rights
i.e.	That means
NAD	National Association for the Deaf
NGOs	Non-Governmental Organization
UDHR	Universal Declaration of Human Rights
UNCRC	United Nation Convention on the Rights of the Child
UNCRPD	United Nation Convention on the Rights of Persons with Disability
UNESCO	United Nations Scientific, Educational and Cultural Organization
UN	United Nation
UNGA	United Nations General Assembly

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ABSTRACT

The principal objective of this research is to assess the realization of preschool education for visual and hearing impairment children in Addis Ababa Ethiopia. This research used qualitative research methodology. This research substantially relays on primary data which was collected through interviews conducted with specialist of education and leaders of organizations for and of persons with disability, teachers and owners of preschool institutions. The views of key informants from the implementers of the laws and policies of the country in the educational sector is secured through interview.

The right to education has got recognition in the international human right instruments. In these human right instruments compulsory education starts from grade one to eight. Thus the right to preschool education does not gate a clear recognition in almost all human right instruments which Ethiopia ratified. Besides to this the constitution and subsidiary laws of Ethiopia does not give a clear guaranty for preschool education. Thus as the research disclosed preschool education is not available, accessible, acceptable and adaptable for visual and hearing impairment children as their non-disabled peers. Thus the researcher argues preschool education must be realized for visual and hearing impairment children without any discrimination based on their disability. And the policy of inclusive education must accommodate the needs of the visual and hearing impairment children in the ground based on their individual needs.

CHAPTER ONE

INTRODUCTION

1.1. BACKGROUND OF THE STUDY

Disability, passing through multifarious conceptions – Social-Darwinism, eugenicism, medical model, social model, human rights model and most recently, the variation model – is still a concept meant to reflect its beholder. Some of its beholders believe that persons with disability can equally perform in all activities with their non-handicap counterparts with, however, minor adjustment of the environment; others, believing that persons with disability need substantial investment exclude their competition in all activities in the environment open for their non-handicap counterparts. The 1960s and 70s has however witnessed a disability movement, a movement that repudiated “the roles of many different groups of nondisabled people in the lives of disabled people: parents; volunteers and careers; professionals; organizations which are not accountable to their users; researchers who seek to understand the experience of disability.”¹ The disability movement has anchored on the firm belief that “[r]ather than non-disabled people taking decisions, speaking for, or otherwise dominating them, disabled people are asserting their ability and right to be independent.”²

The “I know for you” attitudes of the nondisabled people had its own negative impact on the realization of the right of education of children with impairment. In the previous years, disabled students were not admitted to mainstream education simply on the thinking that the disabled need the erection of a special education system that fits them well. Later, it was found out that it is “inclusion” that will enforce and realize the right to education for the disabled. Taking into cognizance the distinct empowering ability of education, the disability movement has made its valuable contribution for the realization of the right to education of children with disabilities.

It is believed, “[e]ducation is both a human right in itself, and an indispensable means of realizing and promoting other human rights (such as the rights to work, health, housing, food)

¹Tom Shakespeare. *Disability Rights and Wrongs*. (Routledge, 2006) p. 138.

² Tom Shakespeare (N1 above)

and basic democratic principles.”³ In the context of the first sense, education is one of the social rights guaranteed by the Universal Declaration of Human Rights (hereinafter ‘UDHR’)⁴ and the International Covenant on Economic, Social and Cultural Rights (hereinafter ‘ICESCR’).⁵ This makes the right to education an end in its own right. In its second sense, the right to education is a means to an end. Indisputable “[w]ithout education, the individual could not develop his personality, which was the aim of human life and the most solid foundation of society.”⁶ Hence, no one can dispute the fact that “education is . . . necessary for all human beings at all times in all societies and that the state is responsible for fulfilling or making it possible to avail this right for everyone.”⁷ As a signing member of the UDHR and state party to the ICESCR⁸ and the Convention on the Rights of Persons with Disability (hereinafter ‘CRPD’) in 2010,⁹ Ethiopia is expected to live up to her promise to avail children with disability (hereinafter ‘CWD’) equal opportunity to education. Particularly, the assurance and dissemination of education for all is a task Ethiopia is encumbered with. The realization of the right to education “can be measured by nondiscrimination and equality and . . . by establishing and defining what is the core or the minimum requirement of the right”.¹⁰

On the basis of such commitment, Ethiopia promulgated the Education and Training Policy in 1994; a policy that “mainly advocates for decentralization of the education system, as it should be expected from any federal system, and allow high coverage and equal chance of learning opportunity for nations and nationalities.”¹¹ The overarching aim being the realization of an equitable education for all nations and nationalities, the enablement of “both the handicapped and the gifted learn in accordance with their potential and needs”¹² makes part of the policy. Following the issuance of the policy, the Federal Constitution was put in place in 1994 basing

³CESCR, General Comment 13: The Right to Education, UN Doc E/C.12/1999/10 (8 December 1999) para 1; Tomasevski, UN Doc E/CN.4/2001/52.

⁴ The Universal Declaration of Human Rights, General Assembly Resolution 217(III), Art. 26.

⁵The International Covenant on Economic, Social and Cultural Rights, General Assembly Resolution 2200A (xxi), Art. 13.

⁶ Kate Halvorsen “Notes on the Realization of the Human Right to Education” *Human Rights Quarterly*, Vol. 12, No. 3, (1990), p. 341.

⁷Kate Halvorsen (N 6 above) p. 343.

⁸ Ethiopia has ratified the two Covenants in 1993 immediately after the debacle of the socialist regime.

⁹Proc. No. 676/2010.

¹⁰ Kate Halvorsen (N6 above) p. 341.

¹¹The Education and Training Policy of Ethiopia (TGE: Ministry of Education, 1994) p. 7.

¹²The Education and Training Policy of Ethiopia (N 11 above)

itself on the protection of human rights of all and the rectification of the past injustices. In view is the protection of the right to education as contained under Art.41, a catch-all provision for economic and social rights. In particular, sub-article (5) is reserved for the protection of the child, old-aged and the disabled person.

1.2. STATEMENT OF THE PROBLEM

The following scenario will capture the first encounter of children with disabilities in a mainstream education institution:¹³

The parents of a 6-year-old deaf girl are told she cannot start kindergarten. The school district thinks educating her would be too expensive. The parents are told the district only spends money on “the healthy, normal children.” Trying to teach someone who could not hear would be “a waste of money.” She is not allowed to enroll in school.

This scenario also applies to a visually impaired child who does not know how to write Braille or there are no educators who know the Braille and help him cope-up with the difficulty. Most of the children with disabilities encounter one or the other type of stigma. The integration of the visual impairment or the child with hearing impairment needs a skill that differs him-her from the mainstream educational scheme. In addition to the lack of teachers with Braille or language skills, there are no even textbooks in accessible format for the child with disability.

By the same token, the right to preschool education in general is not recognized as a distinct human right. This stems from the reading of most of the human rights documents concerning education. Moreover, no constitution including that of Ethiopia give recognition to this right. For instance, compulsory education is recognized only when a child attains the grades 1 to 8. This by itself calls for assessment and clarification of the place of the right to preschool education for children as a whole and children with disability In particular.

Understandably, different theories on education, on the one hand, and the theories on disability, on the other hand, have diverse impact on the implementation and realization of every right.

¹³Paul T. Jaeger and Cynthia Ann Bowman. *Disability Matters: Legal and Pedagogical Issues of Disability in Education* (Praeger(Greenwood Publishing Group) (2002) p. 1.

Most schools use the medical model when thinking of enrolling a child with visual or hearing impairment. Hence, although they believe that a child with such disabilities should learn, they feel that it is proper to open up a specialized school for this children. In the absence of specialized schools and the inadvertence of preschool education institutions to admit children with hearing or visual impairment, the realization of the right to preschool education for these members of the society has fallen at stake.

1.3. OBJECTIVES OF THE STUDY

The main objective of this research is to examine the realization of the right to preschool education for children with visual and hearing impairment in Ethiopia. The specific objectives of the study are;

- Analyze the policies, laws and institutional frameworks for the realization of the right to preschool education in Ethiopia;
- Assess the level of accessibility and availability of preschool education for children with visual and hearing impairment in Ethiopia;
- Find out the major Challenges and best experiences encountered in the enforcement of the right to preschool education.

1.4. RESEARCH QUESTIONS

The main research question of this research is: - what is the status of the realization of the right to preschool education of children with visual and hearing impairment in Ethiopia? The following specific research questions were addressed:

- What is the level of the availability and accessibility of preschool education for children with visual and hearing impairment?
- How do the policy, legislative and institutional frameworks address the education of children with visual and hearing impairment?
- What are the challenges and best experiences encountered in the implementation of the right to preschool education for children with visual and hearing impairment?

1.5. RESEARCH METHODOLOGY

In the context of this study, the data was collected from laws and publications. With respect to laws, the researcher has deal with the regional and international human rights documents, national legislations commencing with the FDRE constitution, and establishment documents of schools and organizations for and of peoples with disability. Pertinent policy documents were consulted. In connection with publications, the researcher consulted books and journal articles. Internet resources have also been utilized. The researcher however, has substantially rely on primary data which was collected through interviews and observations that were conducted with specialist of education and leaders of organizations for and of persons with disability, teachers and owners of preschool institutions. Additionally, the views of key informants from the implementers of the laws and policies of the country in the educational sector is secured through interview.

As the study is qualitative in its design, the researcher has employed purposive sampling method for administering the interview. As is indicated above, the population of the interview were teachers, and owners of preschool institutions, leaders of the associations of people with visual and hearing impairment, special education specialists in the Addis Ababa City Administration Bureau of Education.

1.6. SIGNIFICANCE OF THE STUDY

First, this research would show the status of the realization of preschool education for children with visual and hearing impairment in Addis Ababa. Second, it would show the gap in law and the gap in practice in the enforcement of the right to preschool education for visual and hearing impairment children. And third, the study will contribute its part in instilling law maker, law enforcer, owners preschool and policy-makers about the level of accommodation of children with visual and hearing impairment in preschool education as a whole.

1.7. SCOPE OF THE STUDY

Taking into account the time and budget to be allocated for the study, and to make the work manageable, this research was focused on preschools in Addis Ababa specifically in Arada Sub

City. The schools are selected by using purposive random sampling. This sampling method would help to select the preschools children with visual and hearing impairment choose to attend.

1.8. LITERATURE REVIEW

In their joint work titled “Preschool Teachers' Perceptions of Including Children with Disabilities”, Susan Gemmell-Crosby and Jodie RedditiHanzlikgaugedthe attitude of 71 private-sector preschool teachers towards the inclusion of children in their specific courses.¹⁴By using questionnaire, they found out that majority of the teachers who have responded to the questionnaire felt that children with disability are able to compete so long as they are given support. Moreover, in addition to once own willingness to have children with disability in their courses, teachers reported that a previous training on special education will play its part to accommodate and teach disabled children.

James E. Ryan,in his article titled "A Constitutional Right to Preschool?"¹⁵Justified the need to expand preschool education on cognitive ability of children to learn quickly in their early years. Their early experience will determine the structure of their brain. Ryan, claiming although that the contribution of social science is not significantly established, reported that early education does have a definite and substantial impact for future competitiveness. Basically, this research leaned on secondary literature in the context of early education and the values of constitution. He searched for a constitutional base of the right to preschool education. He primarily relied on judicial renditions in the area of preschool education and concluded that the efforts of courts in establishing a right to an access to preschool education is insignificant. He, however, argues that the defeat of judicial process in the past cannot be considered a defeat for the future.

In their comparative work titled “The Education of Physically Handicapped Children in Ordinary Schools”, Simon H. Haskell and Elizabeth M. Andersondealt with the types and nature of the

¹⁴Gemmell-Crosby, Susan and Hanzlik, Jodie Redditi “Preschool Teachers' Perceptions of Including Children with Disabilities” *Education and Training in Mental Retardation and Developmental Disabilities*, Vol.29, No. 4 (December 1994), pp. 279-290.

¹⁵ James E, Ryan "A Constitutional Right to Preschool?" *California Law Review*, Vol. 94, No. 1 (Jan., 2006), pp. 49-99.

schooling institution in Sweden.¹⁶ They compared the alternatives in Britain and came across the conclusion that specialized institutions particularly boarding schools were used in Britain. The use of these institutions is dependent upon the nature of the disability of the children. In a nutshell, the researchers concluded that ordinary schools were not the choice for pupils with disability in Britain while the reverse is true in Sweden. In furtherance, they concluded that the more a child with disability learn in ordinary school, the more he will be able to take up more serious challenges successfully in the future. The conclusions were drawn from secondary data sources the researchers have utilized.

Donna L. Terman et al. in their article entitled “Special Education for Students with Disabilities: Analysis and Recommendations”,¹⁷ dwelt extensively on the legal and political space provided for special education in the United States. They documented that the level of implementation of special education is not attended for as is expected. Substantiating their argument by court decisions, the authors reported that it is the Individual Disability Education Act that governs the educational right of Americans from Birth to age. Specialized education for pupils with disability will help them attain the best they intend to. The problem, however, is the determination of the level of government responsible to implement the law. They recommended that it should be responsibility of local governments to fully implement the law. The data used in this research were primarily judicial cases, reports, laws and books devoted to the study of special education and disability.

In the Ethiopian standpoint, two research works merit a visit, both of which are thesis. Meseret Kifle worked on the title “The right to education for children with disabilities in Ethiopia.”¹⁸ Deploying descriptive and analytical methodology, addressed questions such as

- What are the international standards on the right to education of children with disabilities?

¹⁶ Haskell, Simon H. and Anderson, Elizabeth M. “The Education of Physically Handicapped Children in Ordinary Schools” *The Irish Journal of Education*, Vol. 3, No. 1 (Summer, 1969), pp. 41-54.

¹⁷ Donna L. Terman, Larner, Mary B., Stevenson, Carol S. and Behrman, Richard E. “Special Education for Students with Disabilities: Analysis and Recommendations” *The Future of Children*, Vol. 6, No. 1, Special Education for Students with Disabilities (Spring, 1996), pp. 4-24.

¹⁸ Mr. Meseret Kifle A. *The right to education of children with disabilities in Ethiopia* submitted in partial fulfilment of the requirement of the degree LLM at the faculty of law of university of the Western Cape, Cape town South Africa 15 May 2013.

- To what extent the laws of the Ethiopian government and policies on education for children with disabilities conform to international human right standards?
- Are there detailed and sufficient laws that facilitate the effective exercise of the right to education?
- What are the challenges as well as opportunities in upholding the education right of CWDs in Ethiopia?

