



ADDIS ABABA UNIVERSITY

POST GRADUATE STUDIES SCHOOL OF LAW

RIGHT TO INCLUSIVE EDUCATION OF PERSONS WITH DISABILITIES:

THE CASE OF ADDIS ABABA UNIVERSITY SCHOOL OF MEDICINE

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COLLEGE OF LAW AND GOVERNANCE STUDIES
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RIGHT TO INCLUSIVE EDUCATION OF PERSONS WITH DISABILITIES:
THE CASE OF ADDIS ABABA UNIVERSITY SCHOOL OF MEDICINE

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Declaration

I, Addisu Tadesse Aleme, hereby declare that this work “Right to Inclusive Education of Persons with Disabilities: The Case of Addis Ababa University School of Medicine” is my original work and has not been presented in any other university or academic institution for any degree or examination. I also declare that all referred materials are duly acknowledged in this thesis.

Declared by: Addisu Tadesse Aleme

Signature _____

Date _____

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Acronym

AAU	Addis Ababa University
AAUCHS	Addis Ababa University College of Health Science
AAUSM	Addis Ababa University School of Medicine
AAUSNSC	Addis Ababa University Special Needs Support Center
CRPD	Convention on the Rights of Persons with Disabilities
FEAPD	Federation of Ethiopian Association of Persons with Disability
ENAPPD	Ethiopian National Association of Persons with Physical Disability
FDRE	Federal Democratic Republic of Ethiopia
HEI	Higher Educational Institution
IE	Inclusive Education
MoH	Ministry of Health
MoWSA	Ministry of Women and Social Affairs
MoE	Ministry of Education
MDGs	Millennium Development Goals
NGO	Non-Governmental Organization
NPA	National Plan of Action
PWDs	Persons with Disability
SWDs	Student with Disabilities
UN	United Nations
ICESCR	International Covenant on Economic, Social, and Cultural Rights
CEDAW	Convention on eliminating discrimination against women
CRC	Convention on the rights of a child
UDHR	Universal Declaration of Human Rights
CERD	Convention on Eliminating Racial Discrimination
UNESCO	United Nations Educational, Scientific and Cultural Organization

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Annex – J Different letters written by governmental and NGO

Abstract

Inclusive education (IE) implies an education system that is open to all learners, regardless of poverty, gender, ethnic background, language, learning difficulties or impairments. It emphasizes that all children and students can learn which requires the identification of barriers that hinder learning and reducing or removing these barriers in schools, vocational training, higher education, teacher education and education management.¹ Furthermore, IE is the result of a process of continuing and pro-active commitment to eliminate barriers impeding the right to education, together with changes to culture, policy and practice of regular schools to accommodate and effectively include all students.²

As a result, there are a plethora of normative frameworks recognizing the rights to IE from the international to national level to which Ethiopia is committed to include IE as of rights to persons with disabilities. Nevertheless, the practice or implementation of IE in the country is not satisfactory.

The purpose of this research is to assess the implementation of the right to IE of persons with disabilities in AAUSM. To this end, qualitative research methodologies were administered. A case study was employed as a design. Interviews and non-participant observation were used as data-gathering tools. The primary sources of data were those disabled students who were rejected from the school due to their disability, AAUSNSC, AAUCHS, AAUSM, MoH, MoE, MoWSA, FEAPD, and ENAPPD. Secondary sources of data were Media, Websites, letters, and documents regarding the right to education of persons with disabilities.

Finally, the qualitative data were interpreted and analyzed. The core findings of the study are; 1st) the right to IE of PWD is not implemented in AAUSM. 2nd) the government is not discharging its obligation regarding IE in AASUSM. 3rd) the barriers are arising from both the practice and the admission requirements of the school.

¹ UNESCO and International Bureau of Education, Regional Seminar “Poverty Alleviation, HIV and AIDS Education and Inclusive Education: Priority Issues for Inclusive Quality Education in Eastern and Western Sub-Saharan Africa”, (Nairobi, Kenya, 23 – 27 July 2007).

