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**State constitution and its Implementation on the Educational Rights
of PWD: In case of Damot Woyede Woreda, Wolayeta-Zone,
SNNPR, Ethiopia**

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Declaration

I, the undersigned, declare that this thesis is my own work. It is my original work and it has not been presented in any other university so as far as my knowledge is concerned. Besides, all the materials used in this work have been cited and suitably acknowledged.

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Abstract

The main objective of the study was to assess the state constitution and its implementation on the educational rights of persons with disability in Damot Woide Woreda in some selected primary school. So as to address its own basic research questions which were,

To what extent does the state constitution has been exercised and promoted by the local government to properly address the rights of PWD education?

Are they practically implemented ?. Does the practice of state constitution implementation at the local level been contributing to effectively address the rights of PWD education?

What are the challenges and prospects of implementation of the state constitution at local level to effectively address the rights of PWD education?

What the contributions of supervision on local level state constitution implementation for addressing the rights of PWD?

In order to achieve the purpose of the study, purposive sampling techniques were employed to obtain the data. The data were collected through interviews, focus group discussions observations check least and case study. Relevant data had been selected with employment of descriptive qualitative method to data analysis had been done. To show background of the respondents, the researcher had used the table in chapter 4.

Accordingly it had identified that the state and regional constitution implementation by the local administration in the Damot Weide Wereda regard to securing PWDS educational right was challenged with various short coming problems. That included: shortage of allocated budget, lack of inclusive education school, shortage of pland and quantifiable institutional support, presence of unsuitable infrastructure for PWDS learners as well as, absence of required inputs particularly educational aid materials that had been specially designed and could be used during the lesson delivery to PWDS education.

List of Acronyms

ACRWC	African Charter on the Rights and Welfare of the Child
ADA	American Disability Act
ADHR	African development of human right institution
CRPD	Convention of Rights for Peoples of Disabilities
CSA	Central Statistics Authority
CSA	Central Statistics Authority
DWW	Damot Woide Wereda
DWWA	Damot Woide Wereda Administrator
DWWFED	Damot Woide Wereda finance and economic development office
EFA	Education for All
ETP	Education and training policy
FDRE	Federal democratic Republic of Ethiopia
FGD	Focus Group Discussion
ICESCR	International Convention on Economic, Social and Cultural Rights
MDG	Millennium Development goal
PDRE	Peoples' Democratic Republic of Ethiopia
PWDs	persons with disabilities
SNE	Special Needs Education
SNNPR	Southern Nations, Nationalities and Peoples' Region
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNICEF	United Nations Children's Fund
WHO	World Health Organization

CHAPTER ONE

INTRODUCTION

Background of the Study

Federal system in general allow sub-national units to adopt their own constitutions. Among other thing through their constitutions state provide for structure of their government, bill of rights and covers other matters. The idea of having a bill of rights in state constitutions is to provide more rights to state citizens by taking the bill of rights in a federal constitutions as minimum standard Or in some countries such as Australia federal constitution does not have a bill of rights, state constitutions fill the gap.

Ethiopia is a federal country. The federal has extensive bill of right under the federal constitution states are allowed to adopt their own constitution and they have adopted their own constitution and every state constitution has a bill of rights.

The constitution of SNNPR is one of state constitution that provided in accordance with federal constitution. Therefore, SNNPR constitution adopted its own constitution. And it has a bill of rights.

As it is possible to understand from the preamble the SNNPR constitution proclaimed to ensure the supremacy of the law, to advance the economic and social development among the peoples of the state. And to further develop the different language culture and unity of its nations and nationalities' and peoples.

The state constitution includes that the fulfillment of the above objectives in the State requires full respect of individuals and nations, nationalities and people's fundamental rights and freedoms, recognition of the equality of sex and the observance of languages and religions without any discrimination.

The international instruments of human rights are the basis for numerous conventions and national constitutions. According to Sofia popes cu (2000) The International Bill of Human Rights consists of the UDHR, the ICESCR, and the ICCPR and its two Optional Protocols.

As it was tried to explain here in above by the researcher, the state constitution proclaimed with out any contravention of the federal constitution to ensure the supremacy of constitution and full respect of other constitutional rights by giving more rights for the citizens among its nations, nationalities and peoples. Therefore, the state constitution also depends on the international instruments at the time of its implementation.

This paper aims to see state constitution and its implementation on the rights of persons with disability. Because Ethiopia has accepted international bill of rights such as the UDHR, the ICESCR, and the ICCPR. Since these international instruments of human rights ratified by Ethiopia. The FDRE constitution in article 9 sub article 4 states that International agreements ratified by Ethiopia are an integral part of the law of the land.

Constitutions are believed to play a decisive role in terms of the protection of individuals as well as society's rights in a given sovereign state in the modern world. If the state/ government bodies are based their administrative exercise on the constitution. For instance, according to Lyons and May all (2008) for warded; citizens' rights are either protected or neglected with effective or un effective implementation of the existing constitution and so it can be termed as either there is good governance and democratic practice or absence of them.

Meanwhile, most countries in the African continent particularly after independence have established, and set their own constitution but because of many and diverse factors the Implementation as well as practicability were not efficient appropriately addressing the rights of citizens of those nations.

In this regard, Brysk [2013] explained that as most governments had been not democratically elected by the public and because of absence of rule of law, the practices of governments have been not relied on the proclamations being enlisted on their constitutions and as a result individuals lead their life being under dictatorship.

On the other hand, as of our country's context Ethiopia employed 4 written constitutions in its history. Thus, as for as the protection of citizens' rights are concerned, both constitutions of the Imperial regime had left no room for provision of various rights for citizens notwithstanding the insignificant consideration that the revised constitution 1955 took in to [the Revised constitution of the Imperial regime, Chapter Three 1955].

Meanwhile, the 1987 constitution of the PDRE is believed to have included some economic, social and cultural rights but they were not put in to practice. As of the FDRE constitution, it is well known that it has left enough room for inclusion of various rights to citizens of the nation and hence it consists of both individual and group rights which it calls fundamental rights. Thus although the FDRE constitution does not explicitly refer to the status of disability under its anti-discrimination or equality article, people with impairment are entitled to enjoy all the rights being out lined in the document [FDRE constitution, article 25].

Further, when we come to the rights of people with disabilities of Ethiopia as a group, the constitution does not seem to emphasize much as such except the explicit provision that it refers to the group under Article 41(5). Therefore, with such relates the main challenge will be the implementation of the issues, rights and proclamation that matter most in affecting the rights of individuals with disabilities.

Since The SNNPR constitution is verbatim copy of the federal constitution, in the same circumstance SNNPR constitution under its article 41 sub art. 5 states: -

‘The regional state shall allocate, as far as economic conditions permit, resource to provide rehabilitation and assistance physically and mentally disabled’

Therefore, this study had intended to systematically investigate the state constitution implementation on the rights of disability by taking Damot Woyde wereda of Wolaita zone of SNNPR as its case study.

1.2 Research Questions

This study had tried to address the following basic research questions

- Are the rights of PWDs in the state constitution given practical implementation by the local government?
- Does the practice of state constitution implementation at the local level been contributing to effectively address the rights PWD education?
- What the contributions of supervision on local level state constitution implementation for addressing the rights of PWD education?

- What are the challenges and prospects of implementation of the state constitution at local level to effectively address the rights of PWD education?

1.3 Objectives of the study

1.3.1. General Objectives

The main objective of the study was to assess the state constitution and its implementation on the rights of persons with disability in Damot Woide Woreda: case study of Wolaita zone SNNPR.

1.3.2 Specific Objectives.

- ✓ To assess the practical implementation of rights under state constitution.
- ✓ To find out the extent of state constitution implementation being exercised and promoted at local level to properly address the rights PWD
- ✓ To assess the practice of state constitution implementation at the local having been contribution in effectively addressing the rights of PWD,
- ✓ To check the contribution of supervisions on local level's state implementation for addressing rights of PWD.
- ✓ To identify the challenges and prospects of state constitution implementation at local level to effectively address the rights PWD.

1.4 Significance of the study.

This study was believed to bring various importance for different stakeholders who are concerned and also responsible for effective implementation of the state constitution. Hence, it would shade light on the practical relevance of the bill of right in the state constitution, practical Implementation of both the federal and regional state constitution by the local governments, contribution of supervision on local level Implementation and the factors which create challenges or opportunity in the study area.

As a result, it could enable policy makers, legislative body's executive bodies and judiciary people with disabilities to have an informed decision making about the practical implementation of the state and federal constitutions to properly address the rights of people with disabilities on education.

Moreover, it could evoke others to conduct study on similar or related topic in the same or other area. In addition, the findings of this research can serve academically being as reference.

1.5 Scope of the study

1.5.1 Delimitation,

The study under the title the state constitution and its implementation on educational right of PWDS: shall geographically be demarcated to Damot Woyde Woreda, Wolaita zone SNNPR. Therefore, it had scientifically investigate about: practical relevance of bill of right in the constitution, difference between right under the federal constitution and the regional one, the extent of state constitution implementation being exercised and promoted at local level, contribution of supervision on the state and regional constitution implementation as well as prospects and challenging factors affect effective implementation of the state constitution in properly addressing the rights of people with disabilities. Moreover, it would delimited to systematically inquiring the thematic under study with employment of qualitative methods and data analysis. The researcher will be delimited to investigating more of the economic and political rights of disabled people in the past five years.

1.6 Methodology of the study

1.6.1 Research design

As the study will tried to scientifically investigate the impact of the independent variable: implementation of the state constitution on the dependent variables which are: human rights, democratic rights and also economic right of people with disabilities that it will employ descriptive research design.

Accordingly, so as to address established and desired objectives: appropriate sample size and sampling method, and data collection tools and data analysis methods had been used. 1.6.2 Sample size and sampling technique. Out of 220 the target population the study had taken 44 individuals as sample. This study was selected people with disabilities and people who do implement the state constitution in local government.

1.6.2. Sampling technique

Based on the sample size being determined, the study had employed purposive sampling technique. Hence, the rationale behind using such sampling method was the fact that so as to address the research question it was the best sampling method as of the researcher's judgment. PWDs and individuals who do implement the state constitution as well supervised it was going to be taken as samples.

1.6.3 Data and source.

This study was going to employ both primary data and secondary data type. Moreover, qualitative data had been used in order to address the research question. Meanwhile, selected samples were going to serve as primary data serves further, various documents which include plans, reports, research findings and supervision evaluation paper will be used as secondary data type sources.

1.6.4. Data gathering tools.

In order to collect reliable, pre size and comprehensive data, carefully designed and well prepared data collection tools had been employed.

Interview, structured and semi structured interviews had been conducted with selected samples of PWDs and members of the legislative executive of the study area.

Focus group discussion a focus group discussion that consists: people with disabilities and individuals who do the state constitutions implementation and supervision with a chairperson of the researcher being done. Therefore, different issues in relation with that of the state constitution and right of PWDs, Implementation and also supervision by local state authorities had been raised.

1.6.5. Observation

By having an observation check least various activities of the constitution implementation and also supervision had been raised

1.6.6. Case study

Based on case study points about the person's biography to be studied, a careful and ethical case study was going to be conducted about one student man and two women individuals with impairment.

1.6.7 Data analysis.

After data collection and organization the data analysis had been done by using descriptive data analysis method. In addition as the research depends more on qualitative data that a qualitative data analysis technique had been applied, thus, without fundamentally changing the views of the respondents, the researcher has also played done interpretation role which got data from the interview and focused group discussion.

1.7 Organization of the Study

The study was going to be organized in five chapters. Thus, chapter one would include: background, research questions, objectives, significance, and scope methodology of the research and organization of the study. Next chapter two comprises revised literatures and chapter three was legal and different policies framework concerning on the education Rights of Persons with Impairment in Ethiopia.