By conclusion, Mr. Meseret uncovered that Ethiopian legislations and policies on education for CWDs do not conform to international human rights standards and norms. And disability is normally seen as a charity issue and there is minimal understanding of social modals of disability. Moreover physical accessibility is the main challenges facing CWDs from accessing education from surrounding of the school facilities in Ethiopia. The teachers providing for the educational needs of CWDs are not only insufficient in supply, but also ill-equipped and poorly motivated.¹⁹

HiwotAbebe, in her part, examined the enforcement of the right to education of disabled children's as fulfillment of her mastersdegree. Under the title "the right to education for children with intellectual disability and its implementation in Addis Ababa,"²⁰and using a mixed methodology,²¹addressed the following research questions;

- To what extent are the domestic laws, Policies, Strategies, Programs and international obligations, towards realizing the right to education, entered by Ethiopia have been implemented in Addis Ababa.
- Are schools in Addis Ababa having special and inclusive classes, available, accessible and adaptable to children with intellectual disability?
- Is the school environment conducive for inclusive education?
- What problems do children with intellectual disability face in the teaching learning process?
- Are special training and teaching aid materials provided for the teachers?

¹⁹ Mr. MesseretKifle (N18 above) pp. 84-85.

²⁰ Mrs. HiwotAbebe *the right to education of children with intellectual disabilities and its implementation in Addis Ababa* A thesis submitted in the partial fulfillment of the requirement for the degree of masters of laws in human rights law. Faculty of law Addis Ababa University March 2011.

²¹ Mrs. HiwotAbebe (N20 above) p. 6.

- What work has been done by the Government of Ethiopia in guarantying the implementation of right to education of children with intellectual disability?²²

At the end of the research, she found out that there is favorable policy environment for fully adopting inclusive education in Ethiopia. But with regard to the practical application of inclusive education she finds out; the schools in Addis Ababa having special and inclusive classes are not available and physically accessible for children with intellectual disability as a result a great majority of children with intellectual disability are out of reach of education. In addition to this the study reveal the fact that those available schools are not equipped with relevant learning materials and teaching aids pertaining the special needs of children with intellectual disability. And the study tells that the school environment in most of the schools with special and inclusive classes are not convenient and comfortable for children with intellectual disability.²³

The research works in the Ethiopian perspective are devoted to studying primary education. No study could the researcher find in connection with preschool education in Ethiopia. Specially, no study is conducted on the realization of the right to preschool education for children with visual and hearing impairment in Ethiopia. That is why, this research will contribute the most part in this area.

1.9. OVERVIEWS OF CHAPTERS

The paper has five chapters. The first chapter is an introductory part of the study and it deals with the background of the study, statement of the problem, research question, and objective of the study, scope of the study, methodology of the study and review of literature. The second chapter puts the right to education in general and the right to preschool in the context of regional and international human rights instruments. In this relation, theories of education and disability is be considered. Depending on the importance they may have, the research deal with laws of other jurisdictions in this regard.

²²Mrs. Hiwot Abebe (N 20 above) p.3.

²³Mrs. Hiwot Abebe (N 20 above) pp.136-138.

The third chapter examine the status of the right to preschool education in Ethiopia. Particular focus has been devoted to discussing the constitutional, legislative and policy frameworks in this area. The fourth chapter deals with the realization of the right to preschool education for children with visual and hearing impairment children in Addis Ababa particularly in Arada Sub City. The last chapter consists of the conclusion and recommendation of the study.

1.10. LIMITATION OF THE STUDY

Due to the numerous number of private and public preschools institutions in Addis Ababa it is hardly possible for the researcher to collect data from all the sub cities because of the difficulty which is created by my visual impairment to gate the location of the preschools. Furthermore, at the time of conducting this study, the researcher face hindrance in data collecting in National Association for the Deaf and in Co-Action preschool for the deaf children due to the problem of communication. In both Co-Action preschool for the deaf children and NAD there are deaf persons, so to gate sign language interpreter it was difficult. In both public and private preschools some coordinators were not willing to answer the interviews believing that it is wastage of time and will not bring anything new for children with visual and hearing impairment children's. The other thing is the officer of education bureau of Addis Ababa and the Arada Sub City special needs and multi sectorial officer were too busy that it took the researcher more time to get the required information; despite all these limitations, the researcher has accomplished her study.

CHAPTER TWO

THE RIGHT TO PRESCHOOL EDUCATION IN PERSPECTIVE

2.1. INTRODUCTION

A wide-range examination of the literature on the right to education, or historical development of the rights of children with disabilities, or the theoretical perspectives of disabilities, or justifications of human rights is no doubt possible.

It can, however, not be unreasonable to claim that the dawn of the last century ushered in a new era for the explosion of literature on the development and justification of the right of children to be educated. More specifically, theories on disability and the right of children with disabilities has received the attention of disabled and non-disabled researchers. Commencing with the perception of Greek and Stoic philosophers on the importance of education to children with tender age, the researcher will outline the literature on the right to preschool education of children with disabilities.

Occupying a pedestal position among greatest philosophers of all rounds, Plato claimed that the groundwork for education of a child should begin during the gestation period wherein she [the pregnant woman] should be forced to make movements. He continued by saying:

The key idea here is that appropriate movement is essential to proper health and the development of the child; accordingly, after his or her birth, the child should similarly be kept moving: “we shall compel the nurse by legal penalties to keep carrying the children somehow, either to the fields or to the temples or to their relatives (*prosoikeious*), all the time until they are able to stand upright.”²⁴

Plato takes education as “the most genuine instrument to build up human character and to bring about political stability.”²⁵ Mindful of his claims, most writers believe that educating children should begin at their earlier age for “the earliest years of a child’s life is a crucial period of

²⁴Cynthiay B. Patterson (2013) “Education in Plato’s Laws” in Grubbs, Judith Evans, Parkin, Tim, and Bell, Roslynne (eds.) *The Oxford Handbook of Childhood and Education in the Classical World* (Oxford University Press: USA, 2013) pp. 367, 365-380.

²⁵Zaheer Masood Quraishi and Zaheed Masood Quirashi ”Plato's Theory of Education” *The Indian Journal of Political Science*, Vol. 18, No. 1 (1957), pp. 61-74, 68.

biological, neurological, psychological, social and emotional growth and change.”²⁶ It must be on this basis that states have engaged into “a spectacular development of institutions and arrangements designed for the education and care of young children (those under compulsory school age) outside the family.”²⁷ The concern of this paper is only the education of children below the age of compulsory education. Hence, the researcher will say nothing about the institutional, policy or legislative justifications of compulsory education system of the nations.

2.2. OUTLINING THE HISTORICAL DEVELOPMENT AND DEFINITION OF PRESCHOOL EDUCATION

Present-day tendencies in the development of public child care and of preschool organizations have their roots in different national traditions, themselves having their origins in different eras of social and economic development.²⁸ Noting the history of Sumerians, ancient Egyptians, Semitic and Hittite empires, W. Martin Bloomer wrote: “[i]t may well be that schooling itself was introduced from the Near East since some of the first reading and writing exercises in Greek correspond to Near Eastern practices stretching as far back as we have written records.”²⁹ The state of preschool education in the classical period was well taken by Europe and North America in the last four centuries under the leadership of the state and the church.³⁰ The foundation of the need to educate children was, nonetheless, set by Greek philosophers.³¹ They, however, thought that no child should commence ordinary school before he attains seven.”³²

²⁶Woodhead, M. *Pathways through Early Childhood Education in Ethiopia, India and Peru: Rights, Equity and Diversity*. Young Lives (August 2009) p. 1.

²⁷ Harry Willekens, Kirsten Scheiwe and Kristen Nawrotzki (eds.)“Introduction: The Longue Durée – Early Childhood Institutions and Ideas in Flux”in Harry Willekens, Kirsten Scheiwe, and Kristen Nawrotzki (eds.) *the Development of Early Childhood Education in Europe and North America: Historical and Comparative Perspectives* (Palgrave, Macmillan UK, 2015), p. 1.

²⁸ Kirsten Scheiwe and Harry Willekens. *Childcare and Preschool Development in Europe: Institutional Perspectives* (2009) p. 1.

²⁹ W. Martin Bloomer (2013) “The Ancient Child in School” Grubbs, Judith Evans, Parkin, Tim, and Bell, Roslynne (eds.) *the Oxford Handbook of Childhood and Education in the Classical World* (Oxford University Press: NY) pp. 446, 444-464.

³⁰Harry Willekens, Kirsten Scheiwe, and Kristen Nawrotzki (eds.)“the Development of Early Childhood Education in Europe and North America: Historical and Comparative Perspective” (Palgrave Macmillan: UK, 2015); Kirsten Scheiwe, and Harry Willekens (eds.) *Childcare and Preschool Development in Europe: Institutional Perspectives* (Palgrave Macmillan, UK, 2009).

³¹ Ralph Doty “Chrysippus' Theory of Education” *Journal of Thought*, Vol. 20, No. 2, (1985), p. 70.

³² Ralph Doty (N31 above) p. 70. Also see generally, Quraishi, Zaheer Masood and Quirashi, Zaheed Masood “Plato's Theory of Education” *The Indian Journal of Political Science*, Vol. 18, No. 1,(1957) pp. 66, 61-74.

In retrospect, what to do with “[a] child of t[wo years of] age [who] is too old to stay with a nurse but too young, especially at three or four, to attend school”³³ has been puzzling working parents in particular. The puzzle of the working parents gave rise to the introduction of “feechargingcarers or day nurseries, known as ‘dame school’ (Great Britain), Spielschule or Kinderbewahranstalt (Germany), speelschool (Holland), scuola di piccolifanciulli or sale de custodia (Italy) or escuela de amiga (Spain).”³⁴ This first form of non-family collective custody of young children was . . . dealt directly with parents who belonged to the same social milieu as they did and lived in the same part of town.³⁵ Using the non-family collective custody of young children as a spring-board, public figures, associations and religious institutions opened other child-care facilities for young children, known variously as ‘infant school’, salled’asile, écolegardienne, école de l’enfance, scuola infantile and escuela de párvulos, among others, in Europe in the name of charity or philanthropy at the beginning of the 19th century.³⁶ An overview of the feature and type of these programs suggests that they vary with the countries of a review. In any case, they can be “publicly funded and delivered (the predominant pattern in the Nordic countries, for example) publicly funded and privately delivered (as in the Netherlands and Germany, for example), or include a combination of publicly-funded and delivered, publicly-funded and privately delivered, and privately funded and delivered programs as in many

³³Jean-Noël Luc “The Spread of Infant School Models in Europe during the First Half of the Nineteenth Century” in Harry Willekens, Kirsten Scheiwe, and Kristen Nawrotzki (eds.) *The Development of Early Childhood Education in Europe and North America: Historical and Comparative Perspectives* (Palgrave, Macmillan UK, 2015), p. 31.

Reviewing the histories of ECEC developments in several countries reminds us that in much of Europe and North America, and even in several of the developing countries such as China and India, kindergartens and nurseries were first established in the 19th century, often drawing on the same models: Froebel, Pestalozzi, Montessori, and the activities of missionaries; see generally, Sheila B. Kamerman, *A global history of early childhood education and care* “Paper commissioned for the EFA Global Monitoring Report 2007, Strong foundations: early childhood care and education”. 2006; the historical basis and development of preschool education in Western Europe was considered in collection of papers in Kirsten Scheiwe and Harry Willekens (eds.) *Child Care and Preschool Development in Europe Institutional Perspectives* (Palgrave Macmillan UK, 2009); a comparative analysis of the developments in Europe and North America was well taken in under Harry Willekens, Kirsten Scheiwe, and Kristen Nawrotzki (eds.) *The Development of Early Childhood Education in Europe and North America: Historical and Comparative Perspectives* (Palgrave Macmillan UK 2015).

³⁴ Jean-Noël Luc “The Spread of Infant School Models in Europe during the First Half of the Nineteenth Century” in Harry Willekens, Kirsten Scheiwe, and Kristen Nawrotzki (eds.) *the development of early Childhood Education in Europe and North America: Historical and Comparative perspective* (Palgrave, Macmillan UK, 2015).

³⁵Jean-Noël Luc, (N 34 above).

³⁶ Jean-Noel Luc, (N 34 above).

of the less developed countries such as Brazil as well as most of Africa, for example.”³⁷ On the whole, “the most significant developments date from the 1960s: the end of colonialism, the establishment of independent states in Africa, the dramatic increase in female labor force participation rates, the extensive developments in child and family policies in Europe and the U.S.”³⁸ Have served as a catalyst for the development of preschool education and child care.

To make the discussion of the historical development of preschool education complete, I will shortly dwell on how preschool education evolved in Africa: as a continent toiled under the yoke of colonialism, it will not be wrong to argue that it is the dawn of the 1960s from where we should begin the sketch. This undertaking, however, is not meant to offer an extensive review of the development in all of the nations or even half of them. This research will only consider the experience of Kenya and Uganda as both countries fall into the East African region of the continent.

From an African perspective, Kenya stands at the forefront in the development of preschool education. Initially, it was the responsibility of the Ministry of Culture and Social Services since 1966.³⁹ However, the mandate of handling preschool education for children between 3 and 5 was transferred to the Ministry of Education, Science, and Technology by the Presidential Circular No. 1 of 1980.⁴⁰ An interesting point, in this relation, is that “the Kenyan “Harambee” (let us pull together [or self-help and mutual aid]) preschools were informally organized and typically had one of the local mothers identified as the “teacher.”⁴¹ Basically, the relatively rapid, from an African standard, growth of preschools in Kenya are three: the value Kenyans place on education and their conviction that preschool would enhance their children’s performance in school; the opportunity for safety and security in the preschools; and the opportunity for socialization.⁴²

³⁷Sheila B. Kamerman (N 33 above) p. 1.

³⁸Sheila B. Kamerman,(N 33 above) p. 3

³⁹Sheila B. Kamerman (N 33 above) p. 26.

⁴⁰SH Choi, Early childhood education and care in Kenya. Background report (UNESCO: Paris 2005).

⁴¹Alan R. Pence et al. “ECD Policy Development and Implementation in Africa” *International Journal of Educational Policy, Research, & Practice*, Volume 5, Number 3, Fall (2004), pp. 1-27.

⁴² LI Kipkorir and OW Njenga,A case study of early childhood care and education in Kenya (Institute of Kenya, Nairobi 1993).