² UN Committee on the Rights of Persons with Disabilities, General Comment 4: The Right to inclusive education (Article 24 of CRPD), UN Doc. E/C. 24/2016/4, II September 2016, Para. 10

CHAPTER ONE

1. INTRODUCTION

1.1.BACKGROUND OF THE STUDY

The CRPD recognizes that, for Persons with Disabilities to exercise the Right to education IE systems must be in place and, consequently, the right to education is a right to IE.³ IE implies an education system that is open to all learners, regardless of poverty, gender, ethnic background, language, or learning impairments. It requires the identification of barriers that hinder learning and reducing or removing these barriers in schools, vocational training, higher education, teacher education, and education management.⁴ Therefore, the education environment must be adjusted to meet the needs of all learners; by creating a barrier-free environment.

Persons with Disabilities are among the most important beneficiaries of the right to IE. To realize this pivotal right, the CRPD has imposed an obligation to protect, respect, and fulfill state parties. As a state party to the CRPD, Ethiopia has recognized the right to IE of persons with disabilities through different policies, strategies, and plans. Among these policies, strategies, and plans are the 1995 FDRE Constitution, Higher Education Proclamation No.1152/2019, the 1994 Education and Training Policy, the 2023 Education and Training Policy, the National Plan of Action of Persons with Disabilities (2012-2021), A Master Plan for Special Needs Education/Inclusive Education (2016-2025) are the majors.

According to the country's policies, strategies, and plans, the Addis Ababa University (AAU), as one of Ethiopia's Higher Education Institutions (HEI), makes IE of persons with disabilities part and parcel of its internal senate legislation⁵ and has opened the curriculum to students with disabilities. Based on the mandate given to Colleges of Health Science (CHS) under Article 100 sub Article 2, the college has stipulated admission requirements to the School of Medicine

³ UN Committee on the Rights of Persons with Disabilities, General Comment 4: The Right to Inclusive Education (Article 24 of CRPD), UN Doc. E/C. 24/2016/4, II September 2016, Para. 2

⁴ UNESCO and International Bureau of Education, Regional Seminar “Poverty Alleviation, HIV and AIDS Education and Inclusive Education: Priority Issues for Inclusive Quality Education in Eastern and Western Sub-Saharan Africa”, (Nairobi, Kenya, 23 – 27 July 2007).

⁵ Addis Ababa University Senate Legislation: Rights of Students with Disability (Article 171 sub-Article 2), March 2019.

(AAUSM) in 2019 G.C.⁶ Years before the school stipulated the admission requirements some students with disabilities such as student Binyam Isayas⁷, and Dr.Tazebacwe Wude⁸ joined the school in 2018 G.C and 2017 G.C, respectively.

Binyam had been assigned to the AAUSM undergraduate program by MoE by fulfilling the requirements that the program needed. After joining the school, He was one of the achieving students and followed the program till 2022 G.C. At the end of 2022 G.C. the school rejected him from the program. As the school explained, the reason for rejection was the fact that the student was an amputee on the left hand. In its announcement, the school has advised Benyam to transfer to other programs. Due to external influence (media, human rights activists...) on the decision of the school, his problem has been solved and now following the program effectively.⁹

Dr.Tazebacwe Wude graduated with his first degree in medicine from Hawassa University in 20014 G.C. After graduation; he worked at Yirgalem Medical College for 2 years as an instructor. In 2017 G.C., after he had passed the school entrance exam prepared per the Guideline prepared by MoE and MoH for the implementation of the Ethiopian Residency Matching Program, joined AAUSM for specialization as an Obstetrics and Gynecology resident. He was one of the achieving postgraduate students in the school. He has followed the program for 4 years. In 2021 G.C.; when he was preparing for his defense, the school announced that due to his left eye partial impairment, he could not graduate. And recommend the change to another program of specialization that fits him.¹⁰ Now, after three years, in 2023 G.C AAU board and president's office, based on experts' team recommendation have decided that he can restart the program in the fourth year.¹¹

⁶ Admission Requirement of Addis Ababa University School of Medicine, < <http://www.aau.edu.et-medicine> > accessed 04 November 2022.