Then, chapter 4 was the results and discussions and the last one example, chapter five was going to be about: major findings [Summary], conclusions and recommendations.

CHAPTER 2

The rights of PWDs to have access to education

Introduction

According to Saitoti, (2005) Education is a precondition to national development. Education is an indispensable means of unlocking and protecting human rights since it provides the environment required for securing good health, liberty, security, economic well-being, and participation in social and political activities.

Good performance in education, training and research sectors immensely contributes to any country's national development. Performing education sectors produce appropriate human resource capital that is integral in spurring productivity. Improved national productivity is an important channel in the elimination of poverty, disease and ignorance, hence improving human welfare.

The Government of Ethiopia is committed to the provision of equal access to quality and relevant education and training opportunities to all Ethiopians. Towards this goal, the government has ratified and domesticated various global policy frameworks in education. The government signed Article 26 of the Universal Declaration of Human Rights (1948), consequently recognizing and committing itself to the right of every child to access education. The Article recognizes the intrinsic human value of education, underpinned by strong moral and legal foundations. Other international policy frameworks ratified and signed by the government include, (to) the 1989 United Nations Convention on the Rights of the Child (CRC), the 1990 African Charter on the Rights and Welfare of the Child, Salamanca Statement (1994), the Framework for Action on Special Needs Education (1999), the Millennium Development Goals (MDGs) and Education For All (EFA) by 2015. The CRD in [2010] the government recognized education as one of the basic human rights and hence a powerful vehicle for human resource and national development.

The national education system has been characterized by inadequate systems and facilities that respond to the challenges faced by learners with special needs and disabilities. Rule number 6 of the United Nations Standard Rules on the Equalization of Opportunities, not only affirms the

equal rights of children, youth and adults with handicaps to education, but also states that education should be provided in integrated school settings” and in the general school setting. There is need to link inclusive education with wider community-based programmes for Persons with special needs and disabilities. Education provides for personal, social and economic growth and it enables persons with disabilities to develop their skill and realize their full potential. Education is an international human right, essential to the life of individuals and community at large. Article 24.5 of the United Nations Convention on the Right of Person with Disability which is ratified by Ethiopia in 2010 (UN, 2007) mandates all ratifying states to ensure equal access to education for person with disabilities it states that:

States parties shall ensure that persons with disabilities are able to access general education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others.

“So as to develop a conceptual frame work which helps the study in developing its own argument in regard to the title as well as the basic research questions? With that literatures which have correlation with that of the study research questions which are: What extent does the state constitution has been exercised and promoted by the local government to properly address the rights of PWDS education in the study area? Does the practice of state constitution implementation at the local level been contributing to effectively address the rights PWD education in the study area? What the contributions of supervision on local level state constitution implementation for addressing the rights of PWDS education? Are they practically implemented in the study area? And What are the challenges and prospects of implementation of the state constitution at local level to effectively address the rights of PWD education? Consequently, it has try to create a conceptual frame work that traces the meanings of ideas on regard to the legal frame work of PWDS specific rights

particularly the protection being given to them as of education, the constitutional rights of PWDS as of education and also the facilities provision of education for PWDS. as well as the factors affecting implementation of PWDS rights of education by constitutional the local government bodies. Therefore, based on this conceptual frame works the study will unpack its arguments in the next chapters and reach in to its own conclusion.”

2.1. Conceptual frame work of disability and right

Disability in the ADA (American disability Act) reflects recognition of the social construction of disability, especially by including coverage for persons who are perceived by others as having a disability. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. The use of the term includes, as with the term in particular, can be seen to concentrate on people who have long term and limiting impairments, without necessarily restricting application to others whose impairments or condition may neither limit functionality nor be long term.

Various individuals, scholars and organizations have given their own perception of disability definition. According to WHO, [2011] Disability is defined as an umbrella term representing such physical and social status an individual as impairment on activity limitation or particular respect. Similarly Boorse [2010] has define disability as an impairment of abnormality of body structure, physiological function, intellectual capability or emotional status. Accordingly, we can deduce disability as a condition of phenomena that induce an individual’s endnote practicing and exercise both physically and somehow mentally to the reliability. Another definition is the one forwarded by American with Disability Act (1990) according to this definition disability is:

(A) A physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such impairment; or (C) being regarded as having such impairment. (p.7)

Definitions of the right. Based on this the researcher has given special concentration in this research, how visual impaired, hearing and physical disabilities accommodate education with in

their area and what is the responsibility of the government providing assistive technology for disabilities?

Rights are may be democratic rights or human rights. The concept of human rights is based on the belief that every human being is entitled to enjoy her or his rights without discrimination. Human rights are not bought nor does any other specific contractual undertaking create them. Human rights are commonly understood as being those rights which are inherent in the mere fact of being human. Human rights are rights that pertain to all humans at all times. They are rights those, which belong universally to people regardless of their sex, race, color, language, national origin, age, class, religion or political beliefs.

Rights of PWDS: as a human being and particularly a citizen of a nation which has a sovereign state and government that is ruled by constitutional laws, people with disabilities have both general and specific rights. Accordingly specific right of people with disabilities are established so as to enable such citizens of a country involve in the socio economic as well as political activities actively and so exert their own effort for the good of the nation, the community , their family as well as for themselves, for such rationale. PWDs have been given specific constitution and legal rights that are proclaimed in regard to various issues on different articles. Consequently, PWDS rehabilitation programs have to get enough amount of resources or inputs, PWDS rights must be safeguarded as well PWDS have been granted as right to education with as much as possible relevance equality and access in their own localities, such it is clear that PWDS constitutionally and legally approved rights implementation by all the governmental bodies is expected to be done effectively.

2.2 Evolution of the rights of people with disability.

Understand disability rights as primarily human rights that serve to combat the exclusion, marginalization and stigmatization of people with disabilities in order to protect their inherent dignity and ensure their participation in all socioeconomic sectors on an equal basis with others.

Just like any person or citizens of a certain nation people with disabilities can exercise their right based on the existing laws, regulations and constitution. This idea had been not existent in the past. But thanks to various thinkers as well as humanitarian groups that the right and duties of

individuals with impairment had been shaded a light. That why the rights have been claimed as more civilization comes in to existence particularly in the post-world war two movement which lead to the foundation of the united nation charters in 1945. [Gibson 1991] This charter enables the formulation of UDHR and other convention of the 1966 which are the international covenants of civil and political right, economic social and cultural right. Meanwhile the struggle as of the rights of disabled people which had been exercised first by both disabled and none disabled but later by impaired plus disabled person since 1960s. Such movements had been known as; disability right movement. [Ralston and Justin, 2010] with this in mind P.W.DS right as citizens of a nation as well as an individual will having one or multiple kind of impairment would be entitled to have general right compressively. Such rights enable people with disabilities to exercise both positive rights which enable them to claim for some good service or treatment like other citizens. Further disabled people also have negative right commonly as a citizen of the nation for being not to be mal treated by the state of government.

2.2.1 Evolution of disabilities education right.

According to, Philippe Tremblay and Tivet [2007] Pedro Ponce de Leon (1578) in Spain created the first documented experience about education of deaf children from nobility. Charles Michele (1760) in Paris created the Institute for deaf. Louis Braille invented Braille script 1829 for the blinds. According to Tivat, Montenegro [2007] Between 1801 and 1805, Itard used systematic techniques to teach a boy, named Victor, how to communicate with others and how to perform daily living skills, such as dressing himself. Description of Wild Boy. He is unusual to our food, selecting his nourishment by smell but at the same time indifferent to fragrant or foul odors; lying flat on the ground to drink; tearing garments placed upon him and trying constantly to escape; walking often on all fours; fighting with his teeth; giving few marks of intelligence; having no articulate language even devoid of the faculty of speech. It was later discovered that the boy's hearing was insensitive to loud noises and to music; yet he readily heard the fall of a nut. His sense of touch was likewise deficient. As to sight, his eyes constantly wandered and could not be fixed on objects. Bonaterre (1798) five primary goals to interest him in social life try to make his life better than before to improve his awareness of environmental stimuli but the context was controlled To extend the range of his ideas. E.g. introduce him to games, culture, etc.(Ibid) Although Montessori schools are divided into multi age classrooms. Generally from 1900-1950's Compulsory education Creation of classes or schools for the mentally retarded,

blind, deaf, etc. After the 2nd world war : Creation of special education system, organized in parallel to ordinary system.

2.2.2 Legal protection to improve life's of people with disabilities.

Human rights are unbreakable right; therefore in all states people with disabilities right should be get a legal protection by the governments. According to Global Monitoring Report, [2015 estimates that the majority of children with disabilities in Africa do not go to school at all, and of the 72 million primary aged children worldwide that are out of school, one third have disabilities. Poverty is both a cause of consequence of disability. In 1999 the World Bank estimated that people with disabilities may account for as many as one in five of the world's poorest people. In 2005 World Bank study also tentatively concluded that disability is associated with long run poverty in the sense that children with disabilities are less likely to acquire the human capital that will allow them to earn higher incomes but stressed the need for more research in this area. People in developing countries are more likely to be affected by disability caused by communicable, maternal and prenatal diseases and injuries than people in developed countries. These disabilities are largely preventable. Furthermore conflict often occurs in poorer countries which increases the number of people with disabilities and invariably worsens the delivery of basic services which is likely to impact those with disabilities to a greater degree than others. Inclusion of children with disabilities specifically targets: those children who are enrolled in school but they are excluded from learning those who are not enrolled in school but could participate if schools were more flexible in their responses relatively small groups of children with severe disabilities who may require some form of additional support. In order to make people with disabilities actively participate in various activities of their society by exercising the rights different law, rules and declaration have been needed. For that reason, nations have set up such protective laws alone as well as together with others internationally in regard to people with disabilities. Of the different the treaties with legal binding framework conventions and the common ones are, CCPR CRC, CRD CEDAW and so on. For example, on CRD article 9 sub art, 1 states about Accessibility. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to

transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. Accordingly, people with disability have specially declared right of security that address in consideration of their vulnerability to different dangers particularly physical one in various ways. For instance, people with disabilities can face physical obstacle that hinder their easy and safe movement from their place to place. As a result they are more probable to face accident that can damage their body. Thus different physical strictures including roads, buildings of school hospital and offices and other infrastructures need to have safe passage that easily accessed by people with disabilities. Similarly, U.N. (2007) expressed that reasonable accommodation which means necessary and appropriate modification and adjustments not imposing a disproportionate or under burden as of people with disabilities. Thus to insure persons with disabilities the enjoyment exercises on an equal basis with others of all human right and fundamental freedoms. In addition, people with disabilities of one kind or another deserve social security that involves provision of various social services within their impairment and need. As a result, social service like education health transportation and communication and at least have to be appropriate and relevant to the needs of them. Education provides for personal social and economic growth and persons with disabilities to develop their skill and realize their full potential. Education is an international human right essential to the life of individuals and community at large. Article 24.5 of the United Nations convention on the right of person with disabilities which is ratified by Ethiopia in 2010 (UN, 2007) mandates all ratifying states to ensure equal access to education for person with disabilities. Consequently, PWDS have been granted right which can enable them access equity and relevant educational service provision that is affordable easily in their locality. and so as to ensure such as perspective in their of PWDS in provision right of education various supportive laws, policies and programs are required thus based on the federal one. A European chapter. more over on part 1 number 15 it described that the state shall under take various activities such as promoting access to employment and education.

Accordingly, as a human being who can learn out of the formal non formal modernity education and then engage on a certain occupation to become self-sufficient or independent person people with disabilities need to be incarnated supported and reacted. That is going to bring various importances for both person with disabilities and societies economically, politically and socially.