Having become independent in 1962, the initial responsibility of Child care and education of Uganda was overtaken by the Ministry of culture and social services as it was in Kenya.⁴³ Typically, “the preschool program for 3-5 year olds was transferred from the Ministry of Culture and Social Services to the Ministry of Education and Sports, with responsibility for the 0-3 year olds assigned to parents.”⁴⁴

With the historical development of preschool education in mind, it will be of greater import to define the term “preschool education. The effort of the United Nations Scientific, Educational and Cultural Organization is outlandish in this regard. For example, the 1963 Statistical Yearbook of UNESCO, pre-primary school includes “public nursery schools, kindergartens, and infant schools, but exclude[es] day care centers and private programs.”⁴⁵ Broadening the definition of preschool education, the 1974 UNESCO survey included “pre-primary school, preschool, kindergarten, nursery school, early childhood education (ECE), early childhood care and education (ECCE), or education and care (ECEC), subsequently settling on ECCE (and still later, ECCD).”⁴⁶ Taking up a broader perspective, the 1991 report alludes to preschool education as (“programs intended to provide care and/or education for children from their birth until the ages of 6 or 7 years... [They] are organized by government ministries or agencies concerned with the education, development, care, and welfare of children up to age 6 or 7 or by non-governmental organizations” such as women’s groups, religious institutions, or parent groups.”⁴⁷ For the purposes of this research, preschool education or pre-primary education refers only to education given to children between ages 4 and 6, this level of education serves as a baseline for future life of the child. And it is a preparatory stage to acquire basic skills for primary education.

⁴³ Sheila B. Kamerman (N 33above).

⁴⁴ Sheila B Kamerman (N 33 above).

⁴⁵ Statistical Yearbook of UNESCO, (1963.)

⁴⁶Sheila B. Kamerman (N 33 above) pp. 7-8.

⁴⁷Sheila B. Kamerman, (N 33 above) p. 9.

2.3. THE JUSTIFICATION OF PRESCHOOL EDUCATION

Offering the historical development and definition of preschool education in the foregoing paragraphs, I will dwell for a while on the motives behind the introduction and proliferation of preschool education.

Kirsten Scheiwe and Harry Willekens (2009) have offered two policy motives for the institutionalization and expansion of child education. They are (1) children below the age of obligatory schooling are in need of public education (an idea which presupposes children to be already of an age at which they can be publicly educated); and (2) to promote the reconciliation of care work and paid work – a goal which may justify public child care for children of any age.⁴⁸

In relation to the former policy motive, i.e., the need of the child to be educated, two basic variations are propounded by the writers: “child-centered and “state- or society-centered.”

Basically, the child-centered policy motive assumes that “normal child development is only possible if from a certain age onwards children are together with other children and adults from outside the family.”⁴⁹ The disengagement of the child from his parents and enablement of participating in preschool education is chosen solely to “foster [his] cognitive development without impairing creativity and that emotional and social development are not necessarily inhibited through efforts to enhance cognitive development.”⁵⁰ A child’s participation in preschool education with children of his age should “not only [be understood] as [acquiring] a set of knowledge, but rather as a creative search for new knowledge, the desire to understand the unknown world with the help of adults.”⁵¹ A properly established and implemented preschool system can allow a “child [to] rediscover what is already written in the orbit of people’s social experience [thereby] to play some essential features of their creative research, which eventually [leads] to the creation of the whole system of cultural objects.”⁵² A point worth mentioning, at this juncture, is that rediscovering does not allude to “only a creation of a new object, but a

⁴⁸Kirsten Scheiwe and Harry Willekens (N28 above) p. 4.

⁴⁹ Kirsten Scheiwe and Harry Willekens (N28 above) p. 4.

⁵⁰ Sheila B. Kamerman (N 33 above) p. 6,

⁵¹Rais F. Shaikhelislamov&Rezida K. Shaekhova “Modern Pre-School Education from the Standpoint of Self-Worth Childhood” *Mathematics Education*, Vol.11 No.1 (2016), pp.173-180, 174.

⁵²Rais F. Shaikhelislamov&RezidaK. Shaekhova (N51 above).

change in the child, the emergence of new ways of life, knowledge and skills.”⁵³ Preschool education unswervingly determines the objective identity (ability of learning from the experience of others) and subjective identity (once own ability to create new knowledge).

The second variation of the first policy motive, i.e., the need of the child to be educated, anchors on the invaluable importance of preschool education for the overall society or state at large. The integration of children into a society necessitates the indoctrination of “the values of the political system in the citizens from the youngest possible age: such was the main reason given for the early development of the preschool system in France and one of the reasons for preschoolisation in the former Communist countries of Eastern Europe.”⁵⁴ While comparing the purpose of preschool education in the United States and Nordic countries, J. Wagner said: “[i]t is often said that the purpose of education in America is to prepare children to participate in a democracy and to teach them to use freedom when they are adults. In contrast, Nordic people expect that children should experience democracy directly from their early days. This means, then, that Nordic children have rights experience later in life.”⁵⁵ By the same token, “in the late nineteenth

⁵³Rais F. Shaikhelislamov&RezidaK. Shaekhova, (N51above).

⁵⁴ See generally, Claude Martin and Blanche Le Bihan “Public Child Care and Preschools in France: New Policy Paradigm and Path-dependency” in Harry Willekens, Kirsten Scheiwe, and Kristen Nawrotzki (eds.) *The Development of Early Childhood Education in Europe and North America: Historical and Comparative Perspectives* (Palgrave, Macmillan UK, 2015), pp. 57-71.

⁵⁵ Wagner, J. “An outsider perspective” In J. Einarsdottir& J. Wagner (Eds.), *Nordic childhoods and early education*. Greenwich: Information Age Publishing, (2006) p. 294.

In relation to preschool education in the United States, see also Kristen Nawrotzki “Saving Money or Saving Children? Nursery Schools in England and the United States” in Harry Willekens, Kirsten Scheiwe, Kristen Nawrotzki (eds.)-*The Development of Early Childhood Education in Europe and North America: Historical and Comparative Perspectives* (Palgrave Macmillan UK 2015) pp. 150-172; Sonya Michel “Preschool, Childcare and Welfare Reform in the United States” in Harry Willekens, Kirsten Scheiwe, Kristen Nawrotzki (eds.)-*The Development of Early Childhood Education in Europe and North America: Historical and Comparative Perspectives* (Palgrave Macmillan UK 2015) pp. 275-288; Larry Prochner “The History of Kindergarten as New Education: Examples from the United States and Canada, 1890–1920” in Harry Willekens, Kirsten Scheiwe, Kristen Nawrotzki (eds.)-*The Development of Early Childhood Education in Europe and North America: Historical and Comparative Perspectives* (Palgrave Macmillan UK 2015) pp. 289-308.

A well-developed system of preschool education exists in Nordic nations. The perusal of, for example, Dion Sommer, KarstenHundeide and Ingrid Pramling Samuelsson, *Child Perspectives and Children's Perspectives in Theory and Practice* (Springer, Netherlands 2010), AnetteBorchorst “Danish Child-Care Policies within Path – Timing, Sequence, Actors and Opportunity Structures” in Kirsten Scheiwe and Harry Willekens, *Childcare and Preschool Development in Europe: Institutional Perspectives* (Palgrave Macmillan, UK 2009) pp. 126-141; Pirkko-LiisaRauhala “Child Care as an Issue of Equality and Equity: The Example of the Nordic Countries” in Kirsten Scheiwe and Harry Willekens, *Childcare and Preschool Development in Europe: Institutional Perspectives* (Palgrave Macmillan, UK 2009) pp. 142; and ArlaugLeira “From Poverty Relief to Universal Provision: The

and early twentieth centuries, kindergartens were strongly argued for . . . on the ground that a culturally mixed migration society can make its new members into citizens only by virtue of imbuing them with the same set of basic values.”⁵⁶ In addition, the introduction of public-sponsored preschool education, apart from ensuring integration and capacitation of children, will open up an equal opportunity for socially deprived children. In the category of socially deprived children are found disabled, with some learning difficulty and various linguistic groups.⁵⁷ On the whole, the first policy model (education model or the need of the child to be educated) bases on the cognitive development of the child with the prime aim of building his creativity or ability to create and the desire of a society or state to instill common values that underlie it.

The other policy motive behind the development and spreading out of preschool education is the need to reconcile the right of mothers to work and the right of the child to protection. Accordingly, “[t]he main purpose of policies of this kind may be to protect children whose both parents or single parent are so unfortunate as to have to work to earn a family income – this was, historically, the first wave of policy in the nineteenth century, addressed towards the children of parents working in agriculture or industry who left their children unattended and on their own.”⁵⁸ What is more, this policy motive aims mainly at freeing “women from their economic dependence on men by enabling them to enter the labour market (or to diminish children’s poverty risks through maternal employment), or to liberate women’s labour power so as to make it available for the market and enhance economic efficiency (as in the actual debates on the ‘social investment strategy.’”⁵⁹ The implication of the model at hand is that aside from its “critical contribution to cognitive stimulation, socialization, child development, and early education, [preschool education is] an essential service for employed parents.”⁶⁰

Changing Grounds for Childcare Policy Reforms in Norway” in Harry Willekens, Kirsten Scheiwe, Kristen Nawrotzki (eds.)-*The Development of Early Childhood Education in Europe and North America: Historical and Comparative Perspectives* (Palgrave Macmillan UK 2015) pp. 112-131.

⁵⁶See generally, Meike Sophia Baader “Modernizing Early Childhood Education: The Role of German Women’s Movements after 1848 and 1968” in Harry Willekens, Kirsten Scheiwe, Kristen Nawrotzki (eds.)-*The Development of Early Childhood Education in Europe and North America: Historical and Comparative Perspectives* (Palgrave Macmillan UK 2015). pp. 217-234.

⁵⁷ Dion Sommer, KarstenHundeide and Ingrid Pramling Samuelsson (N55 above) p. 6.

⁵⁸ Kirsten Scheiwe and Harry Willekens (N28 above) pp. 6-7.

⁵⁹ Kirsten Scheiwe and Harry Willekens(N28above) p. 7.

⁶⁰Sheila B. Kamerman(N 33above) p. 1.

The perusal of works dedicated to preschool education in Europe and North America evince unambiguously that the idea of introducing and spreading out preschool education was founded on the need of the child to be educated: the education model.

To sum up, evolving in direct reflection of the norms and values of the society,⁶¹ education is “universally regarded as an indispensable element in the nurture of children if they are to be capable of managing as adults in such societies.”⁶² Particularly, education plays an irreplaceable role in “consciousness-raising and contribut[ing] to personal development and the shaping of identity and integrity.”⁶³ Moreover, early childhood education “is necessary to enable [children] to maximize their effective choices among the available alternative ways of life and livings to be earned.”⁶⁴ On the whole, education encompasses “the full moral and social training of a pupil whose capacities for excitement and reflective judgment had been kindled rather than smothered.”⁶⁵

2.4. ESTABLISHING THE FRAME OF THE RIGHT TO PRESCHOOL EDUCATION

Although the theoretical framework ranges all the way back to the time of Plato, the development of the right to education dates only back to the 19th century. This development is particularly imputed to the democratic revolutions of the 19th century in the West.

The democratic revolutions of the nineteenth century in Europe and the United States ushered in the claim of “free education independent of status and class.”⁶⁶ The independence of education from status and class served as a mechanism of assuring universal access to primary schooling. It should be noted, however, that the democratic revolutions of the last quarter of the nineteenth and the first quarter of the twentieth century could not give rise to universal provision of early

⁶¹ Leah K. McMillan “What’s in a right? Two variations for interpreting the right to education” *International Review of Education*, Vol. 56, No. 5/6 (2010), p. 535.

⁶² Jean Esther Floud “A Right to Education: A Test-Case for a Theory of Children’s Rights” *Archives for Philosophy of Law and Social Philosophy*, Vol. 62, No. 3,(1976) p. 321.

⁶³ Kate Halvorsen (N6 above) p. 343.

⁶⁴ Jean Esther Floud (N62 above), p. 321.

⁶⁵ T. A. Priest “Rousseau on Universal Education” *History of Education Quarterly*, Vol. 1, No. 1 (Mar., 1961), pp. 32-34, 33.

⁶⁶ Kirsten Scheiwe “Towards Early Childhood Education as a Social Right: A Historical and Comparative Perspective” in Harry Willekens, Kirsten Scheiwe, Kristen Nawrotzki (eds.) *the Development of Early Childhood Education in Europe and North America: Historical and Comparative Perspectives* (Palgrave Macmillan UK, 2015) pp. 173-195, 175.

childhood education. Rather, it was “a welfare measure targeted to children and families in need.”⁶⁷

At the international level, the dawn of the 20th century and, in particular, the promulgation of the UN Charter⁶⁸ played a significant role in the thinking and desirability of education “during the early years [for it] plays a vital part in promoting readiness for school and is also the best guarantee of promoting sustainable economic and social development.”⁶⁹ That is why the United Nations General Assembly has synergized all available means to internationalize and specialize rights of the child.

Preceding the affirmative treaties and Conventions, the UNGA has promulgated the Universal Declaration of Human Rights in 1948 immediately in subsequence to the United Nations Charter. The inauguration of the Universal Declaration of Human Rights, as a common standard of reference for all member nations to UN, made it clear that “[g]overnments should support the achievement of a strong base for lifelong learning, through education directed towards responsible autonomy, self-directed learning and preparation for full citizenship.”⁷⁰ Understandably, life-long learning should start with children who “are a class of socially dependent persons whose status, in so far as it can be rationalized, is defined with reference to age-related norms of physical and psychological development corresponding to postulated minimum requirements for effective social participation.”⁷¹ Cognizance of the above claim, “the Social, Humanitarian, and Cultural Committee of the General Assembly of the United Nations formally approved a draft Declaration of the Rights of the Child [that took] the place of the Geneva Declaration on the Rights of the Child, adopted by the League of Nations in 1924.”⁷² The Charter “calls upon parents, upon men and women as individuals and upon voluntary organizations, local authorities and national governments to recognize and strive for the observance of the rights by legislative and other measures progressively taken in accordance

⁶⁷ Kirsten Scheiwe Harry Willekens et al (N above 66) pp. 173-195, 175.

⁶⁸ Adopted 26 June 1945, 59 Stat 1031, TS 993, 3 Bevans 1153, entered into force 24 October 1945.