⁷ Sheger Info Media: Documentary on Student Binyam Isayas, <<http://www.youtube.com/@shegerinfo>> accessed 04 November 2022.

⁸Fitih Lehagere on Abay Media: On the Right to Education of Disabled Persons in Higher Education, <<http://www.youtube.com/fitihlehagere@abaymedia>> accessed 04 November 2022.

⁹ Supra note 7

¹⁰ Supra Note 8

¹¹ Hakim: < <http://www.facebook.com/hakimpage> > accessed 14 April 2023.

Although both cases have already been solved, the situation has placed irreparable psychological, economic, and time... damage on the students in particular and persons with disabilities in general. Even if the students have acquired a solution, it's through the pressure of external bodies; like the media, human rights activists, and different concerned bodies. It is not by the initiation of the university. Therefore, this rejection of students from the school due to the impairment they have violates their right to IE. To know the root causes of the problem, as far as my knowledge is concerned, still, no specific research is undertaken in the area. To this effect, a Case study is made on these two students because both of them were rejected after following their respective programs for years with good achievement. A school that rejects achieving students once they join the programs due to the impairment, they have would not expect to be inclusive to other persons with disabilities. So, for a stronger reason, knowing the root cause of the problems of these students means knowing the root cause of the problems of other students with disabilities.

Therefore, to fill this gap and contribute my part to solving the problem scientifically, am interested in undertaking this research. I hope by identifying the real cause of the problem, the research would forward the way out to the concerned organ and it would fill the academic gap in the area.

1.2.STATEMENT OF THE PROBLEM

Although, CRPD for the first time has recognized the right to IE, nowadays getting into Medical School is challenging for persons with disabilities. The barriers that make getting into Medical Schools challenging for persons with disabilities are ableist attitudes and outmoded technical requirements. Both ableism in medical schools' admissions processes and expectations set by technical standards for the physician workforce can perpetuate historical patterns of exclusion in healthcare settings.¹²

Further, attitudinal barriers faced by persons with disabilities can sometimes be masked by schools' purported compliance with "neutral" technical standards, which outline outdated expectations for abilities and skills required for admission to medical school.¹³

Though Ethiopia is a state party to the CRPD and related laws regarding the rights of persons with disabilities, there are nonetheless redundant rejections of disabled students due to the ableism attitudes in AAUSM, and outmoded technical standards or admission requirements to join AAUSM. The ableism attitudes in AAUSM are reflected in the case of student an undergraduate student in AAUSM called Binyam Isayas,¹⁴ and on the case of a postgraduate student called Dr. Tazbachew Wude.¹⁵

Binyam Isayas had been following the program for five years before the time that the school rejected him. As the school has explained, the reason for rejection was the fact that the student is an amputee on the left hand. In its announcement, the school has advised Benyam to transfer to other programs. Due to external influence (media, human rights activists...) on the decision of the school, his problem has been solved and now following the program. ¹⁶

¹² [Disability and Diversity in Medical Education - HPOD](http://www.hpod.law.harvard.edu/news/entry/disability-and-diversity-in-medical-school), <<http://www.hpod.law.harvard.edu/news/entry/disability-and-diversity-in-medical-school>> Accessed October 03, 2023.