As a result, it will be understood that people with disabilities cannot be burden on their families or the society since they are productive and self-sufficient. Thus such phenomena reality and must be promoted with every possible way and effort particularly with a legal frame work. Hence such condition also been agrees up on signed and made law by both internationally convention and constructions of countries.

2.3 Types of right for peoples with disabilities.

There are a number of rights given to peoples with disability at international level by different conventions. Some of these are: the right to mobility, the right to equal access for job opportunities, and the right to education.

2.3.1 The right to mobility.

One of the major problems facing peoples with disability is inconvenient construction of roads. This inconvenience construction of roads is a vast problem that hinders different aims of disabilities. The convention of the right of disability under article 20 indicated about Personal mobility. The convention in the above article articulated that States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities.

States parties are pillar to enforce and implement all the rights stated under the convention of PWDS. Therefore, each states has

- A. Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;
- B. Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;
- C. Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;
- D. Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

2.3.2 The right to equal access for job opportunities.

Like other non-disabled, the disabled people should have the right to participate in any job without any discrimination according to the United Nations Convention on the Rights of Persons with Disabilities. Under article 27 the convention states about equal access of the job opportunity. In accordance with the above article, the states Parties recognize the right of persons with disabilities to work on an equal basis with others. For instance, the right to the opportunity to gain a living by work freely chosen or accepted in a labor market and work environment that is open, inclusive and accessible to persons with disabilities.

States Parties shall also safeguard and promote the realization of the right to work based on the convention on the PWDS including for those who acquire a disability during the course of employment, by taking appropriate steps including through legislation. The united convention forces the states parties to:

- A. Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions.
- B. Protect the rights of persons with disabilities, on an equal basis with others, to just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances.
- C. Ensure that persons with disabilities are able to exercise their labor and trade union rights on an equal basis with others.
- D. Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training.
- E. Promote employment opportunities and career advancement for persons with disabilities in the labor market, as well as assistance in finding, obtaining, maintaining and returning to employment.
- F. Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business.

2.3.3 Educational right.

Many people's with disability did not get access to education due to lack of awareness in the society. According to WHO and World Bank [2011] more than one billion people around the world have some form of disability with over four in five persons living in developing countries and 93 million of them are children under the age of 14 living with a moderate or severe disability. Despite these rough numbers, there is a severe lack of concrete and accurate data showing the true scale of discrimination worldwide and on a national level. This is even more the case for education-related data, as there is only little information regarding persons with disabilities.

The center for studies in inclusive education presents a further view of inclusive education as: All children and young people with and without disabilities or difficulties learning together in ordinary pre-school provisions, schools, colleges, and universities with appropriate networks of support. Inclusion means enabling all students to participate fully in the life and work of mainstream settings, whatever their needs. According to Global monitoring report, [2014] the lack of data on people with disabilities is severely constraining the ability of the international community to monitor the situation of children, youths and adults with disabilities. There has been insufficient attention to the need to collect data on disabilities and link them to education outcomes, and even when collected, the scale of disabilities is often UN reported." Societies' misperception of different forms and types of disability and the limited capacity of social actors to accommodate special needs often place these people on the margin. People with disabilities experience inequalities in their daily lives, and have fewer opportunities to access a quality education that takes place in a truly inclusive government. The right to education has been internationally recognized as an overarching right: it is a human right in itself and is indispensable for the exercise of other human rights. A number of international standard-setting instruments protect the fundamental human right to education.

People with disabilities face specific challenges in the pursuit of their right to education resulting in a reduced access to mainstream education, specific provisions guarantee their right to education and encourage countries to adopt an approach that is inclusive to all, including those with disabilities.

The international legal framework setting education as a fundamental human right everyone has the right to education according to Article 26 of the Universal Declaration of Human Rights (1948). This cannot be stated more clearly. It is a litmus test for the individual to assess the government's commitments to fundamental rights.

The UNESCO Convention against Discrimination in Education (1960), which has been recognized as a key pillar in the EFA process, is the first legally binding international instrument which lays down core elements of the right to education. This Convention prohibits any discrimination in the field of education and expresses the principle of equality of educational opportunities. According to the Global Monitoring Report (2014) reaching the marginalized children with disabilities remain one of the main groups being widely excluded from quality education. Disability is recognized as one of the least visible yet most potent factors in educational marginalization. Children with disabilities have a right to education. Since the UN Universal Declaration on Human Rights was released in 1948, there has been legislation on providing education for all children. The Convention on the Rights of Persons with Disabilities, which entered into force in 2008 and which was ratified by the UK in 2009, has 145 signatories (as at June 2010) including all countries except Afghanistan and Zimbabwe. It has profound implications for DFID and its work. Article 2 The Convention on education is includes the following, State Parties shall ensure that: Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability; ii. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live; iii. Reasonable accommodation of the individual's requirements is provided; IV. Persons with disabilities receive the support required, within the general education system, to facilitate their effective education; VI. Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion. Article 32 of the Convention on the Rights of Persons with Disabilities places an obligation on development partners to ensure that international cooperation, including international development programmers, are inclusive of and accessible to persons with disabilities. This presents a fundamental change to all countries, including the UK, that have ratified the treaty and are now bound by these principles both domestically and internationally.

Achieving The Education for All Targets and Millennium Development Goals Will is impossible without improving access to and quality of education for children with disabilities. The EFA Global Monitoring Report 2014 estimates that the majority of children with disabilities in Africa do not go to school at all, and of the 72 million primary aged children worldwide that are out of school, one third have disabilities. Poverty is both a Cause of consequence of disability. In 1999 the World Bank estimated that people with disabilities may account for as many as one in five of the world's poorest people. (Aniscow et al. 2006). They pointed out that inclusive education looks at both the rights of students, and how education systems can be transformed to respond to divers group of learners. It emphasizes the need for opportunities of equal participation for any student with disabilities or special needs in the education system, preferably in a mainstream environment.

Some of these reasons are associated with ability, gender, race, ethnicity, language, care status, socioeconomic status, disability, sexuality, or religion (Gerschel, 2003).One major reason for this broader approach is that many of these factors interact or act in combination and can result ultimately in marginalization or exclusion. Focusing on a single factor, such as disability in isolation, has the potential to lead to faulty assumptions (Popping and Maloney, 2005). In this context, policies on inclusion should not be restricted only to the education of pupils identified as having special educational needs (Booth and Anis Cow, 1998). The most compelling rationale for inclusive education is based on the fundamental human rights.

As people with disabilities challenged the stigmatizing and limiting nature of segregated education, and gave voice to their anger and dissatisfaction, issues of equality of access and educational opportunity gained impetus and integration became center stage. Political pressure from disability and parental advocacy groups began to change society's values and would ultimately bring legislative changes to reform education. Educators were increasingly exploring ways of supporting previously segregated groups so that they could find a place in mainstream schools.

2.4. The responsibility of the government providing assistive technologies for education for people with disabilities.

The government should provide different assistive technologies for improving the functioning of a person with a disability. They have the potential to radically enhance the experience of learners with disabilities, by providing access to learning and teaching materials, promoting better learning, and supporting independence and social inclusion. To improve the education of PWDS, supportive technology should be distributed as their disability type. According to, DES,[2005] additional teaching resources for students with learning support needs and high incidence disabilities can be allocated differentially in accordance with their learning needs. Some of the important assistive technologies for visually impaired hearing and physical disabilities are: For visually, Braille materials, such as, slet, stylus, Braille paper, Braille type writer, computer with screen reading software's like Jaw's [job access work speech], and NVDA [Non visual desktop access], talking calculator, recording materials eyeglasses and so on. Hearing aids technologies such as, Infrared, induction/lup, vibration alert, computer and so on. For physical disabilities, Crunch, whilcher, orthoses, prostheses, crutches, tri cycles, and so on. The government has the responsibilities to fulfill these materials for the aim of creating conducive educational environment for those persons. According to The UN Convention of the Rights of Persons with Disabilities international treaty and Article 24 sets out important rights for disabled children when accessing education. In particular: States parties recognize the right of persons with disabilities to education. Article 24(2) states In: realizing that right, states parties shall ensure that: persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability; persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live; reasonable accommodation of the individual's requirements is provided; therefore, to put in to practice this convention the government have an obligation to make available and accessible environment through providing technology for education to all disable persons. According to, Murchland S, and Parkeyn,(2010) Assistive technology supports individual children to become mobile, communicate more effectively, see and hear better, and participate more fully in learning activities. It provides the means of access to participate in educational, social and recreational opportunities; empowers

greater physical and mental function and improved self-confidence; and reduces costs for educational services and individual support. By improving access to education and increasing achievement in school, assistive technology can have positive socioeconomic effects on the lives of children with disabilities.

Facilitating the participation and inclusion of children with disabilities in all aspects of life, assistive technology can impact on self-image, self-esteem and sense of self-worth. According to Borg J, Larsson,(2012) In a study in Bangladesh, the use of assistive technology was associated with better attitudes from community members. Given opportunities to flourish as others might, children with disabilities have the potential to lead fulfilling lives and to contribute to the social, cultural and economic vitality of their communities. Assistive technology reduces costs when it supports early childhood development and educational achievement, and avoids repetition of learning missed due to educational barriers. It reduces costs by supporting independent functioning and access to healthcare in lieu of personal support services, and independent community living in lieu of institutionalization. Assistive technology may reduce the need for formal support services, reduce the time and physical burden for care givers, and prevent falls, injuries, further impairments and premature death. Some children with severe disabilities that are unable to attend school can access education from home and communicate with others with the help of assistive technologies, accessible information and communication technologies (ICTs) or cloud based services. (ibid) ICTs offer new ways to break down accessibility barriers and provide children with disabilities the opportunities to exchange knowledge and information, and to communicate in ways they otherwise have not been able to do. ICT tools and applications are paving the way for children with disabilities to access educational materials and resources in different formats and to engage in the same academic activities as their peers without disabilities. What are the needs for assistive technology? The global need for assistive technology for children has not yet been adequately quantified. Estimates indicate that about 0.5% of a population need prosthetic or orthotic devices, about 1% need a wheelchair, and about 3% need a hearing aid. These needs vary between countries as well as between regions within a country due to factors such as variations in age distribution and prevalence of various impairments. According to Borg J, Lindstrom and et al(2011) In developing countries, up to 0.6% of children have hearing impairments within the neonatal. However, hearing aids are not always an appropriate solution. In Chile and China, about 7-9% of school aged children would benefit from

using properly prescribed eyeglasses. According to, Loeb Me Eid(2004) In some African countries, the largest discrepancy between self-reported nebbbeds for and received rehabilitation services was found to be in the area of assistive technology.(ibid) In situations of crisis and emergency, children with disabilities suffer from a triple disadvantage: they experience the same impact as others, they are less able to cope with deterioration of the environment, and responses to their needs are postponed or disregarded. To reduce the impact of crisis and emergencies, children may need assistive technology to be alerted or to escape a danger before it strikes, or to be able to carry out activities of daily living important to their survival and health.

2.4.1 What rights do children have to assistive technology?

Access to assistive technology is regarded as a precondition for achieving equal opportunities, enjoying human rights and living in dignity. Girls and boys with disabilities are entitled to available and affordable assistive technology. Ensuring this right is first of all a national responsibility, but also an international responsibility. CRPD Article 32 calls for international cooperation among governments, international and regional organizations and civil society, in particular organizations of people with disabilities while CRC Article 23 calls for information exchange between governments. Failure to provide assistive technology results in rights violations. The CRPD requires States Parties take effective measures to undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost (Article 4). It also recognizes the importance of international collaboration to support national efforts to make assistive technology available and affordable. Assistive technology is frequently mentioned in the CRPD. Articles 4, 9, 20, 21, 24, 26, 29 and 32 of the CRPD make explicit mention of specific aspects of assistive technology, and an additional 17 articles require measures which may include assistive technology. For example, Article 24 of the CRPD recognizes the right of children with disabilities to education. It requires States Parties to ensure that children with disabilities can access an inclusive, quality and free primary and secondary education on an equal basis with others in the communities in which they live, that reasonable accommodation and effective support measures are provided to meet their individual requirements, and that they receive the support required to facilitate their effective education. It also requires States Parties to facilitate

the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication, and orientation and mobility skills.