⁶⁹ UNICEF/UNESCO, *A Human Rights-Based Approach to Education* (New York: 2007) p. 30.

⁷⁰ UNICEF/UNESCO (N69 above)

⁷¹ Jean Esther Floud (N62 above) p. 320.

⁷² “Children's Charter of the United Nations” *Social Service Review*, Vol. 34, No. 3 (Sep., 1960), pp. 341, 341-343.

with the [nine] principles.”⁷³ Principle seven enunciates the entitlement of all children to the right to be educated, and reads as follows:

The child is entitled to receive education, which shall be free and compulsory at least in the elementary stages. He shall be given an education which will promote his general culture, and enable him on a basis of equal opportunity to develop his abilities, his individual judgment and his sense of moral and social responsibility, and to become a useful member of society.⁷⁴

This principle imposes on all member states the “obligations to establish the legislative and policy framework, together with sufficient resources, to fulfil the right to education for every child.”⁷⁵ In consequence, states should assure the physical and economic accessibility of all learning environments for every child, including the most marginalized.⁷⁶ Following the UN Social Charter of the Child, the 1975 United Nations Declaration on the Rights of Disabled persons increased the momentum for the respect and recognition of disabled children. Noting that “[d]eclarations of rights in fora like the United Nations have powers of moral and political suasion, but are usually not enforceable in national or international courts,”⁷⁷ concerned bodies made a relentless effort of 30-years to come up with a holistic child-specific human rights instrument, the UN Convention on the Rights of the Child.⁷⁸ Article 28 and 29 of the UN Convention on the Rights of the Child guarantees a free and compulsory primary education to all children. The question of preschool education is left unaddressed. It is important to indicate, at this juncture, that it is only the Convention for the Elimination of All Forms of Discrimination against Women that explicitly mention the right of children to preschool education.⁷⁹

⁷³ “Children's Charter of the United Nations” (N72 above), para. 7 of the preamble.

⁷⁴ Children's Charter of the United Nations” (N72 above), pp. 342, 341-343.

⁷⁵ UNICEF/UNESCO (N69 above), p. 31.

⁷⁶UNICEF/UNESCO (N69 above), p. 31.

⁷⁷David Neal “The Right to Education: The Case of Special Education” *The Australian Quarterly*, Vol. 54, No. 2, (1982) pp. 150, 147-160

⁷⁸The Convention was adopted on 20 November 1989 and entered into force 2 September 1990. As at September 2004, the CRC has been signed and ratified by 192 States, which makes it almost universal (Somalia and the United States are the only States that signed the Convention without ratifying it). But Somalia ratified the Convention of the Child on 20 January 2015 making Somalia 195th state party to the convention. Available at <http://www.unric.org/en/latest-un-buzz/29608-somalia-ratifies-convention-on-the-rights-of-the-child> accessed on October 12/2016

⁷⁹ CEDAW, Art. 10 (A). the Article provides as follows:

As indicated above, the Convention on the Rights of the Child failed to compel State Parties to make available early childhood education. This failing and most prominently the presence of little attention by State Parties to include the states of early childhood education in their periodic reports to the Committee of the Child called “for a discussion on the broader implications of the Convention on the Rights of the Child for young children.”⁸⁰ Noting “the most rapid period of growth and change during the human lifespan, in terms of their maturing bodies and nervous systems, increasing mobility, communication skills and intellectual capacities, and rapid shifts in their interests and abilities,”⁸¹ their rapid appreciation “of the physical, social and cultural dimensions of the world they inhabit, learning progressively from their activities and their interactions with others, children as well as adults”⁸² and taking note of the “[y]oung children’s’ earliest years are the foundation for their physical and mental health, emotional security, cultural and personal identity, and developing competencies”⁸³ the Committee on the Rights of the Child offered an interpretative guideline that makes “the right to education as beginning at birth and as closely linked to the child’s right to maximum development.”⁸⁴ The all-encompassing interpretation offered to Article 28 is in view of the aims of education as set out under Article 29. One’s perusal of the first comment of the Committee of the Rights of the Child⁸⁵ clarifies the importance of education for the “realization of the child’s human dignity and rights, taking into account the child’s special developmental needs and diverse evolving capacities.” The aims are: the holistic development of the full potential of the child (29 (1) (a)), including development of respect for human rights (29 (1) (b)), an enhanced sense of identity and affiliation (29 (1) (c)),

Article 10 States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

⁸⁰ Committee on the Rights of the Child “Implementing child rights in early childhood” General Comment No. 7 (Fortieth Session, Geneva, 12-30 September 2005) p. 1.

⁸¹ Committee on the Rights of the Child (N80 above) Para. 6 (A).

⁸² Committee on the Rights of the Child (N80 above) Para. 6 (D).

⁸³ Committee on the Rights of the Child (N80 above) .Para. 6 (E).

⁸⁴ Committee on the Rights of the Child (N80 above) .Para. 28. See also, UNICEF/UNESCO (N 69 above).

⁸⁵ General Comment No. 1: The Aims of Education (article 29) (2001)

(Adopted by the Committee on the Rights of the Child at the Twenty-sixth Session, CRC/GC/2001/1, 17 April 2001), Para. 1.

and his or her socialization and interaction with others (29 (1) (d)) and with the environment (29 (1) (e)).

The other Treaty Body of United Nations ICESCR Committee has come up with two General Comments in connection with education. These comments, i.e., General Comments 11 and 13 dwelt on primary education (Art. 14) and the right to education (Art. 13) respectively. Although the Committee does not mention specifically about the right to preschool education, its importance is undeniable for the explanations are equally important for the issue at hand. Of particular importance is Paragraph 6 of the Comment that extensively dealt with the features of education: ‘availability’, ‘accessibility’, ‘acceptability’ and ‘adaptability.’

The first feature, availability refers to the presence of “functioning educational institutions and programmers . . . in sufficient quantity within the jurisdiction of the State party.”⁸⁶ As per the analysis of the Committee, availability connotes to existence of buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on.⁸⁷ The second feature of education, i.e., accessibility alludes to the following three overlapping dimensions: ‘Non-discrimination’, ‘Physical accessibility’ and ‘economic accessibility.’⁸⁸ In simple terms, education should equally accessible to the most vulnerable groups such as children with disabilities, administered on an equal basis within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighborhood school) and affordable to all. The third feature of education, i.e., acceptability refers to the “relevan[ce], cultural appropriateness and of good quality) to students and, in appropriate cases, parents.”⁸⁹ Finally, adaptability refers to the responsiveness of education “to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.”⁹⁰

⁸⁶Committee on Economic, Social and Cultural Rights “The right to education (article 13 of the Covenant)” General Comment No. 13 (Twenty-first session, 1999), para. 6 (a).

⁸⁷Committee on Economic, Social and Cultural Rights (N above 86).

⁸⁸Committee on Economic, Social and Cultural Rights (N above 86) .para. 6(b).

⁸⁹Committee on Economic, Social and Cultural Rights (N above 86) para 6(c).

⁹⁰Committee on Economic, Social and Cultural Rights (N above 86) para. 6(d).

2.5. THE RIGHT TO PRESCHOOL EDUCATION FOR CHILDREN WITH VISUAL AND HEARING IMPAIRMENT

The inclusion of children with disabilities in regular schools was introduced in United Kingdom and the United States.⁹¹ The consideration of the trend of the process of inclusion in the United States shows that “[i]n the late 1990s, nearly 50% of the preschool-aged children with disabilities were placed in “regular classrooms.”⁹² Particularly, the enactment of the Education for All Handicapped Children Act of 1975 and its revision by Public Law No. 108-446 of 2004 played an irreplaceable role for the realization of the right to preschool education for all children with visual and hearing disabilities. The availability of preschool education for children with visual and hearing impairment is the reflection of the dictum that goes: “all learning environments must be both physically and economically accessible for every child, including the most marginalized.”⁹³

In the international level, my analysis of the regulation of preschool education for all non-disabled children equally applies for their disabled counterparts. Particularly, Principle five of the UN Declaration on the Rights of the Child calls upon all stakeholders to give the special treatment, education and care to children with physical, mental or social handicap. A firm groundwork for changes in this situation began in the 1960s with various proclamations about the 'rights' of the handicapped in national and international fora culminating in a resolution of the UN General Assembly in 1971 on mentally retarded people.⁹⁴ In relation to the rights of children with visual and hearing impairment, Principle 6 of the Declaration on the Rights of Persons with Disabilities⁹⁵ provides that children with visual and hearing impairment “have the right to . . . education, . . . placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the processes of their social integration or reintegration.” Moreover, Principle 8 urges states to take into account “their special needs at all stages of economic and social planning.” More importantly, in addition to the protection under

⁹¹Linda P. Ware “A Moral Conversation on Disability: Risking the Personal in Educational Contexts” *HypatiaFeminism and Disability*, Part 2, Vol.17 No. 3 (2002) p. 153.

⁹² Samuel L. Odom, Virginia Buisse and Elena Soukakou “Inclusion for Young Children with Disabilities: A Quarter Century of Research Perspectives” *Journal of Early Intervention* Vol. 33 (2011) p. 344.

⁹³UNICEF/UNESCO, (N69 above) p. 31.

⁹⁴Richard J. Wolff “Children's Rights in Education: A Philosophical and Historical Approach” *The Journal of Educational Thought*, Vol. 17, No. 1 (April 1983), p. 46.

⁹⁵Declaration on the Rights of Disabled Persons, General Assembly resolution 3447 (xx) 1975.

Arts. 28 and 29, Art. 24(3) of the UN Convention on the Rights of Child guarantees the children with visual and impairment an effective access to education . . . in a manner conducive to the[ir] achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development” More specifically, the UN Convention on the Rights of Persons with Disabilities addressed the education-related rights of children with disabilities under Article 24. It is, however, mandatory to state that nowhere in the Convention is mentioned preschool. It is understandable that the term “education” should be interpreted as including preschool education. In furtherance, Para. 11 (B) (II) of general Comment No. 7 of the UN Committee on the Rights of the Child requires states not to discriminate against children with disabilities. The paragraph indicated that this particular group of children might be discriminated easily in that their situation should be dispensed with special treatments requisite because of their limitations.

In the forty-third session held on 27 February 2007, the UN Committee on the Rights of the Child passed General Comment No. 9 (2006) that dealt with the extension of the provisions of the Convention for Children with disabilities. The Committee, indicating the statistics of children with disabilities all over the world (150 million out of the approximate 650 million community of the disabled), concluded that “the majority of the children with disabilities in developing countries remain out of school and are completely illiterate.”⁹⁶Appreciating Article 2 of the Convention for explicitly mentioning disability as a prohibited ground for discrimination,the Committee endorsed that such a mention “can be explained by the fact that children with disabilities belong to one of the most vulnerable groups of children.”⁹⁷Consequently, States parties in their endeavors to avert to and eradicate all forms of discrimination against children with disabilities should,among others, “Include explicitly disability as a forbidden ground for discrimination in constitutional provisions on non-discrimination and/or include specific prohibition of discrimination on the ground of disability in specific anti-discrimination laws or legal provisions.”⁹⁸In relation to Article 23, the Committee concluded that “Measures taken for the implementation of the rights . . . in the areas of education and health, should explicitly aim at

⁹⁶General Comment No. 9 “the Rights of Children with Disabilities” adopted by the Committee on the Rights of the Child at the (twenty-third session 2006) Para. 1.

⁹⁷General Comment No.9 (N96 above) Para. 2

⁹⁸ General Comment No.9 (N96 above) para. 9

the maximum inclusion of those children in society.”⁹⁹ In furtherance, the Committee urges “National laws and regulations should contain clear and explicit provisions for the protection and exercise of the specific rights of children with disabilities, in particular those enshrined in article 23 of the Convention.”¹⁰⁰ As a final note, the Committee noted that national “Plans of action must be comprehensive, including plans and strategies for children with disabilities, and should have measurable outcomes.”¹⁰¹ On the whole, General Comments 7 and 9 complement each other if read together. In fact, the former Comment provides for education at large and the later deals with the right of children with disabilities in all areas of the Convention.

In precedence to the CRC Committee, the UN ESC Committee has forwarded its General Comment concerning the right of education for persons with disabilities. Although nowhere in the Comment the issue of preschool education is mentioned, Paragraph 35 will shed a light on the implementation of the program for these groups of children. The Committee held that “States should ensure that teachers are trained to educate children with disabilities within regular schools and that the necessary equipment and support are available to bring persons with disabilities up to the same level of education as their non-disabled peers. In the case of deaf children, for example, sign language should be recognized as a separate language to which the children should have access and whose importance should be acknowledged in their overall social environment.”¹⁰²

On the whole, “the social rights perspective on ECE has gained ground in national and international law and social policy, and the educational paradigm has won out over the idea of a targeted, residual welfare service approach.”¹⁰³ In addition, the researcher has outlined the place of the right to preschool education in national and international fora. In line with this, although the UN Convention on the Rights of the Child does not contain an explicit provision destined to preschool education as of right, the interpretive guideline provided by the UN Committee on the

⁹⁹ General Comment No.9 (N96 above) Para. 11.

¹⁰⁰ General Comment No.9 (N96 above) Para. 17.

¹⁰¹ General Comment No.9 (N96 above) Para. 18.

¹⁰² Committee on the Economic, Social and Cultural Rights “Persons with disabilities” General comment No. 5, (Eleventh session 1994) Contained in document E/1995/22.

¹⁰³ Kirsten Scheiwe Harry Willekens et al (N above 66) p. 177.

Rights of the Child provided an expanded content for the right to education as referred to under Arts. 28 and 29.

With respect to the right of children with visual and hearing impairment to preschool education, the researcher found out that it was in United Kingdom and United States that these groups of the society enjoyed the right before anywhere else. Although there is no a significant difference with regard to international jurisprudence in this area, there are references in the International Convention for the Elimination of All Forms of Discrimination against Women and other Declarations.

CHAPTER THREE`

THE POLICY, LEGISLATIVE AND INSTITUTIONAL FRAMEWORK OF PRESCHOOL EDUCATION IN ETHIOPIA

3.1. HISTORICAL OVERVIEW OF PRESCHOOL EDUCATION

The tortuous road Ethiopia has taken in her uninterrupted long history of statehood is the subject of discussion and writing since long ago. Observing the monumental architectural heritages of the Axum obelisk and the rock-hewn churches of Lalibela, the peaceful co-existence of various religious sects, the weakling ZamaneMesfint, the landmark triumph against European aggressors, the expansion, centralization, modernization and unification of Emperors Menelik, Yohannes IV, Haile Selassie, and the Derge and the federally organized Ethiopia of the current, no one can deny how tortuous a road could education took all the way down to the present.