2.4.2. The barriers to assistive technology.

As indicated earlier, disability is the outcome of the interaction between a child with impairment and an environment with barriers that hinder his or her participation on an equal basis with others. Assistive technology can reduce or eliminate such barriers. However, obtaining such technology is not always possible due to product and service related barriers. Lack of awareness many people with disabilities and their families have limited awareness of assistive products and services. This makes it difficult for children and their families to know what assistive technologies are available or suitable and how they can be beneficial. Lack of governance including legislation, policies and national programmes. The 2005 'Global survey on government action on the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities' found that of the 114 responding countries 50% had not passed relevant legislation and 48% did not have policies in place relating to the provision of assistive technology. This indicates that for many States the provision of assistive technology is a relatively low area of priority. Lack of services. Assistive technology services are often in short supply and located far away from where children with disabilities live. In the above mentioned global survey, 53% of the 114 responding countries had not initiated programmes relating to the provision of assistive technology. Nongovernmental organizations rarely have the financial means or capacity to develop countrywide sustainable service delivery systems. With limited geographical coverage, their services often focus on specific types of assistive technology or disabilities. Current service delivery is not equitable. Inequities have been found not only between people living in different countries or regions of a country, or under different economic conditions, they have also been found among people with different impairments, genders, ages, languages and cultures. Children are often less likely than adults to access assistive technology.

In addition to reduced financial means, it is culturally impossible for girls in certain regions to access assistive technology when services are staffed only by male personnel. Lack of products. In many countries, there is no production of assistive products or production occurs on a small scale. It is small not only in terms of quantity, but also in terms of the range of types, models and sizes of the products. Limited access to the materials and equipment needed to produce assistive products can hamper production. Market related factors can also limit production. Limited awareness of assistive technology or purchasing capacity leads to a limited demand. This results

in few incentives to engage in production. Local production may not be cost effective where local markets are small. Moreover, duty and import taxes associated with assistive technology can discourage local businesses to import materials, equipment or assistive products. Although a wide range of types of assistive products are available globally, they are not available everywhere, and all designs are not appropriate in all settings. Therefore, product research and development is still required. Unless the design of an assistive product meets a child's and the family's needs and preferences, and is suitable in their physical, social and cultural environment, there will continue to be a low demand for products. Inaccessible environments physically or cognitively inaccessible environments act as barriers to assistive technology. For example, inaccessible transport systems or service centers prevent children from having easy access to the services and products they need. Physical barriers include stairs or poor lighting, while cognitive barriers include texts that are not clear or symbols that are difficult to understand. Further, regardless of the cost or availability of a wheelchair, a child will not be able to use it in an inaccessible house, road or school. Barriers are often exacerbated during natural disasters and conflicts. Lack of human resources. Another barrier to assistive technology is a lack of personnel properly trained in manufacturing or adapting products, or delivering services. Many countries report inadequate numbers of rehabilitation personnel. To address the current lack of personnel adequately trained in assistive technology. Children with disabilities have lower educational attainment than other children which leads to lower economic status. Neufeldt, cited in a World Bank literature review entitled Poverty and Disability, found they are more likely to leave school earlier with fewer qualifications. A World Bank paper, Disability, poverty and schooling in developing countries, argues that the schooling gap between children with and without disabilities starts at Grade 1 and then widens throughout schooling. According to a RECOUP Working Paper, one of the important exit routes out of poverty is identified as formal education, especially where it improves the quality of labor, but due to discrimination and stigmatization, the chances to access education and employment are very restricted for people with disabilities. This means that the disabled poor are likely to remain poor, as are their children. Education can reduce discrimination against children with disabilities and tackle poverty. Education, particularly inclusive education, is able to reduce discrimination through enabling children with and without disabilities to grow up together. Education gives children with disabilities skills to allow them to become positive role models and join the employment market, by helping to prevent poverty. The best way to improve education for children with disabilities is to improve the education sector as a whole. In countries where teachers are untrained, working with large class sizes and few resources in structurally unsafe classrooms,

pragmatic context specific and cost effective decisions are necessary. Other barriers to educating children with disabilities are, Perceived barriers to educating children with disabilities may be physical, social or financial. Some barriers identified by A RESULTS UK survey, Unicef and The Atlas Alliance include the following: Policy and system factors Discriminatory policy actually segregates children with disabilities and prevents them from attending school or

professional training, including teaching No specific policy on disability or education of children with disabilities Policy is dated and inappropriate or based on a medical approach to disability Reasonable policy is in place but not implemented, poor resource allocations to education for the disabled. Limited training of teachers in working with children with disabilities, no incentives for teachers to do so Poor identification and screening services Poor school support services, limited or no resources for schools Social and community factors According to UNESCO The greatest barriers to inclusion are caused by society not by medical impairments Social stigma and negative parental attitudes to disability which may arise out of religious and cultural beliefs. E.g. disability may be seen as punishment Parental resistance to inclusive education for special groups Normal barriers such as cost of uniforms, transport etc apply equally or more to disabled children, particularly the poor School factors Low school budgets resulting in a lack of appropriate facilities, inaccessible school buildings, high pupil to teacher ratios, limited support for children with disabilities Teachers have inadequate training in inclusive methodologies and cannot deal with the range of children with disabilities. Limited awareness of disability among teachers and school staff.

2.5. Factors affecting Implementation of education of the peoples with disability.

Based on the findings of studies being conducted in different parts of the developing countries, many and diverse factors have been forwarded as challenging the implementation process of the constitution. Accordingly, as to Boorse [2010], Jim Ife [2008] and Gardner [2007] explained at least three types factors have been causing draw backs in addressing rights of citizens particularly people with disabilities which are: those related with the implementers, those sprung out of the environment and also barriers caused by disabled individuals.

Meanwhile; of the three major factors, the very decisive one is described as relating to those who are responsible to implement. Thus, according to Gardner [2007] described. Whenever there are: lack skill, knowledge and value/ behavior of implementers. Shortage willingness to execute the decreed actions of the constitution. Lack of readiness even through there is excessive knowledge and skill.

Absence of transparency, accountability and responsibility in the workings of the executive and judiciary. Lack or absence of good governance and democratic thinking and practice. Similarly, almost all scholars who conducted various studies on disability and people with impairment have explained similar ideas regarding the obstacles that hinder such people on their move to realize their rights. Accordingly, the world Health organization [2011] puts all the obstacle under the umbrella of environmental factors and as to the organization, an inaccessible environment is a typical varies of participation and inclusion for persons with impairment and it may include policies and service delivery systems, products and technology, the natural and built environment, attitudes, and so on. In addition, others forward in a more specific manner and so they classify barriers in different categories which may include the social, legal, economic, political and environmental conditions. Accordingly, the barriers affecting the realization of human rights may include the poor arrangement of constitutional and legislative frame works, the absence of effective constitutions to promote and protect rights of citizens, the lack of procedures and process insuring effective implementation of rights of individuals, the absence of programs and policies for awareness creation and the existence of weak civil society networks [Lyons and May all, 2008]. Meanwhile, another important factor which may be taken as the barrier to people with impairment to the realization of their right is the Neo Liberal ideology that as to Lyons and Mall, [2003] forwarded it pushes the developing countries to adjust their policies in a manner that the involvement of government in the area of social service provision is to be limited disregarding the reality that the majority of population of this country is poor and needs social service. According to Yetnebersh (2013) designed policies, rules and regulations are seriously challenged by high illiteracy rate and low economic potential of the country.

CHAPTER 3

LEGAL AND DIFFERENT POLICIES FRAMEWORK CONCERNING ON THE EDUCATION RIGHTS OF PERSONS WITH IMPAIRMENT IN ETHIOPIA.

3.1. Introduction.

Under this chapter the research focuses on the legal and policy frameworks of the FDRE in general and SNNPR State in particular that it is possible to understand from the title. In this regard, it will try to assess the constitution of the FDRE, Education and Training Policy of the country and other national legislations that enacted for the purpose of implementing the policies and the constitution. The condition of legal and policy frameworks of the SNNPR will be also discussed under this chapter to show educational rights of PWDS

The basic purpose of the chapter is to give some elaboration concerning the legal and policy frame work in regard to the title under study. The elaboration emphasis on the researches basic research questions which is about the legal frame work and different types of policies such as, the constitutions of FDRE and SNNPR the education and training policy, inclusive education, and the development social welfare policy and sport policy. under this section The rights of PWDS given to serve with the legal framework also has been discussed.

3.2 PWDS and education in Ethiopia: brief history

In Ethiopia, attempts to make education accessible for peoples with disabilities were started during the Imperial regime, the reign of Emperor H/Selassie I [1930-1974], By giving special considerations particularly to those with problems related to visual and hearing impairments, first the Protestant missionaries and then the government began to open special boarding schools and began to teach them using a special reading and writing system known as Braille for the visually impaired students and sign language for those with hearing impairment. Sereke Brhan [2017] Even though, its challenge to get the real number disabilities in Ethiopia, according to WHO estimation Ethiopia is estimated to have more than 7.9 million persons with disabilities out of its population of more than 95 million. In Ethiopia the 2007 Census conducted by the mentioned institution grouped impairment in to 13 categories. These include: the blind; Difficulty of seeing; Deaf; Difficulty of Hearing; Unable to Speak; Difficulty of Speaking; Deaf and Unable

to Speak; No Functional Upper Limbs, Gripping, Handling; No Functional Lower Limbs, Standing, Walking; Body Movement Difficulty; Learning Difficulty; Mental Problem and others.

PWDS in Ethiopia has a total number of over a million people as to central statistics agency [2010] but, there is debate that their total number exceeds being based on the world report on PWDS which estimated over a billion people or about 15 percent of the total world population lives with some sort of disability. For instance, with regard to disability prevalence, WHO and the world bank report on disability published on June 2011 estimated 15 up to 20 percent that is more than 800 million of the world's population live with some form of disabilities and this making them the largest minority groups.

According to WHO estimation Ethiopia is estimated to have more than 7.9 million persons with disabilities out of its population of more than 95 million. Further handicap national [2012; 2] cited the report of Tirussew [2005] that in Ethiopia disabilities has affected the lives of many people and such people are the poorest of the poor. And such reality as well as, low constitutional and policy emphasis given to people with disabilities in the nation together with the existing negative attitude of the society towards people with disabilities can create. Most of these persons with disabilities do not have access to rehabilitation service of any kind. More over most of people with disabilities in the country are illiterate. UNESCO[2013] estimate that the overall literacy rate for persons with disabilities worldwide is 3 percent and for women and girls with disabilities it is only 1 percent.

In addition, different studies have shown that in developing nations only 1.5 percent of PWDS receive rehabilitation services. And as to same source above this happen due to various factors among which lack good governance, misuse of the existing scarce resources and mainly the presence of negative attitude towards PWDS.

Based on this in 2009, UNESCO noted that Ethiopia had made considerable progress in reaching the EFA goals but also noted a gap in the ability to provide access to all children. It noted these specific barriers to realizing inclusive education: lack of knowledge about diversity, inadequate preparation of teachers and educational leaders, poor teaching methods, inflexible curriculum, inappropriate learning equipment, insufficient needs identification and inadequate assessment procedures.

These gaps resulted in obliging students with special needs to adapt to the schools instead of adapting schools to the needs of the students. These gaps also pointed out the need to adjust community attitudes, educational services and financial priorities in order to succeed at inclusion. The beginning of Rehabilitation and Prevention Initiative against Disability, an organization that works to improve the quality of life for people with disabilities, began providing services in Ethiopia that address these three needs. RAPID provides community based services that focus on changing negative community attitudes and supporting children and youth with disabilities to participate as equal members of the community and contribute to the economy.

In Ethiopia the great number of children do not have get the chance of education., according to Lewis, 2009) 691,765 disabled children; of these, only about 2,300 are enrolled in school with a high risk of dropping out (MoE and UNESCO, 2012]These numbers are concerning in the context of a country which has committed itself to international proclamations advocating for the rights of children with disabilities to educational access, included ideals of supporting people with disabilities in its constitution, and developed national plans for special needs education (International Labor Organization, 2013) .

3.2.1 Federal Democratic Republic of Ethiopia (FDRE) constitution Concerning on PWDS,

constitution is the core legal framework which has a decisive role in terms of the protection of human rights as a whole at national level in the modern world. Since the constitution is main legal document that has adequate power and responsibility to prepare the constitutional procedures and institutions that can supervise the appropriate implementation of legal instrument which deals with persons with disabilities.

The constitution clearly stipulates the rights of every citizen to equal access to publicly funded social services and support shall be given to accommodate the needs of persons with disabilities under Article 41.3. since ensuring the access of all citizens to social services is constitutional responsibility of the State, the group of the pwds can be the beneficiary of social services. There are other many provisions articulated in general terms in the FDRE constitution just like social services in lieu of all citizens. Therefore, the PWDS can be the beneficiary from the provisions stated under the constitution in such manner. Article 25 of the constitution is the other provision

which talks about equal protection of all citizens. In this article 25 sub article 1 the constitution stated that All persons shall be entitled to equal and adequate guarantees without distinction of any kind such as race, nation, nationality, color, sex, language, religion, political or social origin, property, birth or other status. It is clear that [disability] did not mention specifically under the lists of FDRE constitution article 25. However, since the list is not exhaustive, it is possible to illustrate [disability] using the phrase [other status].

As it was expressed in the previous paragraph by the researcher, The 1995 FDRE constitution is the core legal framework in the country. Because of this, it specified clear provisions for the citizens who needs special protection that enable the government bodies and other administrative authorities to make different types of positive discrimination. For instance, in lieu of women, the constitution under its article 35 specified rights of women in terms of the general and specific in order that create suitable conditions to avoid and compensate the discrimination that faced them in the past.

when come to rights of persons with disabilities, However, such persons are Culturally discriminated group and who need special support related with their disability, under the FDRE constitution there is no clear provision deals with the rights of persons with disabilities including primary education except that under article 41 which proclaims about Economic, Social and Cultural Rights: in sub article 5 putting some sort of obligation that caring for and rehabilitation to be made for the physically and mentally handicapped depending on the economic capability of the country. According to the researcher, the above sub article did not included in a manner which enable in order to force the government bodies and other administrative authorities to make different types of positive discrimination for the persons with disabilities.

Persons with disabilities may have extra costs resulting from disability; such as costs associated with medical care or assistive devices or the need for personal support and assistance and thus often require more resources to achieve the same outcomes as non-disabled people. There is no special provision which concerns special need of the disabled groups under the FDRE constitution which is the core legal framework in the country. The researcher wants to elaborate the situation with an example below this. For instance, visually impaired primary school student to make him competitive with other non disabled students and to pass to next class, he or she may have extra costs to prepare or change the document from hard copy in to compatible form

[audio form or soft copy] which is to be read for assimilating knowledge of the class level and pass the exam prepared from the materials. Not only this he or she may have additional costs in order to fulfill assistive devices; for instance, for mobility assistive device which is called white cane, for writing assistive devices which are called slet, istyles and braille paper or computer and for reading computer and tape recorder are assistive devices that enables visually impaired students to be successful in his or her education.

The right to education which is considered as a guarantee for other rights is included under various international instruments. As indicated under various international instruments, children, who are the vulnerable group of human society have the right to education. These international instruments mention children either as the direct (main) beneficiary or indicate that children are beneficiary from the provisions proclaimed for all human being.

Aligned with the constitution, it is possible to use various international instruments which are ratified by Ethiopia for the purpose of applying human rights based on their context. Because International agreements which are ratified by Ethiopia are considered asan integral part of the law of the land based on The constitution article 9 sub.4. Hence international instruments ratified by Ethiopia and which gives appropriate rights for disabilities need to be implemented as local laws.

The constitution orders concerning The fundamental rights that the interpretation shall be in a manner conforming to the principles of UDHR. Therefore, the fundamental rights specified in the third chapter of FDRE constitution need to be interpreted in a manner conforming to the principles of UDHR in accordance with article 13 sub.2 of the constitution. Therefore these principles are also applicable for the respect of the right to education for PWDS.

3.2.2 Other national policies on PWDS

Apart from the constitution, there are national legislations which deal with the issue of persons with impairment in Ethiopia although they are very limited in number. This may include the building proclamation number 624/2009, the one related to the accessibility right of PWDS to buildings the most significant legislations of any other laws in the country including the constitution itself in terms of protection of the rights of PWDS notwithstanding the fact that they are limited to the specific rights of the group.

The 2009 building proclamation number 624 explicitly stipulates that any public building including educational organization of primary and secondary level of schooling shall have a suitable means of access for persons with physical impairment for use including toilet facilities where required. under this proclamation stated that the educational organization of primary and secondary level of schooling shall have a suitable means concerning the accessibility for persons with disability related using the building. However, the law put the mandatory provisions in The building proclamation of 624 2009, considering the implementation of the proclamation there is no institutional or personal body who controls the practical applicability.

3.2.3 The 1994 Education and Training Policy (ETP)

The education and training policy of Ethiopia has confirmed the importance of early child hood education and so clearly stated as efforts must be made to enable the disabled and gifted to learn in accordance with their potentials as well as needs [ETP 1994]. With that it can be under stood as the governments executive legislative and judiciary bodies from the federal to the local area should investigate the existing needs and after they identify the gap, prepare plan with active participation of all stake holders and concerned bodies, allocate enough resource which is human and non human inputs, conduct closely and scheduled monitoring and follow up as well as, evaluation about PWDS education and training.

Hence, together with constitutionally recognized rights of people with disability, the education policy too established with as well as conditions that have to be fulfilled so as to enable favorable conditions for PWDS education. Further with in the frame work of the policy the government of Ethiopia has designed and launched a twenty years education sector development program to translate policy issues in to action. That's why under that frame work the MOE has designed set up and implement special needs education program strategy [MOE 2006].

Hence in accordance with the ETP, the ministry of education has developed a comprehensive special need education program strategy with it having specified the establishment of resource centers. That's why nine resource centers were set up as part of the 2006 and the 20012 special needs or inclusive education strategy implementation plan and in SNNPR only one rehabilitation center was established [TafeseChirbo 20 17]

In this special need education program the government has planned to provide every required input which facilitate the favorability of the school's learning environment for people with

disabilities and support accomplishment of desired educational goals. However, the fact is different in the ground and the constitutional rights of PWDS and also the ETP special need education programs have not been effectively and comprehensively implemented and practiced. As a result there are still many PWDS who have no access to education and so not enrolled in the formal education delivery.

For instance, according to UNESCO [2015] conducted study showed that the enrollment of children with disabilities in primary schools has been only 70477 of them 41008 are male and the rest 29469 female in 2013/2014. Consequently, it can be deduced easily that PWDS enrollment at primary school level has been very low compared to the non-disabled as well to the total number of PWDS who should have to be enrolled in primary schools.

Similarly as of the SNNPR context which has a regional total population of 15995819 people in 2010 an estimate of 1599581 persons with disabilities that equals 10 to 15 percent of the total have been found CSA [2011].

In addition according to the SNNPR education bureau education management information system 2008] shows that there are 29144 primary school students with special needs in only 5 Zones. Thus, the other zones of the region have no primary schools which have enrolled PWDS although it evident that all the zones and Woredas of the region will have PWDS. As a result, one can simply judge and understand that both the gross enrollment and net enrollment rate of PWDS will be too little.

3.2.4 Developmental Social Welfare Policy of the Federal Democratic Republic of Ethiopia

Developmental Social Welfare Policy was formulated almost two years after the adoption of the constitution of the FDRE in November 1996 by Ministry of Labor and Social Affair of the country. The policy has placed persons with impairment among segments of the Ethiopian society whose social welfare is usually a priority of concern. Ministry of labor and social affair of FDRE of the developmental social welfare policy 1996 acknowledges the difficult circumstance of people with impairment that most of them live in rural areas where social and medical facilities are very limited and that their exposure to harmful traditions is very high.

Furthermore, it indicates the fact that people with impairment in Ethiopia have limited access to rehabilitation service as the existing services are limited to urban centers.

The policy also recognizes that people with impairment suffer from lack of opportunity for education and employment and that their day-to-day activities are highly constrained due to the absence of friendly physical environment which, together with the existing negative social attitude forces the group to lead meaningless life. Taking this reality in to account, the policy has come up with some policy actions which are assumed to address the problem described above.

These actions include: facilitating conditions that will enable persons with impairment to use their abilities as individuals or in association with others to be self-supporting and then to contribute to the development of their country by participating in social, political and economic activities, ensuring their welfare through appropriate legislative measures that increase the opportunity of access to education, skill training, gainful employment and other services to instill a sense of confidence and self-reliance in them, creating mechanisms through which persons with impairment will receive appropriate medical or health services and launching appropriate and sustainable educational programs that have high significance in terms of raising public awareness concerning the factors for and effect of the problems people with impairment suffer with high emphasis on the need of the change of the prevailing harmful traditional attitudes, norms and practices in relation to the group among others.

The policy has also designed a mechanism, among many others, of coordination at the heart of the strategy to realize the actions mentioned above assigning Ministry of Labor and Social Affairs as a coordinator of the responsible actors.

3.2.5 Sport Policy of the Federal Democratic Republic of Ethiopia.

The sport policy of the FDRE has been formulated in 1998 by Ministry of Youth and Sport. The policy has been designed in a manner that it has taken the case of persons with impairment in Ethiopia into account in many aspects. More importantly, its attention to people with impairment in educational institutions, health and fitness institutions can be mentioned among others. Its approach to persons with impairment can be expressed in such a way that it has followed a participatory, physical fitness (need-based) approach and the principle of justice. Above all, it deserves an appreciation in that what has been outlined in the policy document has not remained at theoretical level. In general, there was a condition that sporting events took place at local,

national, continental and international levels and that people with impairment actively participated, and were able to win various medals and diplomas. PWDS to participate in different sport activities in school any obstacles should be free from school area.

As to the higher education proclamation number 650/2009 article 40 states that educational institutions shall make the extent possible their infrastructure facilities and programs amenable to employ with appropriate and relevant easy by physically challenged students or PWDS. In addition, it has stated that students with disabilities at their stay in higher learning organization get special support to pursue their education effectively and efficiently.

Further there are also other educational related policy documents that promote the execution of inclusive education such as the ESDP for the special need education strategy program. Thus it can be understood that tertiary education of PWDS required to employ additional and relevant materials, inputs, qualified personnel and psychological build up to assist PWDS in learning their special need education and accomplish established and desired goals.

Similarly, the importance of inclusive education is numerous for all [Bunch and Vleo 2007]. And as to the same source above inclusive education importance are 1Friendship, increased social initiations, relationship, peer role models for academic social and behavior skills. Better achievements of goals, up graded skill question and generalization, Higher chance of accessibility to general curriculum more integration of families in to the community.