The perusal of writings on the introduction and development of preschool education in Ethiopia showed the impact played by religious, non-governmental and state influence. The role played by religious institutions predates the efforts of non-governmental and state in the introduction of preschool education. In particular, the role played by the Orthodox Tewahido Church is glaring. Tadesse, by categorizing Orthodox Tewahido Church which run preschool education traditionally, said: “[t]his traditional system is deeply rooted in the Ethiopian Orthodox Church and is recognized as one of the oldest educational systems in the world.”¹⁰⁴ It will be correct to take back the time to the fourth century when King Ezana accepted the Orthodox Faith as a state religion. After a three-century practice of preschooling by the Orthodox convents and churches, “the long standing traditional . . . Koranic early childhood . . . education institutions”¹⁰⁵ joined the journey of educating children of four-six years. According to Tadesse, “The curriculum for children of this age consisted of primary drill and practice of the

¹⁰⁴Tadesse Meta. *The Contributions of Preschool Education on the First Cycle Primary School Students Learning Process and Academic Achievement: Implications to Curriculum Development* (unpublished MA thesis, Addis Ababa University, 2015) p. 17.

¹⁰⁵Girma Lemma. *Quality of Early Childhood Care and Education in Addis Ababa: Caregiver Child Interaction, Parental Perception and Social Competence of Children (Input-Process-Output Approach)* (unpublished PHD thesis, Addis Ababa University 2014) , p. 47.

alphabet, the [m]astery of [which] was followed by reading and recitation of religious texts that began with the Psalms of David.”¹⁰⁶

Following the conceptions of the Orthodox and Islam religions, Ethiopia has embarked on introducing state-sponsored preschool education since the beginning of the twentieth century. The first modern preschool (Kindergarten) was established in Dire Dawa to educate the children of French consultants who were helping build Ethiopia's first railroad.¹⁰⁷ Taking the footsteps of the Dire Dawa School, 77 kindergartens were established in Ethiopia until 1974.¹⁰⁸ These kindergartens were limited to urban areas of the country and operated by missionaries, private organization, and the ministry of social Affairs and development.¹⁰⁹

The overthrow of the imperial regime brought to power the Provisional Military Administrative Council in 1974. The change of government heralded a new chapter for the children of Ethiopia. The government showed its commitment to the children between four-six age by establishing “an independent commission called Ethiopian Children's Commission in 1973 E.C with a task of caring and educating Ethiopian children.”¹¹⁰ The Commission developed a manual for Kindergartens in Ethiopia for the first time in 1974 E.C.¹¹¹ The focus of the Commission was not only on children in the mainstream educational system, the non-disabled, but also for those who are disabled. Following the incessant effort of the Commission, the number of kindergartens increased “from 77 to 912 accompanied by its enrollment growth 7,573 to 102,000 from 1975 to 1990.”¹¹² The remarkable achievement of the military government was the opening of the first preschool teacher training center in Addis Ababa in 1986.¹¹³

¹⁰⁶Tadesse Meta (N104 above).

¹⁰⁷Demeke Gesesse. *Historical and Philosophical Foundation of Early Childhood Education in Ethiopia*. Proceedings on the 7th National Conference of Ethiopian Psychologists Associational printing press. (2007)

¹⁰⁸Tadesse Meta (N104 above), p. 18.

¹⁰⁹Tadesse Meta.(N104 above)

See also, Amogne Asfaw Eshetu “The impact of attending pre-school education on later academic achievement of students: Empirical evidences from Dessie, Ethiopia” *Basic Research Journal of Education Research and Review*, p. 73.

¹¹⁰G/Egziabher Assefa *Practices and challenges of Early Childhood Care and Education in Addis Ababa, Arada Sub-City Government Kindergartens* (unpublished M A thesis, in the Archives of the Kennedy Library 2014), p. 11.

¹¹¹G/Egziabher Assefa (N110 above).

¹¹²G/Egziabher Assefa (N110 above).

¹¹³Tadesse Meta, (N104 above) p. 18.

The current position of preschool education of the country has two phases: in the first phase, i.e., 1991-2010 the government did not give greater attention to preschool education. It can be concluded that preschool education was left for the private sector, religious institutions and non-governmental organizations.¹¹⁴ In this phase, Preschool education was limited to urban areas and the learners were from the well-to-do especially in private preschools. However, religious educational centers were available for all. In any case, a study by Girma indicates that the number of the attendees was below five per cent. He wrote that “[o]ut of the estimated 7.12 million children of this cohort group about 341, 315(4.8 %) have been reported to have access to preprimary education being served in 3,318 centers in the country.”¹¹⁵

The second phase, i.e., from 2012 onwards, is known with the introduction of the distinct policy for preschool education. In this period, it is not only private and religious institutions that are expected to run pre-primary education but also public schools are required to teach pre-primary education. The main concern of Chapter four of this research is these public schools and private schools with respect to the administration of education with particular focus on the intake of children with visual or hearing impairment.

Although the participation of visually impaired children is not deniable particularly in Orthodox convents in various parts of the country, the researcher could not find studies regarding the participation of visually impaired children in the privately owned preschools. It can, however, be said that their participation is modicum for various reasons. The first reason could be the lack of teachers trained in Braille. Secondly, the stigma the owners of the private preschools are filled with registering visually impaired children. The field left open by the private preschools was filled by non-governmental organizations. For instance, there are boarding schools throughout

¹¹⁴ M. Woodhead et al. (2009). Equity and Quality? Challenges for Early Childhood and Primary Education in Ethiopia, India, and Peru. Working paper No55, Studies in Early Childhood Transitions. The Hague, The Netherlands: Bernard van Leer-Foundation.

¹¹⁵ Girma Lemma (N 105 above) p. 43.

the country.¹¹⁶ These schools provide Braille literacy, and most of them teach students from preschool to grade 6.

The fate of children with hearing impairment did not differ from that of the visually impaired children. For there are no privately owned mainstream preschool education providers which accept children with hearing impairment. Most prominently, the lack of teachers trained in sign language served as a tangible reason for the non-participation of those children. In fact, most of the children with hearing impairment were not enrolled in mainstream educational system. The religious institutions that have accepted the visually impaired children could not serve children with hearing impairment for no Orthodox church has a sign language interpreter. Hence, their education was left for special educational centers established to teach those children exclusively.

3.2. THE CURRENT POLICY FRAMEWORK FOR PRESCHOOL EDUCATION

The debacle of the Derg government in 1991 ushered in a new system of government which is federalism. This drastic change sought change of laws and policies that can help achieve the educational philosophy of the governing party. Accordingly, Ethiopia has come up with a new policy of education and training.¹¹⁷ The policy clearly stated that the focus of kindergarten as being “all round development of the child in preparation for formal schooling.”¹¹⁸ In this program, children between the ages of four to six years are offered fun-like education that would enable them to express their feelings, to appreciate beauty, and to learn to distinguish and form letters and numbers.¹¹⁹ The Federal Government did not, however, desire to invest on expanding kindergartens. The gap left open by the government has been filled by “private investors and religious organizations, and for parents who can afford to pay the fees.”¹²⁰ The role of the government is limited to “preparing the curriculum as well as training kindergarten

¹¹⁶ The researcher knows the existence of boarding schools. The most prominent ones are the Shashemene School for the Blind, SabataMerhaEwiran, Otana School of the Blind, and Bako School for the Blind. In Addis Ababa City Administration, YemisrachCenter, a non-governmental training center for the blind exist.

¹¹⁷ Federal Democratic Republic Government of Ethiopia. Education and Training Policy. Addis Ababa: St. George Printing Press. (1994).

¹¹⁸ The Education and Training Policy of Ethiopia (N117 above) p. 14.

¹¹⁹ The Education and Training Policy and Its Implementation, available at http://www.Planipolis.iiep.UNESCO.org/.../Ethiopia/Ethiopia_education_policy_implementation.pdf, (accessed on October 7, 2016), p. 76.

¹²⁰ The Education and Training Policy and Its Implementation, (N 119 above) p. 77.

teachers.”¹²¹By virtue of the non-participation of the government, millions of preschool age children could not get education.¹²² It is interesting to note that this long-standing policy was promulgated by the Transitional Government of Ethiopia.

Considering that quality of education requires the introduction and proliferation of preschool education, the Ministry of Education¹²³has made a milestone move by approving the National Policy Framework for Early childhood Care and Education.¹²⁴The long-awaited policy has brought a drastic change even in the number of attendees of preschool educational centers all over the country. For instance, “out of the estimated 7.51 million children of the appropriate age group (age 4-6), about 1.62 million [an increase of more than 16.4 per cent] children were reported to have access to pre-primary education all over the country.”¹²⁵The dramatic increase of the number of the attendees is attributable to the commencement of the state-sponsored delivery of preschool education in primary schools throughout the country.¹²⁶

3.3. THE LEGAL BASIS OF THE RIGHT TO PRESCHOOL EDUCATION IN ETHIOPIA

This section will delineate the framework reserved for preschool education in the Federal Constitution and other subsidiary legislations of the Addis Ababa City Administration.

The endorsement of federalism as a system of government was inaugurated in 1994.¹²⁷And the federal government was officially established since the 21st of August, 1995.¹²⁸The constitution

¹²¹The Education and Training Policy and Its Implementation, (N 119 above) p. 77.

¹²² According to the national framework report, the early childhood education enrolment rate in 2007/2008 is about 3.9%. Note that the number of the children is more than 7 million.

See, Central Statistics Agency: <http://www.csa.gov.et/index.php/2013-02-20-13-43-35/national-statistics-abstract/141-population>.

¹²³The Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation, 2010, Proc. No. 691, Fed. Neg. Gaz., Year 17 No. 1; Art. 10 (1).

¹²⁴MoE, MoH, &MoWA.National Policy Framework for Early Childhood Care and Education (ECCE): Addis Ababa: Ethiopia.(2010)

¹²⁵MoE (2010-2013). Education statistics annual abstract. Education management information system; Ministry of Education (MoE). Addis Ababa, Ethiopia.

¹²⁶Girma Lemma (N105 above) p. 45.

¹²⁷The Constitution of the Federal Democratic Republic of Ethiopia Proclamation, 1995. Proc. No. 1, Fed. Neg. Gaz., Year 1 No. 1.

¹²⁸ The Declaration of the establishment of the Federal Democratic Republic of Ethiopia Proclamation, 1995, Proc. No. 2, Fed. Neg. Gaz., Year 1 No. 2.

establishes a legislative, executive and judicial power sharing mechanism. The constitutional power sharing proviso entitles the Federal government to “formulate and implement the country’s policies, strategies and plans in respect of overall economic, social and development matters.”¹²⁹ In consequence, it is within the competence of the Ministry of Education to “determine the educational curriculum offered at the level of senior secondary schools, higher education institutions and training institutions of a similar status, and the type and standard of certificates to be awarded to students.”¹³⁰

On the contrary, the formulation and execution of State-specific “economic, social and development policies, strategies and plans”¹³¹ is reserved to the State Councils. Accordingly, the Addis Ababa City Administration having been constituted by a proclamation passed by the House of Peoples’ Representatives¹³² and followed by a legislation that provides for the vertical and horizontal division of powers within its constitutional sphere,¹³³ is duty bound to ensure the enforcement of the Education and Training Policy and curriculum in its entirety in the areas of secondary and higher education. Specifically, it is the Education Bureau of the City Government that has the authority to “prepare elementary level curriculum . . . in compliance with the national education policy, strategy and standard and in consideration of the prevailing situation of the City Government.”¹³⁴ Moreover, the Bureau can pass directives in pertinence with its competence.¹³⁵ In addition to “ensur[ing] the implementation of policies, laws and standards and the decisions of [Education Bureau, the Education Offices in each of the Sub-cities], administer

¹²⁹ The Federal Constitution (N127 above), Art. 51 (2).

See also Article 55 (10) of the Constitution that empowers the House of Peoples’ Representatives to approve general policies and strategies of economic, social and development.

¹³⁰ The Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation, 2015 Proc. No. 916, Fed. Neg. Gaz., Year 22, No. 12, Art. 32 (2). See also, the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation (N123 above) Article 21 (3).

¹³¹ The Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation (N 130 above) Article 52 (2) (c).

¹³² The Addis Ababa City Government Revised Charter Proclamation, 2003 No. 361, Fed. Neg. Gaz., Year 9 No. 86.

¹³³ The Addis Ababa City Government Executive and Municipal Service Organs Reestablishment Proclamation, 2012 Proc. No. 35, Addis Ababa Negarit Gazeta, Year 4 No. 35.

¹³⁴ The Addis Ababa City Government Executive and Municipal Service Organs Reestablishment Proclamation (N133 above) Article 19 (2).

¹³⁵ The Addis Ababa City Government Executive and Municipal Service Organs Reestablishment Proclamation (N133 above) Article 19 (2).

technical and vocational schools as well as secondary schools and supervise private schools.”¹³⁶ More specifically, it is the mandate of a Wereda to “follow up and supervise kindergartens, primary and secondary schools that are functioning in it.”¹³⁷ It is important to indicate, at this juncture, that the Education Bureau of Addis Ababa did not so far issue a directive with respect to preschool education in the City. Instead of a directive, the Education Bureau of Addis Ababa has prepared a manual and Kindergarten Standard in 2003 E.C. the manual and standard serve the Wereda authorities to check the competency of private preschool education institution.

To hark back, education is one of the social services every State is expected to make available for its citizens. As a matter of fact, Ethiopia is under “obligation to allocate ever increasing resources to provide to the public education.”¹³⁸ The enforcement of this social service is spearheaded by the Ministry of Education.¹³⁹ More specifically, the Charter guarantees to the residents of Addis Ababa “the right to get services to be rendered by the City Government in accordance with the principles of equality, transparency and equity.”¹⁴⁰ This proviso is the direct reflection of Article 41 (3) of the Constitution that appears “[e]very Ethiopian national has the right to equal access to publicly funded social services.” Education being a social service, every resident of the City is guaranteed the right to education in line with the Education and Training Policy of the country. As per the policy, public funding is available for primary, secondary and higher education. This provision begs the question: what about social services that are not funded by the government? A possible answer will be, the residents should have a financial capacity to enjoy those rights so long as they are provided by private institution or present a proof of their poor status to benefit from the handouts made available by non-governmental organizations or religious institutions.

¹³⁶The Addis Ababa City Government Executive and Municipal Service Organs Reestablishment Proclamation (N133 above). Article 66 (2\8).

¹³⁷ The Addis Ababa City Government Executive and Municipal Service Organs Reestablishment Proclamation (N133 above) Art. 74 (8).

¹³⁸The Addis Ababa City Government Executive and Municipal Service Organs Reestablishment Proclamation (N133 above) Article 41 (4).

¹³⁹ The Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation, 1995, proc. No.4, Fed. Neg. Gaz., Year 1 No. 4.

This proclamation is amended every five year; in between, few amendments have been passed. The most recent being Proc. No. 916 (N130 above).

¹⁴⁰The Addis Ababa City Government Revised Charter (N132 above) Art. 7 (2).

The controversial status of preschool education in international human rights regime is dealt with extensively under the previous chapter. Except the CEDAW, no standard-setting convention of the UN system provides for the right to preschool education. The researcher has further indicated under Section 2.4 that, through General Comment No. 7, The UN Committee on the Rights of the Child has provided an interpretative guideline on the status and nature of the right to preschool education. On this basis, it will be analyze the status of the right to preschool education in Ethiopia.

Ethiopia is committed to all of the major human rights conventions concerning the rights of the child: children of all sex, girl, or disabled. As a result, Ethiopia is duty bound to ensure the availability of preschool education for female children for it has ratified CEDAW. Moreover, Ethiopia should consider the interpretative guideline provided by the UN Committee of the Rights of the child. Moreover, Ethiopia needs to commit herself fully for the realization of the precepts of the International Covenant on Economic, Social and Cultural Rights. Particular focus should be given to the obligations under Arts. 11 and 13 although both provisions do not mention preschool education explicitly. In this context, the General Comments forwarded by the ESC Committee, i.e., General Comment Nos. 11 and 13, are of greater importance. Peculiarly, General Comment No. 13 details the features of education: availability, accessibility, acceptability and adaptability, issues that are going to be addressed under the next chapter. We cannot, however, conclude safely that these international commitments suffice to establish the existence of the right to preschool education in Ethiopia.

From the outset, the Federal Constitution does not contain any provision that recognize the right to preschool education. To add insult on injury, the Education and Training Policy did not provide for the provision of public fund for the expansion of preschool education. Rather, the government desires to support the private sector and other religious or non-governmental institutions who make preschool education available.

With respect to children with visual or hearing impairment, the stand the Federal Constitution takes is philosophically wrong in today's world. Today, the international community is following the right-based approach. Ethiopia is lingering for the Constitution ascribes the charity model as can clearly understood by the perusal of Article 41 (5) that reads: “[t]he State shall, within

available means, allocate resources to provide rehabilitation and assistance to the physically and mentally disabled, the aged, and to children who are left without parents or guardian.”By far, the provision does not include sensory impairment as are visual and hearing impairment denote. Similarly, Article 9 (5) of the Charter limits itself to “mak[ing] the City a place where the well-being and comfort to residents are safely kept and particularly where children, women, the disabled, the elderly and other disadvantaged segments of society avail themselves of special support.”The Charter replicates the constitutional provision rather than making use of a stronger wording that can attribute a right on children with visual or hearing impairment. A positive move was taken by the Education Bureau’s manual. The manual assumes that all preschool education institutions admit children with visual and hearing impairment. Accordingly, it stipulates that kindergartens should make available all teaching aids for children with hearing or visual impairment.¹⁴¹

On the whole, preschool education in Ethiopia enjoys a long history. Initially, it was conducted in the compounds of churches and mosques. State sponsorship was extended to preschool education during the reign of Emperor Menelik. After a long pause, the expansion of preschool education has taken a new shape during the reign of the Provisional Military Administration Council. In addition to institutionalizing preschooling, the Derg government started training preschool teachers.

After the 1990s, preschool education was marginalized. The actors of the sector were principally private investors, religious institutions and non-governmental organizations. The Education and Training Policy dictates the role of the government as being standard-setter or provider of land for those who are interested to build a preschool education provider.

Nonetheless, 2010 has changed the fate of preschool education somehow for there was introduced a new policy geared towards the expansion and public investment in the sector. The passing of the policy by itself played a significant role in the increment of the number of attendees.

¹⁴¹ The Addis Ababa City Administration Education Bureau preschool institution manual and checklist (August 2003 E.C), paras. 1.13.2 and 1.13.3 respectively.

The status of the preschool education is not different from that of the international system. The constitution and other subsidiary laws do not provide for a preschool education as a right recognized for Ethiopian children. The same is true for children with visual or hearing impairment. Even, the laws are lingering in that they adopt the outdated charity model.

CHAPTER FOUR

BETWEEN THE IS AND IS NOT: THE REALIZATION OF PRESCHOOL EDUCATION IN PRACTICE

In the foregoing two chapters, the researcher have dealt with the philosophical and normative basis of preschool education.

The second chapter provided the historical background of preschool education. It was indicated under that chapter that preschool education dates back to the Greek Civilization. More importantly, the development of preschool education was highly embarked on in the 19th century in Europe and North America.

Basically, two policy directions were rationalized: the interests of the child and the engagement of mothers in the labour market.

In the context of Africa, the destruction of colonialism dawned preschool education. Nations like Kenya and Uganda took a preponderant position in this regard.

In connection with the normative development of preschool education internationally, the second chapter provided that although the main human rights instruments on children do not directly provide for the right, the UN Committee on the Rights of the Child, in its General Comment No. 7, indicated that the provisions on education should be interpreted as including the right to preschool education. In contradistinction, CEDAW vests in girls the right to preschool education directly.

The fate of children with visual and hearing impairment is not fully addressed in international human rights instruments; in fact, we should bear in mind that the provisions for education on the UNCRC are equally applicable for these groups of children. It should as well be borne in mind that the UNCRPD does not provide for a distinct right to preschool education.

4.1. GENERAL INFORMATION ABOUT THE KEY INFORMANTS

With the target of assessing the realization of the right to preschool education in practice, the researcher has collected first-hand information from various stakeholders. The participants range from preschool educators, representatives of Education offices of Weredas, to representatives of associations of the persons with visual and hearing impairment. The representatives of national associations account for 8.69 per cent (N equals 2).¹⁴² Representatives of public offices account for 13.04 per cent (N equals 3).¹⁴³ The schools run by NGOs account for 13.04 per cent (N equals 3).¹⁴⁴ Private pre-primary schools account for 26.08 per cent (N equals 6).¹⁴⁵ And finally, public pre-primary schools account for 43.47 per cent (N equals 10).¹⁴⁶

In relation to their personal identity, 21.33 (N equals 5)¹⁴⁷ are persons with disability. Aynalem and Hiwet are persons with hearing impairment while Bezunesh, Geremew and Sisay are persons with visual impairment. 26.08 (N equals 6)¹⁴⁸ per cent of the respondents were male while the remaining 73.91 per cent (N equals 17)¹⁴⁹ were females. The assessment will be made in the light of the parameter spelt out by the ESC Committee as discussed under Chapter 2 sub-section 2.4 above.

¹⁴²HiwotGetachew, director, National Association of the Deaf, October 10, 2016; SisayMammo, Head of the special education department, Ethiopian National Association of the Blind, November 3, 2016.

¹⁴³AbebeMekuria, special needs and multi-sector specialist, the Arada Sub-city Education Office, October 2, 2016; AschalewAdbaru, Special needs professional, the Education Bureau of the Addis Ababa City Administration, October 24, 2016; and Tsegaye, curriculum specialist, Wereda 6 of Arada Sub-city, October, 14, 2016.

¹⁴⁴AynalemAsfaw, Director, Co-Action Pre-primary school for the Deaf, November 2, 2016; BizuneshMergineh, Teacher and Braille trainer, German Church School, October 20, 2016; and GeremewNigatu, Braille teacher, Yemsrach training center, October 20, 2016.

¹⁴⁵Paragon Private pre-primary school; Amest Kilo Private pre-primary school; St. Gabriel pre-primary school; AbuneGorgorios preschool center; St. Trinity preschool Center and John F. Kennedy pre-primary school.

¹⁴⁶AtseFasil Pre-primary school; Ethiopia Tikdem pre-primary school; Africa Andinet Preschool Center; Arbegnoch preschool center; Hibret pre-primary school; MelkamErmijachew preschool Center; Meskerem preschool center; Genet pre-primary School; Menelek II pre-primary school; and Africa Andinet No. 2 preschool center.

¹⁴⁷AynalemAsfaw (director of the Co-Action pre-primary school of the deaf), BezuneshMergineh (German Church), GeremewNigatu (Yemsrach Center), HiwotGetachew (National Association of the Deaf) and SisayMammo (National Association of the Blind).

¹⁴⁸AbebeMekuria, AkililuDesalegn, AschalewAdbaru, GeremewNigatu, SisayMammo, and Tsegaye.

¹⁴⁹Addis Worku, Askale Belay, Asnakech G/selassie, AtsedeKassaye, AynalemAsfaw, AynalemAsfaw (2), BizuneshMergineh, {St. Gabriel pre-primary school}, Etetu Abate, EyerusHailu, FernusAbebe, Genet Shitaye, {Genet pre-primary School}, HiwotGetachew, Martha Belete, MesseretTesfaye, MesseretZelalem, and ZemetuWoldesemayat.

4.2. THE AVAILABILITY OF PRESCHOOL EDUCATION FOR CHILDREN WITH VISUAL AND HEARING IMPAIRMENT

Even though the number is few, there are preschool providers that enroll children with visual or hearing impairment.¹⁵⁰ Mr. Aschalew, building on his claim, said that: “In relation to children with hearing impairment, Yekatit 23 pre-primary school has a special class. Moreover, the Alfa pre-primary school in Bole Sub-city gives due attention to these children.” Similarly, Hiwot Getachew, the director of the Association of Deaf people, confirmed the claim of Mr. Aschalew saying “We know the existence of inclusive schools such as Menelik II, Eyerusalem, Victory, Alfa and Mekanisa all of which teach deaf children in an inclusive environment.” The director of the Co-Action Preschool for the Deaf Children, Mrs. Aynalem Asfaw, in agreement with Mrs. Hiwot Getachew claims that “after completing preschool education, the children join Menelik II, Yekatit 23 and Alfa inclusive schools.” In furtherance, Mr. Tsegaye, the curriculum specialist at Wereda 6 of Arada Sub-city, reported of the existence of 1 State-owned and 8 private preschool centers that serve around 1800 students very few of whom are children with disability. Most children with disability are learning in the public preschool, i.e., Genet preschool.

The need of visually impaired children in preschool institution is underserved in the Arada Sub-city in particular and in the City Administration at large. Mr. Aschalew unhesitatingly stated in this regard as follows: “In relation to preschool education of children with visual impairment, except German Church School, that offers inclusive education for blind children, I don’t know any governmental school that teaches Braille in Addis Ababa.”¹⁵¹ With the prime aim of verifying the assertion of Mr. Aschalew, the researcher interviewed Mrs. Bezunesh, a teacher at German Church School. By then, she said that she is blind and is employed to teach Braille for children with visual impairment. Moreover, Mr. Geremew Nigatu, a teacher at Yemsrach Center claimed that “This center is established primarily to make Braille training available to persons who lost their sight in their later age. Mostly, if children of preschool age come to the Center, we refer them to boarding schools. If however the parents are not willing to send their children’s to boarding schools, we teach them here. It is the responsibility of the parents to bring the children

¹⁵⁰ Aschalew Adbaru, a special needs professional at the Education Bureau of the Addis Ababa City Administration: October 24, 2016

¹⁵¹ Aschalew Adbaru, (N150 above).

to the Center every morning.”¹⁵²This means 90 per cent of the preschools (N equals 20)do not offer Braille for visually impaired children.

The availability of preschool education for children with visual or hearing impairment is assured by the assignment or employment of special needs professionals.Regarding this, after indicating the presence of not less than 15 preschool providers in his Sub-city, Mr. AbebeMekuria, A head of special needs and multi-sector specialist of the Arada Sub-city Education Office, said that “all preschools have a special needs professional; we avail professionals with the expectation that if the children come, they should get the service.” The outcome of the interview, however, does not confirm the assertion of Mr. Abebe. For instance, except the Yemsrach Center, a school for the blind, and the Co-action preschool center of the deaf, of the twenty preschool providers, the majority do not have special needs professionals (N equals 11). Most importantly, the non-availability of special needs professionals at Genet Preschool Center,¹⁵³a school, according to the words of Mr. Tsegaye, highly chosen and, in fact known to enroll these groups of children, shows how far these children are underserved.

The remaining nine preschool providers can be categorized into three.The first category includes those schools that have trained special needs professionals (N equals 3).¹⁵⁴The second category includes schools that have teachers who took a course during their training at Kotebe University for a Diploma (N equals 2).¹⁵⁵ The third category includes schools that have teachers pursuing special needs education in Addis Ababa University (N equals 2).¹⁵⁶The question that requires a firm response is: are the special needs professionals or those in their way of accomplishment equipped with the necessary Braille and sign language knowledge?

Regarding the above question, the researcher learned that it is only in the specialized schools– Yemsrach Center of the Blind and the Co-Action preschool center of the Deaf thateffectively teach Braille and sign language.In addition, the German Church offers Braille by using a blind teacher who got the knowhow of Braille in a boarding school. In the remaining seventeen

¹⁵²GeremewNigatu, Braille teacher at the Yemsrach training center, 20/10/2016

¹⁵³The coordinator of Genet preschool October 27, 2016 said, when such kinds of children come to us after discussing with the Werad we refer them to Minelik II.

¹⁵⁴ Paragon, Abune-Gorgorios and St. Gabriel Private pre-primary schools.

¹⁵⁵Meskerem, a public pre-primary preschool center, and John F. Kennedy, private pre-primary school.

¹⁵⁶Ethiopia Tikdem and Arbegnoch public pre-primary schools.

schools, there are no teachers with the requisite Braille or sign language knowledge. For example, Mrs. Messeret Tesfaye, coordinator at Menelik II pre-primary school, reported that the school she is heading does not have a teacher who can teach Braille or sign language. She further indicated that they will only give those children a treatment as they do for other non-disabled children. Bear in mind that most of the pre-primary schools send children with disability to Menelik. With respect to the importance of special needs education of Kotebe University College for acquiring Braille and sign language, interviewees noted that for the course was given in the summer semester, they didn't have enough time to capture the whole rules of knowing the signs to be transmitted by the fingers or using braille.¹⁵⁷ Confirming the result of the interview, Mr. Aschalew said at length:

With respect to the availability of proficient teachers, I should say that it is not in all schools that there are teachers with the requisite knowledge of Braille or sign language. It is attributable to limited supply of those teachers. Secondly, the gap in the awareness is playing a negative role for the administration of inclusive education. In furtherance, the limited focus of the Preschool Strategy on the provision of education to this groups of the nation has played a significant role in this regard.