Accordingly, inclusive education of the special need education provision to PWDS can bring many benefits comprising psychological, social economical, educational and even political aspects. Moreover, in inclusive classroom PWDS who enroll in that educational service provision have the chance and opportunity to feel and act like others. That's why they are considered as less likely to miss out on social events and they have many opportunities to make friends and be part of peer groups. Their esteem can also be achieved, they can become socially competent and not isolated [Bunch and Valeo 2007]

Despite such efforts that Ethiopia has shown in the process of achieving Education for All (EFA), it has been noted that there is still a gap in the provision of access to all learners particularly those with Special Educational Needs. Furthermore, the 2006.

strategy has its own gaps during its implementation. To ensure access and quality of education, it is high time to revise and update the 2006 strategy. Everyone has the right to education. Education shall be free, at least in the primary and fundamental stages.

Primary education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. In addition to this, building proclamation No. 624/2009, the one related to the accessibility right of persons with impairment to buildings and the right to employment of persons with “disabilities” proclamation No. 568/2008 are the most significant legislations of any other laws in the country, including the constitution itself, in terms of protection of the rights of people with impairment notwithstanding the fact that they are limited to the specific rights of the group. The 2009 building proclamation No. 624 explicitly stipulates that any public building shall have a suitable means of access for persons with physical impairment for use, including toilet facilities where required.

3.2.6 Regional legal frame work of the SNNPR state towards PWD

State constitutions play the role of regulating the behavior of states at sub national level and governing the relationship between state governments and local governments. They also govern the relationship between governmental bodies and citizens being an umbrella for fundamental human rights and freedoms of state citizens.

As a member unit of the Ethiopian federation, the SNNPR State has a constitution of its own that established various organs or institutions to provide the functions which are believed to have been given by state constitutions. For instance, it enumerates the powers of state council in Art.51 and the power of the Counsel of nationalities in Art.59, as well as the powers of local governments from Arts.81-85 respectively. In this section, it is possible to focus on the revised constitution of the SNNPR State due to the absence or little existence of other laws that have been proclaimed or issued in relation to our topic. It is the existing national legislations that are at work in all regional states of the country with regard to persons with impairment with the exception of Addis Ababa in some cases and of some provisions in Civil Servants Proclamations of civil service bureaus of regional states. Similarly what has been provided for nations, nationalities and peoples as well as women in the federal constitution has also been provided in the constitution of the Regional State under discussion. As far as the human rights of persons with impairment is concerned, the constitution of the regional state did nothing more than that of

the federal constitution. Theoretically, state constitutions could provide for better protection of the rights of state citizens expanding but not deviating from the federal constitution.

As to the very idea of federalism, both individuals and groups in a country with a federal political system enjoy double human rights protection. However, the case of persons with impairment in Ethiopia as a group seems to face double rejection rather than to enjoy double protection of their human rights. Although the constitution of the FDRE explicitly recognizes the power of the regional states to formulate and execute different policies, legislations, strategies and plans, the SNNPR State has not used this constitutional space to protect the human rights of persons with impairment notwithstanding the fact that this condition is not peculiar just to the state under discussion mainly to be very low. The SNNPR government initiates to mainstream disabilities in their development program. This can be taken as a positive movement towards supporting with PWDS in the region. The regional government support SWS according Tafese Chirbo the regional government of Ethiopia in Wolaita zone currently supports visual impaired students with pocket money that ranges from Birr 62 up to 240 per month for students grade 1 up to 4 and 5 up to 12 respectively. For the aim of covering house rent, food and transport to motivate students to follow their class attentively. [IBID] This pocket money provides at a few zones. Therefore, some students move from one zone to other without their interest. This also show service delivery op PWDs are inaccessible or vey low in different zone and woreda.

CHAPTER 4

Data analysis and interpretation

Introduction

In this chapter is dedicated for describing data collected in relation to access to education of PWDs in the study woreda. The chapter describes the study area, general background of respondents. The practical implementation of state constitution, the extent of state constitutional implementation exercised and promoted at local level to properly address right of PWDS. The contribution of supervision on local level of administrators for addressing rights of PWDS. The challenges of state constitution implementation locally to address rights of PWDS effectively, for data interpretation the researcher selected more qualitative methodology interview, focus group discussion, result and discussion of observation and case study. To show the respondents background data the researcher used table. In the following subsection all findings of the research shall be provided in detail.

4.1 Description of the research in the study area.

Damot Woyde Wereda is one of the 16 Wereda's of the Wolaita zone neighbored with Damot gale wereda in the north ,Sodo town in the north west ,Diguna Fango Woreda in the east and Bilate military camp in the south, has a total area of 165,000 Hectare with a population of 125,520 (CSA 2009EC).In addition as to FED as to office (2009EC) of the total population more than 90 percent had been engaged on agricultural production activities and also there are 23 Kebele administrations, 18 governmental organizations, 34 primary and 5 secondary schools, 4 health center 24 health posts, 1 justice court and 23 Kebele community policing centers with a head quarter. According to (csa 2009EC) of the total area 60 percent has Kolla, 35 percent Weinadega, and the rest 5 percent Dega climate.

Like any other Woreda the Damot Woide Woreda has people with disabilities. According to the Woredas administrator office report (2009EC) the number and type of PWDS has been presented in the below.

Table 1Total Number of People with Disabilities

No	Age group	Male	Female	Total	percent
	Below 10 years old	55.2	44.7		6%
	11 up to 20 years old	53.2	46		11%
	21 up to 30 years old	53.7	46.3		34%
	Above 30 years old	74.1	25		49%

Source: DWWAO(2009EC) report

Accordingly the Woreda had a total of 587 registered PWDS. However, it may not be the right or exact total number of PWDS because the various social backward attitudes can prevent families to expose their disabled member and register in to any public book registration. Hence, of the total of PWDS being registered those who had to be enrolled in educational institutions (less than 20 years old aged) accounted 17 percent of the total population of PWDS. Youth had accounted 34.2 percent and adults that could have been accessed to compulsory integrated or any type of adult education were 48.7 percent of the total. Meanwhile, in the different educational service providing institutions of the woreda (primary and secondary schools.) those PWDS who have been enrolled have a total number of 74 people and of them 32 are primary school students and the rest 42 secondary school students. (DWWE0 2009 EC)

In addition, according to educational training policy and special need education, PWDS are entitled to have specially designed and conducted educational service provision. But the reality in the ground or locality has been different. For instance, in regard to accessibility of schools for PWDS in the Woreda with in a spatial distance this has been described in the ETP (education and training policy) of the nation. The Damot WoideWoreda has an average of 5 kilo meter distance in between the home of a learner and the school.(farthest with 7 kilo meter and the nearest 3 kilo meter distance) to residence of learners. (DWWEO, 2009 EC).

In addition both home to school and inside school infrastructure of the study area have not been appropriate to learners particularly for easy mobility and without confronting dangerous obstacles. For instance there were trench like obstacles, the school roads being not smooth and easy to walk. And this has also been a pre condition that has to be fulfilled and being stated as appropriateness to a site, facility, work environment, service or program that is easy to approach, enter, operate, participate in and / or use safely and with dignity by PWDS (ADA 2011). Hence, the availability of barrier free environment which is a space which allows people with disabilities is needed. This means PWD students should have a school compound which has easily accessible and appropriate facility with relevant pathways.

Further in the educational training policy, put that an educational organization that has good facilities for PWDS does create positive experience for them and this involves special provision inside the library, having accessible physical environment such as lift, ramp, reasonable accommodation, needed modification and adjustments to make more meaningful educational service provision to PWDS. However the fact in the locality has been different and of the primary and secondary schools, none have the needed, appropriate and required. As of the particular or specific schools by which PWDS had been enrolled as student in Damot Woyde Wereda included: Bedesa primary school, LifeCam primary school and Chifisa primary school were the focus of this study. Hence, these schools had a total of 1786 students and of them 49 were PWDs. Further these schools had a total of 104 teachers but none of them had a proper training on special needs education.

4.2 General background of respondents

This study deals with general background of the various individuals who participated in this response and it had been presented as follows.

Table 2socio demographic characteristics of PWDs

no	Item	Male	Female
1	Less than 16 years old	16	3
2	16 to 17 years old	9	6
3	18 to 19 years old	34	3
4	20 to 21 years old	12	9
5	Above 22 years old	6	0
6	Sight impairment	31	22
7	Mobility impairment	16	12
8	Hearing impairment	6	3
9	Intellectual disability	3	6

Source: own survey 2011EC

Of the total PWDS students who were selected as samples, there were only 7 female students and the rest 25 students had been male. Further PWDS students had been found out that the youngest was aged 15 years old and the oldest was 23 years old. Moreover of the total sample PWD students who were enrolled in primary schools of the study area 17 had an Impairment in relation with sight, 3 with hearing problem, 9 with physical [movement] and 3 with intellectual disability problem.

Table 3socio demographic characteristics of local administration bodies*

no	Item with description	Male	Female
1	Se	75	25
2	Less than 30 years old	17	8
3	30 to 40 years old	17	-
4	41 to 50 years old	42	8

5	Above 50 years old	-	8
6	Diploma level of education	-	-
7	Degree level of education	75	25
8	Above degree level of education	-	-
9	Less than 5 years work experience	-	-
10	5 to 10 years work experience	58	25
11	Above 10 years work experience	17	-

Source: own survey 2011 EC

Of the total local administrators the researcher had selected twelve purposive sampling method

Meanwhile, as of the general background of local state and regional constitutional implementers it had been found out that with exception of 3 female the rest 9 were male, aged the youngest 28 years old and the oldest 41 years old, all had at least a bachelor's degree educational qualification and the least 6 years and the most 11 years total work experience. On the other hand, as of the personal biography of the educational institution management bodies who were taken as samples had been found out that they were all male, with an average age of 30 years old and all had a bachelors degree a maximum work experience of 3 years as school management membership. During the interview focus group discussion each and every discussion participants were actively involved and had forwarded, argued and discussed with full dedication.

4.3 The practical implementation of state constitution Disability Right

As citizens of the nation PWDS have common rights with that of other citizens as well rights which are intended particularly for them. But, what matters most has been the implementation of

such common and individual right which has been stated under the state and regional constitutions appropriately and effectively. Accordingly selected sample respondent of PWDS for An Interview Conducted With the Bedesat primary school visual Impaired students and teachers and hearing Impaired students on Monday, February 25, they had been presented their response for an interview question that they did ask about to the effectively accommodation from the Weredas educational provision. They forwarded in detail that there no effective accommodation.

There was no favorable learning condition for PWDS such as lack or absence of different inputs, school's compound accessibility for easy movement. In the interview made with Abebe Ayele who is a teacher in Bedesa primary school, he expressed that practically disable student who were found in our school are not beneficiary of inclusive educational policy. The reason for this are, the absence of trained man power that can help by reading and interpreting the teaching and the writing of the teacher to the visual and hearing impaired students. For the existence of these problems the governmental bodies are responsible by not creating conducive educational environment and by not implementing the inclusive educational policy in to a practice. Specially, Students with hearing impairment forwarded that they are forced to interrupt their education after grade 4 because of the absence of trained man power who interpret their language to the teachers and vice versa.

According to W/ro Yadelech Tantu who was speaker of the house of representatives of the Wereda with the interview made on 26/2/2011 explained that there are several problems related with PWDS educational enrollment had lacked students text books and reference books, appropriate tables and chairs (students desks) as well the school's compounds had been full of physical obstacles. She explained in detail in the following subsection including other problems. Blind PWD students were having had accidents when they moved to their classroom from outside and to outside from their classroom.

Poor or back ward attitude of most schools community members towards PWDS education. Hence according to the interview the researcher conducted on Monday, February 25, with Damot Woyde Wereda education office head MR Memru Kumalo, and Mulatu Tantu the special need

education coordinator of Damot Woide Woredahad explained and clarified about such challenge most school community members did not understand that PWDS could acquire the imparted knowledge and skill and become competent citizens who would engaged in the overall growth and development activities of the society.