Coupled with the absence of proficient teachers of Braille, the nonexistence of uniformly applicable standard of Braille teaching manual for preschool children has played a negative role.¹⁵⁸ While responding to this question, Mr. Sisay Mammo told the researcher that he knows the existence of a Braille manual for teaching Braille for older persons and that it is prepared by Yemsrach Braille School. He further noted that he doesn't know whether this manual can be used to teaching Braille to children of preschool age. Geremew Nigatu, a teacher at Yemsrach, nonetheless, told the interviewer that "the Center has a book that can be used to teach novices. In addition, Geremew noted of the existence of a special Braillette Board that contains the six dots and sixty-three Braille signs. The teachers of the Center teach the children the techniques commencing with the placement of the fingers, writing, and reading." In addition to the

¹⁵⁷Genet Shitaye, director of Meskerem preschool center, 24/10/201; Zemetu Woldesemayat, vice-director of John F. Kennedy preschool center, October 29, 2016.

¹⁵⁸Sisay Mammo, the head of the special education department of the Ethiopian National Association of the Blind, October 20, 2016.

Yemsrach Center, German Church has reported the existence of a braille teaching textbook. BezuneshMergineh said: “The school has a five-volume Braille teaching book. The book was prepared to train Braille for the adults, those who lost their sight in their later ages. Since the textbook is prepared for adults it does not take in to consideration the level of understanding of children due to this it makes them confused to understand it easily. Even though, I use that book to teach Braille for these children.” The question this research is not meant to address, but important in connection with teaching Braille to preschool children, is the standard of the Braille teaching textbooks found in German Church and Yemsrach Center. Hence, at this moment, I cannot conclude that the textbooks are of or below standard.

4.3. THE ACCESSIBILITY OF PRESCHOOL EDUCATION FOR CHILDREN WITH VISUAL AND HEARING IMPAIRMENT

The participation of visual and hearing impairment children in pre-primary schools is really limited.

To start with, three pre-primary schools, i.e., MelkamErmejachew, Africa Andinet and Arbegnoch (15 per cent or 1 out of 7), had the experience of teaching students with low-vision. German Church and Yemsrach Center (10 per cent), for both have Braille teaching textbook and the later established to address the cause of the blind, have an immense experience of teaching blind or low-vision children. These schools account for only 25 per cent of the total schools under survey. The figure simply denotes that only 1 out of 4 schools had the experience of teaching visually impaired children.

Regarding the accommodation of the low-vision child in their school, FernusAbebe, teacher at the MelkamErmijachew pre-primary school, disclosed as follows:

I had child by the name Kirubel; he is a low vision; he couldn't see the alphabets on the blackboard and therefore, cannot read or even write. I encourage him by giving him pen and exercise book. That is the support I gave, if at all, this is a support.¹⁵⁹

AtsedeKassaye, the Vice-director at African Andinet preschool center, in her part, said that “Identifying their problems, we change their setting. Except changing their chairs on the basis of

¹⁵⁹FernusAbebe, Teacher, MelkamErmijachew preschool, October 17, 2016.

their personal difficulty, we took no other steps.”¹⁶⁰ Finally, AynalemAsfaw, the Director of the Arbegnoch Pre-primary School recounted that except magnifying eye-glasses, the children with low-vision were not given any accommodation.

The condition of Children with hearing impairment is not as such different from the blind ones. According to the results of the interview, it is only three schools that have the experience of teaching children with low-hearing capacity: the African Andinet Preschool Center, Africa Andinet No. 2 Preschool Center, and St. Gabriel Pre-primary School. These schools account for only 15 per cent of the total schools under survey. The figure simply denotes that only 1 out of 7 schools had the experience of teaching children with low-hearing impairment. The Co-Action Pre-Primary School of the Deaf (accounting for five per cent of the schools under survey) avails education for children with total deafness.¹⁶¹ In totality, the schools that taught children with low or total hearing impairment account for only twenty per cent (1 out of 5).

The accommodation that was granted to the children was minimal. Atsedekasaye speaking to this end said: “We take the students with low-hearing capacity to the front chairs, talk in their adjacency or sing nearby or help them understand from the actions of their non-disabled peers.” MesseretZelalem, in her part, said: “We were able to interact with the student with low-hearing capacity by sign or talking nearby. I don’t think that this is enough. If there was a professional, he could have an equal participation with his non-disabled peers. We have sent him to another school.”¹⁶²

On the whole, 40 per cent of the schools under survey have the experience of teaching children with low or total impairment (of the 20 schools, only 8 taught these groups of children).

Meanwhile, ninety per cent of the interviewees admitted that their school will not decline the enrollment of children with visual or hearing impairment. Some of the respondents justified their enrollment with the mandatory policy direction of the City Administration. Schools such as

¹⁶⁰Atsedekasaye, Vice-director, African Andinet preschool center, October 27, 2016.

¹⁶¹AynalemAsfaw, director of the Co-Action Preschool for the Deaf Children, said,

We admit a limited number of deaf children every year. Mostly, children come from far places. Children with low-hearing capacity attend school in the nearby preschool. So, it is only wholly deaf students who are enrolled in our school. A point worth mentioning is that the current inclusive education policy of country paved the way for the attendance of preschool education for the deaf in all schools.

¹⁶²MesseretZelalem, coordinator at Africa Andinet No. 2 preschool center, October 14, 2016

AtseFasil, Meskerem Preschool Center, Menelik II, and Africa Andinet No. 2 fall in this category. Others reasoned that their enrollment emanates from the universal right of the children. Here do fall the Co-Action, Yemsrach Center and German Church Pre-primary schools. Still others told to the researcher that, the teachers in the school have at least a limited knowhow of Braille or sign language, they will admit both groups of children.¹⁶³The only private pre-primary schools that justified the enrollment of both groups of children on the existence of qualified teachers is Abune-Gorgorios. In the other spectrum, Paragon and St. Gabriel private pre-primary schools told the researcher that they will decline the enrollment of blind or deaf children for they don't have teachers with the requisite Braille or sign language knowhow.

The perusal of the above paragraphs shows a negative correlation. That is, the number of pre-primary schools and the number of non-disabled children outnumber the number of blind or deaf children that are served within the pre-primary schools in the Arada Sub-city. The negative correlation puts a negative impact on the accessibility of the schools by the blind and the deaf. According to Abebe Mekuria, accessibility was not achieved because most of the teachers in preschools do not know sign language or braille. He further claimed that "Although teachers graduating from Kotebe University College have the knowledge, they don't usually use it; the reason could be the blind or deaf children do not come to the schools."¹⁶⁴ Similarly, as per Aschalew Adbaru, although there is an attempt to make preschool education accessible to children with visual or hearing impairment, it cannot be said that there is a full access. According to him, in order to say that the service is accessible, there should be resources, and proficient teachers in the absence of which we should not dare to say that preschool education is accessed by these groups of children. Tsegaye¹⁶⁵ argued that accessibility is limited intentionally. More specifically, he said "Majority of the children are served in private preschools. They, I doubt, do not admit disabled children. They claim that the children do not pass the entrance exam. I feel that their attitude is intentional discrimination."¹⁶⁶ In relation to the proficiency of the teachers, Sisay Mammo said: "colleges and universities train special education professionals. These

¹⁶³ Africa Andinet and John F. Kennedy pre-primary schools.

¹⁶⁴ Interview with Abebe Mekuria, special needs and multi-sector specialist at the Arada Sub-city Education Office: November 2, 2016.

¹⁶⁵ Tsegaye, curriculum specialist at Wereda 6 of Arada Sub-city, November 14, 2016.

¹⁶⁶ Tsegaye, (N 165 above).

professionals take Braille as a course. Most of them, however, lack the ability to write or read Braille. This inability is attributable to the ill-administration of the course. At times, the professionals change their work; those who are employed in various schools do not offer the education for there never exist the necessary materials.”¹⁶⁷With respect to the availability of proficient teachers, Aschalew Adbar believes that “it is not in all schools that there are teachers with the requisite knowledge of Braille or sign language. It is attributable either to the limited supply of those teachers.”

4.4. BETWEEN INCLUSION AND EXCLUSION: THE ENFORCEMENT OF INCLUSIVE EDUCATION IN PRESCHOOL EDUCATIONAL INSTITUTIONS

The foregoing sub-section has dealt with the accessibility of pre-primary schools for with visual and hearing impairment children. Thereunder the researcher saw that private schools opt out these groups of children intentionally by employing pretentious exams or the absence of proficient teachers of Braille or sign language. They, however, claiming that as the policy direction of the nation obliges them, they are ready to enroll blind or deaf children. The most striking question we have to respond to is the fate of blind or deaf children to learn in an inclusive environment—an environment that effectively and successfully produces educated blind or deaf children. Going through the responses of the interviewees, the result emerged. In simple terms, schools do misuse the “socially constructed separate grouping”¹⁶⁸ thinking to exclude these groups of children.

Mr. Abebe Mekuria assertively stated that “the provision of inclusive education is the plan of the City Administration. However, as a Sub-city, we didn’t take any stride in implementing the plan.” It is a striking truth to observe that it is only the German church school that effectively administers inclusive education and, therefore, as Bezunesh Mergeneh recounts this school can be taken as a model enforcer of inclusive education for the school Teaches blind children with their non-disabled peers.¹⁶⁹ It is indicated under the previous sub-section that there are couples of

¹⁶⁷Sisay Mammo, (N158 above)

¹⁶⁸Susie Miles and Nidhi Singal “The Education for All and Inclusive Education debate: Conflict, contradiction or opportunity?” *International Journal of Inclusive Education* Vol. 14 No. 1 (2010) p. 3.

¹⁶⁹Bizunesh Mergeneh, teacher and Braille trainer at German Church, October 20, 2016.

schools wherein children with low-vision or low-hearing impairment and that they are not effectively included in the teaching process.

According to Mr. Aschalew Adbaru, there are different modalities of inclusion: for instance, inclusion can be understood in terms of availing special classes within the compound of school that teaches non-disabled children. In view is the provision of the regular courses in sign language in a separate class. At times, children with hearing impairment attend classes with their non-disabled peers. None of the schools under survey reported that they have classes specially assigned to teach these groups of children within the same compound. More specifically, Mr. Aschalew's argument is somehow true with respect to children with low-vision or low-hearing impairment attending their education within the schools but in the absence of a specially trained Braille or sign language teacher. By raising questions such as, are there necessary educational materials? Do the teachers know sign language? Are there propitious educational environment to equally accommodate deaf and auditory children? Mrs. Aynalem Asfaw, the director of the Co-Action Pre-primary School of the Deaf believes that an effective implementation of inclusive education in a preschool environment needs the ease of these questions. The most difficult challenge while administering inclusive education in a class a deaf child is present is the difficulty to speak two languages simultaneously. Aynalem claims "the difficulty will be more in mathematics or physics classes. These classes are difficult for sign language interpreter as well." Hiwet Getachew, the director of the National Association of the Deaf, supporting the stance of Mrs. Aynalem argues: "it is known that the mother tongue of the deaf community is sign language. In absence of qualified teachers, it is not possible to implement inclusive education effectively."

In connection with inclusive education for blind children, the practice and the thinking do not match. Mr. Sisay Mammo, the Special Needs head at the National Association of the blind, argued that it is impossible to teach Braille in an inclusive environment particularly in preschool institutions. He, however, does not disagree with the possibility of administering inclusive education in a class within which a child with low-vision learns so long as there are magnifying resources.¹⁷⁰ Mr. Aschalew does not agree with Mr. Sisay. Aschalew argued that "for visually

¹⁷⁰Sisay Mammo, (N158 above).

impaired children do not need an extensive modification, teaching them in a regular classes is not as difficult as teaching deaf children.¹⁷¹ “His best example being German Church School.

On the whole, an effective administration of inclusive education needs the presence of proficient teachers’ of Braille or sign language within pre-primary schools in order to say that children with visual or hearing impairment children should attend education within the community of the non-disabled. In the absence of the resources, and proficient teachers, it will be difficult to conclude that a child with visual or hearing impairment will get an equal level of knowledge to the non-disabled in their stay for three years in the centers. An overall evaluation of the administration of inclusive education within an ordinary schooling equates with the adaptability and acceptability feature of the ESC Committee. However, the overall assessment of the schools in the Sub-city discloses that there is no school that effectively and successfully implemented the principle of inclusive education. The effective and successful implementation of inclusive education requires the presence of all the necessary teaching materials and proficient teachers to within a school environment. Thus it is possible to conclude that right to preschool education for children with visual and hearing impairment children is underserved.

¹⁷¹Aschalew Adbaru (N150 above)

CHAPTER FIVE

CONCLUSION AND RECOMMENDATION

5.1. CONCLUSION

The principal objective of this research work was the examination of an assessment of the realization of the right to preschool education for children with visual and hearing impairment in Ethiopia. Since education is the base to build once future life and it is also a means to exercise other human rights thus it is required to provide for all children without any discrimination.

The researcher tried to indicate the philosophical and practical challenges surrounding children with hearing and visual impairment. Furthermore, the researcher tried to review pertinent literatures on the historical development and justification of preschool education as a whole. Preschool education dates back to the Greek Civilization. This conclusion is reached at through the perusal of the thinking of writers such as Plato and Stoics. A visible expansion was observed during the 19th century particularly in Europe. The review unearthed that the role played by States and churches to expand preschool education was noteworthy. Meanwhile, the introduction and expansion of preschool education in Africa has taken shape with the collapse of colonialism.

In relation to the justifications for the development of preschool education, the review of the related literature surfaced the existence of two justification (1) children below the age of obligatory schooling are in need of public education (an idea which presupposes children to be already of an age at which they can be publicly educated); and (2) to promote the reconciliation of care work and paid work – a goal which may justify public child care for children of any age. the policy motive around "the need of the child" builds on two related but independent assumptions: first, the cognitive development and socialization of a child demands an effective and efficient implementation of preschool education for tender age child; second, the political, economic, and societal values of a society can be grasped easily only if it is inculcated at the earlier ages of a child.