Shortage and sometimes absence of qualified teachers who can properly impart the needed knowledge skill and value to PWDS who were enrolled to schools for special need education

Absence of educational aid materials which are designed particularly for special need education implementation absence of appropriate motivation and support for special need education learners from teachers, school management bodies and other concerned bodies.

Meanwhile the same interview item had been presented to the Weredas office of justice, the woredas' administrative office is including the other local government bodies' implementers who have the power concerning the fair administration and they forwarded that the state constitution has left enough room for the inclusion of human rights of PWDS under its jurisdiction. The researcher can consider that the state constitution has not used constitutional power of them which was explicitly provided by the FDRE constitution to formulate and execute different policies, legislations, strategies and plans in terms of protecting the human rights of persons with impairment. Because the state constitutional makers can formulate different policies, legislations, strategies and plans in terms of protecting the human rights of persons with impairment without contravening FDRE constitution to give better protection for the groups of PWDs such failure of the state constitution caused double rejection rather than to enjoy double protection of human rights of PWDS under the jurisdiction of state constitution. The Weredas educational department as one of the state constitution implementer stated that educational service in Damot Woyide Woreda had not comprehensively and effectively accommodated PWDS in the service provision.

The researcher selected 4 respondents for focus group discussion. Those are selected from Damot woyde Wereda education office special need coordinator, Bedesa primary school special need teacher, Chifisa primary school director and Lifika primary school director. The meeting has made on Wednesday February 27 20 11, EC. In Bedesa primary school hall.

The discussion was made on the question of (Does the local government has tried to identify and remove obstacles) barriers of educational service provision for PWDS in your Wereda eventheWereda administration think that I tried to identify and remove obstacles/ barriers of educational service provision for PWDS in the Wereda,special need teacher explained that the attitude and readiness level as well as establishment of the needed special need education inputs is not present.Moreover, the person who was an expert of special needs' education in the Wereda education office clarified that the rights of PWDs had been planned on paper every year. But when the wereda administration's officials were asked they had been hesitating and not willing to allocate enough amount of input as well as budget. Every time, they had been replying as lack of budget persists even to have allocated enough budget for the standard education in the Wereda. As a result, the PWDS educational service provision had facing with too serious shortage. Therefore, the problem had been existing in the past and would stay existing in the future unless addressed well.

Chifisa primary school director and Lifika primary school director shared their idea concerning the above question. The directors of both primary school explained that the schools are in rural area. And related with this the directors also clarified that the students who follow their education in the school which is found in rural area are highly vulnerable for the problems that of schools in urban area. The school directors stated that the inaccessibility of the physical environment of the schools, the non-existence of inclusive educational arrangement, the poor economic condition or the negative social attitude of their parents or families in rural area are the basic reasons for intensifying the problems which makes impaired students not to follow their education properly.

Researcher made other discussion with PWD students of Lifika primary school participant. The interview with Lifika primary school PWDS students made on 28/6/2011 E.C. the participant students said that there was backward opinion and attitude of all members of the community including the schools community towards education of PWDS. Researcher made the interview with Chifisa primary school hearing, visual impaired and with physical disable PWDS students made on the same day. As to the interviewee, there were individuals who forwarded proverbs

and sayings that could discourage PWDS endeavor and effort of acquiring knowledge and skill dedicatedly. Further others did consider PWDS educational service and their enrollments student like luxury that could not been afforded by a poor society. And as to such people, the expenses being incurred or PWDS educational service would have to be allocated for some other very vital social service provisions.

4.4 The extent of state constitution implementation exercised and promoted at local level to properly address right of PWDS

An interview item “have you been receiving enough amount of support in finance, material and morale from the Woreda’s stake holders in securing your educational right being stated in the state constitution?” had been presented to Chifsa primary school hearing impaired PWD Respondents and they did forward their replies as not received any kind or amount of support from any one. On the other hand, the local level of government body implementers had been inquired if they had ever been exerting their effort [as member of the local government] so to had identified and combated obstacles that had been challenging implementation of the state constitution own PWDS educational rights that was provision head of accessible, relevant and equitable educational service and if not the reason. Consequently, the researcher ha conducted focus group discussion with Bedesa Wereda primary school supervisor and with Bedesa Wereda labor and social affairs office head and other local government body implementers Bedesa Wereda primary school supervisor had told that of them, only very few were exerting their effort which is more of personally so to had identified obstacles that challenged implementation of the state constitution particularly for having accessible relevant and equitable educational service provision. On the other hand, the labor and social affairs officer listed the reasons as: lack of proper understanding, shortage of needed inputs, and absence of good political commitment and presence of backward attitude.”

Further, similar question have you ever exert your effort as member of the local government so to identify and combat obstacles that have been challenging Implementation of the constitution on PWDS educational right?” had been raised at state constitution implementers beginning from the Woredas’ educational office and for the other Woreda’s government bodies and they forwarded that only very few member of the local government had exerted their effort to identify

obstacles which hinder and create problems on implementation of state constitution to secure educational right of PWDS and none had been so far combated successfully. As result provision of better educational service for PWDS that had been accessible, relevant, quality and equitable schooling was not realized.

4.5 The contribution of zonal government authorities supervision on local level of administrators for addressing rights of PWDS

As there is responsibility, accountability as well as transparency in the workings of each organ of the government concerning local level state constitution implementation has been supervised by the zonal authorities. In such process the local state constitution implementation has been monitored, followed up, supported and evaluated about its effectiveness in regard to properly addressing the rights of citizens including PWDS in every constitutionally decreed issue. Accordingly the local government body implementers in the study area had been presented with an interview question that was inquiring them if they had or other members of the local government were providing every possible kind of support for PWDS in securing their constitutional right particularly educational one and if yes or no what had achieved or why not supported. Hence, the local government body implementers had for warded their replies as: they only exerted little effort to support PWDS in securing their constitutional right of having had quality, accessible, relevant and equitable educational service provision. And this can be understood as the monitoring follow up support as well as evaluation practices of supervision bodies in regard to addressing educational right of disabled people with accessible and relevant education in their locality had not been effective and properly realized and so the practice had not been effective.

Meanwhile during focus group discussion PWDS who had been participants did raise their opinion about ineffectively and weakness of both the local governments state constitution implementation practice as well as the supervision exercising bodies in regard to securing PWDS constitutional rights of getting equitable, relevant, accessible and quality education in the study

area. Therefore, local state constitution implementers were invited to address the point being raised. And so they did forward that even the superior bodies [supervision exercising bodies] had never been able to properly provide support in addressing the constitutional rights of PWDS.

4.6 The challenges of state constitution implementation locally to address rights of PWDS effectively

People with disabilities who had been selected as samples and interviewed were presented with an item that inquired them as of educational service provision if it was barrier free in regard to the type and level of disability being enrolled in the primary schools of the woreda. Hence respondents comprehensively forwarded their replies as the primary school's educational service provision had not been free of barriers to all of disability types and levels including the blind, deaf, physical disability, mental retardation and behavioral disorder of simple to complex severity.

Similarly, PWDS had forwarded that the major challenges and obstacles that have been faced by them as of their constitutionally provided educational right including. Attitudinal and opinion related problems that sprung from the society or community. In this regard, an interviewee who had explicitly replied about the attitudinal and opinion related challenges that came across with PWDS effort exertion as a student who had been aiming to had accomplished the planed educational goals and objectives few people had been “insulting” others discouraging and most others had been humble individually.

Shortage and usually absence of needed input and resources for the teaching learning process of PWDS education lack or non-existence of appropriate dedication and commitment of political administration i.e. local level implementers of the government body. For example, as to an interviewee of the Wereda prosecutor workers, had detailed if there was good commitment of political leaders i.e. State constitution Implementers then there would been better exertion of effort with at most level and dedication. In addition it was oblivions that an issue with a concern and emphasis of political leaders who in other way had been responsible for implementation of the state constitution, which had been fully, accepted by others i.e. all community members. If so

the PWDS educational service provision could not been a slogan which was found only in theory that had not been realized in practice and provided benefits to the public particularly for members of the society being more vulnerable to different misjudgment, abuse and discouragement that based on their personal or physical makeup, religion, sex and ideology.

Mean while various the local government administrators were interviewed about the major challenges by which they had experienced in regard to educational service provision of PWDS in their Wereda. Thus they responded that PWDS educational service delivery had been coming across with factors that of the total 12 interviewed local administrators the majority which were seven local administration body members replied as attitudinal, moral and psychological factors.

That is why Tademe Buche from Bedesa Wereda administrative office had described the situation that special needs education which had been intended to be conducted in all the Wereda like part and parcel of the nation, was hampered by the existence of poor back ward and uncivilized attitude of some individuals who were member of the society towards PWDS education, competency and capacity to had been productive in their respectful society. In addition, as of the provided moral and motivational support to disabled people and their effort of gaining needed skill and knowledge there had been no motivational support and courage building.

In addition, three people had explained absence or shortage of support, motivation and also encouragement to PWDS in their endeavor to acquire knowledge, skill and value which could make them competent citizen to be part parcel of the community's developmental activities. With the similar interview of implementers, the Wereda public prosecutor office explained, Further two of the interviewee had put that lack of appropriate and dedicated political commitment of most state constitutions Implementers as well as administration bodies. On the other hand a discussion point for the FDG participants had been presented on similar issue that participants did for ward their replies as of the major challenges in regard to implementation of constitutionally decreed educational rights of PWDS: The chief executive body of the Wereda had explained that the most serious challenge was absence of financial resources specially to acquire needed input and infrastructure so to deliver quality education for PWDS" In addition by

the name of Indrias Garmamo member of workers in the labor and social affairs office in the Damot Woide Wereda FGD participant had raised his own point in reply to the challenges as related with that of the study area “As I had a close relative who is disabled her that to had enrolled that teenager to a formal school in our locality or Keble as well as the neighboring kebele education of PWDS was not possible and accessible, because lacks of trained special need teachers. For such reason that teenager had been out of school for few years and finally it had been possible to had enrolled her in Wolaita soddo towns Otona school for the blind”. Similarly, a PWD from Bedesa primary school had explained that the constitutional for PWDS in regard to their educational service provision in the study area had been coming across with various challenges and as to him “the schools has been designed for as well equipped with only to non-disabled people that both the teaching and other staff members of the schools have no knowledge and skill about delivery of educational service for PWDS which is special needs education. To make things worse most of the schools community members have back ward and also negative attitude towards education of PWDS and so only very few of them have been providing minor and individual based [not institutional] support for PWDS student were enrolled in those schools”.

On the other hand, according to another participant was herself the teacher of special needs education in the Bedesa primary school, that the educational service provision for disabled people in Damot Weyde Wereda had been surrounded by different problems. Hens according to the special need education unit of the study area has been encountering shortages of educational imputes such as students books, educational aid materials teachers guide skilled special need education teachers appropriate school compound Braille books in the library and various raised materials which enable blind students touch and understand the shape of objects.