The second justification for the proliferation of preschool education as a whole was the opening up of the labour market for mothers. That is to say, the move towards the liberation of mothers ushered in a need for the expansion of institutions that offered preschool education for children

of 4-6 age. No one will doubt, on whatever justification preschool education is based, the need of expanding and institutionalizing an effective and efficient mechanism for the implementation of preschool education everywhere.

Preschool education is catalyzed by the democratic revolutions in Europe and in Americas. And preschool education has received an increasing attention from inter-governmental organizations such as the League of Nations and the United Nations Organization. A particular focus was given to the establishment of free-universal-primary-education for all children at this juncture. Exemplary were the 1924 Declaration, the 1959 Declaration, and the 1989 Convention all of which addressed the cause of children. The researcher gleaned from the review that the above instruments nowhere addressed the establishment of preschool education. In negation, the Convention for the Elimination of All Forms of Discrimination against Women stands alone in the recognition of the right to preschool education for girls of preschool age.

Noting the failing of the Convention on the Rights of the Child, the Committee on the Rights of the Child recommended under General Comment No. 1 that States Parties should understand Article 28 of the Convention as including the right to preschool education. Such a holistic interpretation will require States Parties to commit greater resource to enforce preschool education. More emphatically, the contribution of the ESC Committee is mentionable. In effect, the analysis of the Committee on the features of education—availability, acceptability, accessibility and adaptability serve as a measurable yardstick for the implementation of preschool education.

The separateness of children with disabilities is everywhere an issue requiring elaboration. In the context of the right to preschool education, it was the United Kingdom and the United States that spearheaded the need to include children with disabilities in the regular schooling system. It was indicated that the right of children with disabilities to education was inaugurated in the 1970s in the United States. The comparatively modicum attention given to these groups of children was discussed. At the international level, the passing of the 1971 and 1975 Declarations, and the inauguration of the 2006 Convention on the Rights of Persons with Disabilities evinces their separateness. Of greater import, at this juncture, is the disclosure of the CRC Committee on the illiteracy of the majority of children with disabilities in developing countries. Accordingly, more

needs to be done to avail education for these groups of children. Finally, the fate of children with visual and hearing impairment is critical.

The historical roots and development of preschool education in Ethiopia, in this context, although the history of preschool education was old, the absence of written materials about its age debilitated the conclusion. It is, however, important to indicate that the institutionalization of preschool education by the intervention of the State is not as such different in terms of years to the Europeans. For instance, preschool education began in the first quarter of the 20th century in DireDawa. In furtherance, the military regime has institutionalized preschool education by establishing a specialized commission and the first institute to teach teachers for preschool educational centers. The current government, although left the fate of preschool education to private investors in the first 20 years, now became an owner after the passing of the policy in 2010. Currently, in addition to private schools, public schools are prepared to deliver preschool education for children of four to six. The fate of children with visual and hearing impairment was to be left to the support of boarding schools administered by philanthropists except the SabataMerha-Ewiran.

The stand of the Federal Constitution is not different from that of the international Conventions or declarations. That is to say, no provision in the constitution establishes preschool education as a compulsory right to be made available by the State. It can, nonetheless, be argued that Art. 41(5) should be interpreted as containing the right to preschool education. Besides to this, the subsidiary laws nowhere provide for the right to preschool education. In relation to the institutional framework of preschool education, preschool education falls under the jurisdiction of Regional States. Hence, the role to be played by the Bureau of Education, Sub-City Administrations and Weredas is divided in that the significant role is to be played by the Weredas.

In connection with children with visual impairment children, the researcher has found out the availability of couples of boarding schools that offer education for blind children. However, their fate is neglected. No special law exists with respect to the accommodation of children with hearing or visual impairment in mainstream preschool education system. The manual that deals

with preschool education only provides for the opening up of educational centers for these groups of children. However, there are no provisions that force schools to admit these children.

In relation to the practice of the preschool education, the researcher has tried to assess the availability, accessibility, acceptability and adaptability of preschool education institutions to children with hearing and visual impairment in Arada Sub City. Some schools indicated that they enrolled children with visual or hearing impairment. But in both private and public preschools except giving treatment for these group of children, there is no any teaching materials and teachers who teach braille or sign language. Thus the right to preschool education is not available and accessible for children with visual and hearing impairment in both public and private preschools. Since this right is not accessible and available it is impossible to assess the other features of the right to education. Moreover, all of the preschools except Abune-Gorgorious reported the absence of special needs specialists in their school and, hence, this will play a negative role in their intake of children with hearing or visual impairment. Furthermore, as the research disclosed in some private preschools after the school understad as the child has hearing impairment the school refused to register the child in the coming semester due to her hearing impairment. This is the clear discrimination of the child based on her disability.

German Church and Co- action preschool have the experience of teaching children with visual and hearing impairment children respectively but the number of students which they received are limited. In German church school in order to register the student in the beginner class the age of the student must attained seven furthermore, the maximum number of visual impairment children that they register in each year are eight and in Co-action the number is even less than 5 children with hearing impairment. From this it is possible to conclude that visual or hearing impairment children have not the opportunity to attain preschool education as their non-disabled peers at the age of four. Even though, the number of children are small both schools Have teachers that can teach these groups of children in their school setting. Nonetheless, in both schools there is no standardized textbooks which can be used for the child.

To sum up, as the research assessed the realization of preschool education for visual and hearing impairment children in Addis Ababa, there are several problems in the exercising of their right to

preschool education. The major problems which are the hindrance for the realization of the right to preschool education for those children's' are:

- Preschool education is not clearly recognized as of right in nearly all international human right instruments which Ethiopia is a state party.
- The constitution of Ethiopia and subsidiary laws do not clearly recognized the right of preschool education for all children particularly for children with visual or hearing impairment children's.
- The education bureau of Addis Ababa, even if it has the authority to enact directives in relation to preschool education, it does not yet enact it.
- Almost all private preschools decline to register visual or hearing impairment children. but Few public preschools registered children with visual and hearing impairment children as of their students but in these schools there is no any service which accommodates the needs of visual or hearing impairment children.
- In all public preschools and nearly all private preschools there is no a special needs specialists.
- There is no standardized textbooks for children with visual or hearing impairment children in Ethiopia.
- All most all the preschool environment is not comfortable for mobility for visual impairment children and do not have playing equipment's for hearing or visual impairment children.

5.2. RECOMMENDATION

Here under the recommendation part of the study, I should mention that almost all the above listed problems do have their own respective suggestions which could be helpful to tackle the problems of the right to education for children with visual and hearing impairment children.

Furthermore, the recommendations are very helpful for policy makers, law enforcer institutions and for educational institutions which have direct connection with the right to education with children with visual and hearing impairment children in Ethiopia. The researcher recommend the following:

- To begin with, the right to preschool education, except in CEDAW, was not given a clear recognition. Hence, since Ethiopia is the state party to CEDAW it should amend its Constitution in line with CEDAW. Furthermore, subsidiary laws of Ethiopia was not given a clear recognition for the right to preschool education. Thus Subsidiary laws should provide for the right to preschool education clearly.
- The education bureau of Addis Ababa should enact disability sensitive directives to realize the right to preschool education for visual or hearing impairment children. Furthermore, the manual must be amended in order to oblige preschools to admit visual and hearing impairment children as their student.
- Addis Ababa Education bureaus must prepare standardized textbooks for visual and for hearing impairments children to teach braille and sign language in preschool level. In addition to the materials, there needs to be trained Braille and sign language teachers within each school that admits children with hearing or visual impairment. The fulfillment of these will facilitate the implementation of the inclusive education policy as spearheaded by Ministry of Education at Federal level and Regional Education Bureaus.
- The research exhumed the lack of follow-up mechanism. In this relation, some officials in the Arada Sub City reported about the presence of special needs professionals in each school while the fact was in the negative. This gap has resulted from the absence of officers that follow-up the implementation of inclusive education. Hence, the researcher recommend the assignment of officers in each Sub City.
- Currently the Addis Ababa bureau of education does not have special needs officers for preschool alone so the Education bureau should have assign special needs officer who can follow up the activities of the preschool education in both public and private preschool.

- The Ministry of Education should create a mechanism through which the associations of the blind and deaf will participate in the preparation of standard textbooks for the purpose of training efficient teachers to teach braille and sign language in preschool level.
- The ministry of education and the education bureau of Addis Ababa must give awareness about inclusive education for preschool teachers and for coordinators of preschools.
- The ministry of education shall give attention for special need education and shall train manpower in special need education in collaboration with universities.
- Since education started from the grassroots level to make visual and hearing impairment children equally competitive in their future academic career with their peers Ethiopia should make preschool education available, accessible, acceptable and adaptable for visual and hearing impairment children with the proficient teachers and with the necessary learning equipment's.
- The association of the blind and the deaf shall work in braille and sign language training for preschool teachers in collaboration with Addis Ababa education bureau.
- The preschools should have playing equipment's for visual or hearing impairment children as their non-disabled peers. And the compound of preschool should be made comfortable for mobility for visual impairment children.

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- ❖ Addis Worku, coordinator and teacher, AtseFasil Pre-primary School, October 21, 2016.
- ❖ AkliluDesalegn, Vice-director, Paragon Private pre-primary school, October 21, 2016.
- ❖ AschalewAdbaru, Special needs professional, the Education Bureau of the Addis Ababa City Administration, October 24, 2016.
- ❖ Askale Belay, Teacher, Ethiopia Tikdem pre-primary school, October 10, 2016.
- ❖ Asnakech G/selassie, Director, Amest Kilo Private pre-primary school, October 25, 2016.
- ❖ AtsedeKassaye, Vice-director, Africa Andinet Preschool Center, October 27, 2016.

- ❖ AynalemAsfaw, Director, Arbegnoch preschool center, October 10, 2016.
- ❖ AynalemAsfaw, Director, Co-action Pre-primary School for the Deaf children, November 2, 2016.
- ❖ BizuneshMergineh, Teacher and Braille trainer, German Church School, October 20, 2016.
- ❖ Director, St. Gabriel pre-primary school, November 5, 2016.
- ❖ Etetu Abate, Co-ordinator, Hibret pre-primary school, November 9, 2016.
- ❖ EyerusHailu, director, AbuneGorgorios preschool center, November 3, 2016.
- ❖ FernusAbebe, MelkamErmijachew preschool Center, October 17, 2016.
- ❖ Genet Shitaye, Director, Meskerem preschool center, October 24, 2016.
- ❖ GeremewNigatu, Braille teacher, Yemsrach training center, October 20, 2016.
- ❖ Head, Genet pre-primary School, October 27, 2016.
- ❖ HiwetGetachew, director, National Association of the Deaf, October 10, 2016.
- ❖ Martha Belete, Teacher, St. Trinity preschool Center, October 27, 2016.
- ❖ MesseretTesfaye, Coordinator, Menelek II pre-primary school, October 23, 2016.
- ❖ MesseretZelalem, Coordinator, Africa Andinet No. 2 preschool center, October 14, 2016.
- ❖ SisayMammo, Head of the special education department, Ethiopian National Association of the Blind, November 3, 2016.
- ❖ Tsegaye, curriculum specialist, Wereda 6 of Arada Sub-city, October, 14, 2016.
- ❖ ZemetuWoldesemayat, Vice-director, John F. Kennedy pre-primary school, October 29, 2016.

ANNEXES

GUIDE LINE FOR INTERVIEWS

These interview questions are prepared to gate information about the realization of preschool education for visual and hearing impairment children in Arada Sub City.

FOR EDUCATION BUREAU OF ADDIS ABABA AND CONCERNED OFFICIALS

1. Do you think visual and hearing impaired children have equal access for preschool education?
2. Is there any preschool which provides education for children with visually and hearing impaired children in Addis Ababa?
3. What measure have been taken to apply inclusive education in preschool level?
4. What possible solution do you suggest to provide equally assessable as their peers and quality preschool education for children with visual and hearing impaired children?

FOR THE NATIONAL ASSOCIATION OF THE BLIND AND THE DEAF

1. Does your association has any contribution on the educational affairs of children with visual or hearing impaired children in preschool education?
2. Where do you think children with visual impairment can learn braille in the inclusive education system?
3. Where do you think children with hearing impairment gat sign language training?
4. Do you think inclusive education is really applicable in preschool education for children with visually and hearing impaired children?
5. Is there any braille training which is given for preschool teachers by your association?
6. Does your association give sign language training for preschool teachers?

FOR SCHOOLS RUN BY NGOs

1. What kinds of services do your organization provides for visual impaired children?
2. Does your organization gives braille training only for persons with visual impaired in their later age what about children in born with visual impairment?
3. What will your organization will do if visually impaired children come to learn braille do you accept the child as your trainee of braille?
4. Does your school have textbook to teach brail for visual impairment children?
5. Does your school have textbook to teach sign language for hearing impairment children?
6. Is there any support for children for hearing impairment by the school?
7. Do you think inclusive education is applicable in the preschool levele?

FOR PRESCHOOL COORDINATORS

1. Has your school has special need workers?
2. Has your school is equipped with the necessary education materials for children with visual and hearing impairment children?
3. Do you think children with visual and hearing impairment have got the necessary skills as their peers in preschool?
4. Is the school environment is comfortable for mobility for visual impaired children?
5. Is the school is equipped with things for playing for children with visually or hearing impaired children?
6. Has your school have special classes for visually and hearing impaired children?
7. What looks like the interaction between the visual and hearing impairment children with the non-disabled children?

FOR PRESCHOOL TEACHERS

1. How you treat the children with visual and hearing impairment children in the class?
2. Have you got any training in relation to sign language and braille?
3. Is inclusive education is manageable in preschool class level?
4. Children as a whole needs special care in the class and out of the class besides to this when the child is a visual or hearing impaired what kinds of care do you take?
5. What do you think about the advantages and disadvantages of applying inclusive education in preschool level?
6. Do you think after completing the preschool program, can visually impaired children read and write braille? And what about hearing impaired children are they active in sign language after the preschool program?
7. Are children with visual and hearing impairment active at the time of playing and

FOR SPECIAL NEED WORKERS

1. What motivates you to study special needs?
2. Do you think inclusive education is really helpful for children with visual and hearing impaired children in preschool?
3. How do you evaluate the inclusive education is it a real inclusive for children with hearing and visually impairment?
4. As a professional what do you suggest to provide equally available and accessible preschool program for children with visual and hearing impairment?