4.7 Result and discussion of PWDS educational provision observation

In order to had own judgment about both the state and regional constitution implementation so as to had secured educational right the author this study had conducted observation by using an observation check least. Accordingly, the result and discussion was presented as follows:

1. As my observation from my visit in different schools, the wereda's educational provision accommodation for PWDS had been rated as bad. And this had been so as the PWDS educational provision was vulnerable to deep rooted and complex problems and challenges.
2. The number of PWDS who have been enrolled in your Weredas educational institutions as learners has been ranked as fair. Because when we compare and contrast the total number of PWDS who were enrolled with that of the total number of PWDS it can be rated as fair.
3. The Weredas educational service provision has been able to create almost barrier free service for PWDS rated as bad because of presence of psychological and physical problem arousal in almost each and every schooling system of PWDS.
4. The efforts of the local government in identifying obstacles of educational service provision for PWDS has been rated as bad. As they had been planning but not making a practical, organized and institutional effort exertion.
5. The effort being exerted by the local government in combating challenges which affect educational service provision for PWDS can be rated bad. It had been found out as instead of planned and organizational activity only individual based and spontaneous activities were done.
6. The implementation of the state constitution, the education policy as well as its programs by the local government in regard to securing the right of PWDS in education can be termed as bad.
7. Ability, readiness and effort of the local government bodies in providing needed support for PWDS in their education can be rated as bad
8. Local government bodies' awareness about disability related policy and program can be considered as bad. This was deduced because of the fact that if they knew, they had to had an institutionally exerted and practical effort based on the policy and programs set up and established for PWDS over all right and in particular PWDS educational right. In addition it would be possible for local administrator to mobilize all stake holders for their active participation in having effective PWDS educational service delivery.
9. Generally speaking the state constitution implementation on PWDS rights particularly as of securing educational right by the local government can be rated as bad.

Chapter 5

Conclusion and recommendation

5.1 Introductions

The central question this research sought to find answer for was whether local government units take in account the special need of PWD when planning provision of basic services. It sought to answer this question by taking the education sector in Damot Woyde Woreda of SNNP as a case study. This chapter outlines the major findings of the paper and some recommendation. The chapter begins by summarizing the discussions in the different chapters. It then outlines the major findings followed by recommendations.

5.2. Chapter Summary

Chapter one outlined the problems relating to accommodation of PWDs in service delivery and posed the question whether and how the special need of PWD taken into account when planning provision of basic services. Chapter two based on international literature and international human right instruments highlighted the rights that PWDs can demand from government and the obligation of government in terms of providing services to PWDs. Chapter three highlighted constitutional and institutional framework providing for the provision of services, especially education, to PWD. It examined whether they adequate enough. Chapter four was dedicated for analyzing data collected form field studies.

5.3. Major findings

For the purpose of concluding In his systematic investigation, the researcher tried to disclose that He clearly got awareness that negative attitude of community, lack of loyalty and commitment by local authorities, shortage of awareness concerning PWDS, POOR quality and quantity of various infrastructure of the educational service and unfavorable teaching learning phenomena at schools were major problems which prohibited the local government not to provide constitutional guarantee for the society of persons with disabilities.

The researcher also thought that the source for the problems identified in this research is constitutional and other laws enacted depend on the constitutional. Because it is impossible to find or see clear independent provision among 106 articles of the FDRE constitution which deals with affirmative action concerning persons with disabilities. The state constitution did not create other better right except copying from article 41 sub article 5 of the FDRE constitution.

The practical implementation of state and regional constitution concerning the rights of PWDS particularly their educational right is very low. Therefore, PWDS in the research area had become either dropped out or failed that could resulted in the absence of good governance among the persons with disabilities. Moreover, it could be very much difficult for both disabled individuals who were not enrolled and being enrolled because of the fact that there could been demoralization of PWDS. The other major problem that challenged the provision of social services to PWDS is the fact that the local government did not allocate any budget to address the problems of this section of the society. The state constitution implementers had only been applying their personal but not pland institutional effort in identifying and combating obstacles which related with education of PWDS. Such phenomena would result in discouragement of both PWDS who were enrolled in primary schools and their parents.

Due to the above major problems, generally, there was no planned and institutionalized means for providing appropriate assistance in order to promote equal participation for PWD's with others who are not disabled in their education. And it is possible to understand that lack of pland and institutionalized effort for identifying and combating obstacles which related with education of PWDS promotes misunderstanding of the community towards the capacity of disabled individuals in acquiring the imparted skill, behavior and knowledge, difficulty of the existing educational system. Because of this, individually exerted as well as, spontaneous support that could not embrace the larger PWDS was applied in schools to manage equality.

Therefore, the researcher clearly conscious that the government has the power to promote equality among citizens including persons with disabilities providing special attention depends on the types of disabilities by allocating budget to implement the policy issued by the federal government concerning the provision of social services with special emphasis on education to PWDS.

5.4 Recommendations

The researcher forwarded the following recommendation that he thought as basic tools for promoting effectiveness of the state constitution implementation and securing rights of PWD'S particularly educational right in the study area.

- In order to address the problems of PWDS living in Damot Woide Woreda, the local government has to allocate sufficient budget so as to implement the policy issued by the federal government concerning the provision of social services with special emphasis on education to PWDS. For instance, 1994 educational training policy and inclusive educational policy. These policies issued by federal government shall be implemented in a manner which can be promoted equal protection of educational rights of persons with disabilities.
- All the special needs education centers should be organized throughout the Wereda and give better services to PWDS.
- It is expected from the government bodies and other stakeholders to give awareness to the students with disabilities and their parents as well as the school community at large. To do so various methods can be used including: use of different masnmedia, employment of community elders and religious leaders.
- The training Need to empower state and regional constitution Implementers of the local government bodies with all required knowledge, skill and value for capacitating them effectively practice the implementation of constitutionally decreed rig motivation to PWD'S educational service provision that is their constitutionally stated educational right being decreed and must be exercised by Implementers [local authorities] by creating community mobilization.

Empowering and enabling Implementers make enough consideration and emphasis for securing PWD'S constitutional decrees, policy based and program's oriented activities which are obligations of the local and other higher level of authorities.

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List of interview.

Interview Conducted With the Bedesa primary school visual Impaired students and teachers and hearing Impaired students on Monday, February 25 2011 E.C

Interview Conducted With Tadelech Tantu the speaker of the house of representatives of the Damot woide Wereda on February 28 2011 E.C

An Interview Conducted with Damot Woyde Wereda education office head Memru Kumalo, February 27 2011. EC

Interview conducted with Bedesa primary school director Bagaje Tumato, February 25 2011 EC

Information Obtained from the special need education coordinators of Bedesa, Tora Liphika and Chifisa primary school on February 22 2011.

Information obtain From the Damot Woide Wereda administrator officer Tademe Buche February 28 2011 E.C

Interview conducted with Tora Liphika primary school disability students February 26 2011 EC

Interview conducted with Chifisa primary school disabilities students February 27 2011 E.C

Interview conducted with with Mesfinnesh Moga, February 27 2011 EC

List of FGD

Group discussion with DWW labor and social affairs officer Endrias Garmamo, with DWW justice officer Iyersulem Dawit, DWW justice office worker Sisay Hailu, February 23 2011 EC

Group discussion conducted with Bedesa primary school SNE teacher Aselefech Tuche, with DWW education office special need coordinator Aron seta, from Liphika primary school director Abebe Samuel and with Chifisa primary school director Abayne Anjulo February 27 2011. EC

Interview Question

Addis Ababa University

College of law and governance,

Department of center for federalism

Interview for PWDS

Dear respondents

I am an MA degree graduating class student in Addis Ababa university and required to conduct a study under the title “state constitution and its implementation on disabilities right: case of Damot weyde wereda, Wolaita zone”. Thus, I am asking you politely to provide me your response for the following questions.

Thanks in advance.

Part one.

1. Age,
2. Educational qualifications
3. Type of disability
4. Severity: level, disability

Part two.

Researches objectives related questions

5. Do you agree as your Weredas educational service provision has been accommodated PWDS effectively? Why?
6. Have you been receiving enough amount of support from different stakeholders in securing your educational right being stated in the state constitution?

1. 7 .As of educational service provision for PWDS is it barrier free,[based on the disability type and level of PWDS who enrolled in educational institutions as learners,]
7. Similarly, what major challenges and obstacles have you been encountered as of your educational right, [of the constitutions implementation]. 9 Have you and other PWDS been knowledgeable about policies and programs that are intended for securing your constitutional right particularly educational right? If no –does it not affect your effort and life? If yes have you been able to use them for asking about your right?

Addis Abeba university

college of law and governance,

Department of center for federalism

Interview [for state constitution implementers

Dear respondents

I am an MA degree graduating class student in Addis Abeba university and required to conduct a study under the title “state constitution and its implementation on disabilities right: case of Damot weyde wereda, Wolaita zone”. Thus, I am asking you politely to provide me your response for the following questions.

Thanks in advance.

Part one,

- 1 .Age
- 2 .Educational qualification
- 3 .Work experience at your current job position

Part two,

Researches questions related items

- 4 .Do you believe as your Weredas educational service provision has effectively accommodate PWDS Learners?

5 .What major challenges have been encountered as of educational service provision for PWDS in your Wereda? Have you tried to combat them? If no why?/if yes what have been achieved so far?

6 .Do every member of your Weredas legislative and executive have enough amount of awareness and knowledge about the policy and programs about educational service provision for PWS? If yes are they been ready to implement?

7. Have you ever exert your effort [as member of the local government] so to identify and combat obstacles that have been challenging implementation of the state constitution on PWDS rights [particularly educational right] that is provision of accessible, relevant and equitable educational service? If no why?

If yes what have you been able to achieve?

8 .Have you or other members of the local government been providing every possible kind of support for PWDS in securing their constitutional right particularly educational right? If yes, how and what results have you been able to achieve? If no why you and others have not been able to provide support?

9. Generally seen, what comment and suggestion can you forward about the state constitution implementation on right of PWDS [particularly educational rights]?

Focus Group Discussion [discussion points]

1. What it meant to you being an individual with disability? To the society?To actively participating in a sustainable development activities of your society?
2. How do you describe the educational service provisions accommodation of people with disabilities in your local area? Is it good? Why?
3. What are the common barriers encountered by all learners in their education in your Wereda? And what unique/special barriers have been encountered by PWDS in their education in your Wereda?
4. Does the local government has tried to identify and remove obstacles/ barriers of educational service provision for PWDS in your Wereda? If yes what had been the obstacles? Have they been solved effectively? Which obstacles are still present?

5. What are the WD related policy or program do you know? What about educational service provision policy or program for PWDS? What about the state constitution implementers of your Wereda- do they have enough and reliable awareness and know how? If not doesn't it create problem on constitutional implementation?
6. Does educational service provision of your Wereda has been encountering any type or level of challenges? If yes what are they?
7. What comment, suggestion and recommendation points can you forward so to upgrade the practice of state constitution implementation on the rights of PWDS particularly securing their educational rights?

Addis Ababa University

College of law and governance,

Department of center for federalism

Case study points to considered

1. name
2. 2.age
3. 3.educational qualification
4. type of disability
5. 5 .severity of disability
6. how he/she started education
7. has he/she been aged 7 years old/less /above?
8. 8.support or mobilization or reinforcement being able to get so to begin education from the woredas officials
9. 9 .The most common challenges
10. The major challenges
11. The minor challenges
12. 12 .Awareness about policy or program which aimed to combat challenges of securing his or her educational right

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Observation

Rate / VG very good

/G good

/F fair

/B bad

/W worse

1. The Wereda has educational provision accommodation for PWDS Which is –
2. The number of PWDS who have been enrolled in your Weredas educational institutions as learners has been termed as –
3. The Weredas educational service provision has been able to creat almost barrier free service for PWDS being—
4. The efforts of the local government in identifying obstacles of educational service provision for PWDS has been—
5. .The effort being exerted by the local government in combating challenges which affect educational service provision for PWDS can be rated—
6. The implementation of the state constitution, the education policy as well as its programs by the local government in regard to securing the right of PWDS in education can be termed as—
7. Ability, readiness and effort of the local government bodies in providing needed support for PWDS in their education can be rated as—
8. Local government bodies awareness about disability related policy and program can be considered as—
9. Generally speaking the state constitution implementation on PWDS rights particularly as of securing educational right by the local government can be rated as--