¹³ Ibid

¹⁴ Supra Note 7

¹⁵ Supra Note 8

¹⁶ Ibid

After graduation; he worked at Yirgalem Medical College for 2 years as an instructor. In 2017 G.C., after he had passed the school entrance exam prepared per the Guideline prepared by MoE and MoH for the implementation of the Ethiopian Residency Matching Program, joined AAUSM for specialization as an Obstetrics and Gynecology resident. He was one of the achieving postgraduate students in the school. He has followed the program for 4 years. In 2021 G.C.; when he was preparing for his defense, the school announced that due to his left eye partial impairment, he could not graduate. And recommend the change to another program of specialization that fits him.¹⁷ Now, after three years, in 2023 G.C AAU board and president's office, based on experts' team recommendation have decided that he can restart the program in the fourth year.¹⁸

Although both cases have already been solved, the situation has placed irreparable psychological, economic, and time... damage on the students in particular and persons with disabilities in general. Even if the students have acquired a solution, it's through the pressure of external bodies; like the media, human rights activists, and different concerned bodies. It is not by the initiation of the university. Besides this the school in 2019 G.C has stipulated admission requirement or technical standards that prohibits persons with disabilities to join AAUSM based on the disabilities they have. To know the root causes of the problem, as far as my knowledge is concerned, still, no specific research is undertaken in the area.

Therefore, to fill this gap and contribute my part to solving the problem scientifically, am interested in undertaking this research. I hope by identifying the real cause of the problem, the research would forward the way out to the concerned organ and it would fill the academic gap in the area.

¹⁷ Supra Note 8

¹⁸ Hakim: < <http://www.facebook.com/hakimpage> > accessed 14 April 2023.

1.3.RESEARCH QUESTION

- 1.3.1.1.1.** Is the right to IE of Persons with Disabilities efficiently implemented in AAUSM?
If not, what are the barriers?
- 1.3.1.1.2.** Are the barriers related to policies, Laws practices, or both?
- 1.3.1.1.3.** To what extent is the government efficiently discharging its obligation to realize the IE of Persons with Disabilities in the country?
- 1.3.1.1.4.** What practical instances can be drawn from the experiences of other Schools of Medicine in Ethiopia?

1.4.RESEARCH OBJECTIVE

1.4.1. GENERAL OBJECTIVE

The main objective of this research is to uncover the barriers to the IE of Persons with Disabilities in AAUSM and make pertinent recommendations to improve those barriers.

1.4.2. SPECIFIC OBJECTIVE

Apart from the above general objectives, the research will have the following specific objectives

- 1.4.2.1.1.** To examine the root cause of the problems of the rejection of students with disabilities in AAUSM.
- 1.4.2.1.2.** To examine the experience of other Schools of Medicine in Ethiopia about the way they react to the same problems they faced.
- 1.4.2.1.3.** To recommend possible solutions to the concerned organs.

1.5.SIGNIFICANCE OF THE STUDY

First, this research would show the status of the implementation of Right to IE of persons with disabilities in AAUSM. Second, it would show the barriers in law and in practice in the enforcement of Right to IE of persons with disabilities. And third, the study will contribute its part in instilling law maker, law enforcer, AAUSM in particular and other Universities School of Medicine in general, and policy-makers about the status of implementation of IE in AAUSM.

1.6.SCOPE OF THE STUDY

The geographical scope of the study focused on AAUSM, particularly Tikur Anbesa Specialized Hospital. The researcher selected this School as a research site because recently there have been redundant cases that have rejected disabled students from the school.^{19 20} The reason that the researcher preferred Tikur Anbesa Specialized Hospital among Hospitals under AAUSM is; that the school uses the hospital as its teaching and training center to render undergraduate and postgraduate programs.²¹ Since the school on its admission requirement puts criteria only on physical and mental disabilities²², the thematic scope of the study regarding types of disability is limited to both physical and mental disabilities. The study also addresses the compatibility of the admission requirement of the school with CRPD and related documents.

1.7.ORGANIZATION OF THE STUDY

The paper comprises five chapters. The first chapter is an introductory part that deals with the Background of the study, statement of the problem, research questions, objectives and scope of the study, methodology, and review of related literature. Chapter two is about general concepts of the right to IE and persons with disabilities. The third chapter deals with the status of the right to IE of persons with disabilities under different international, regional, and domestic instruments. The fourth chapter deals with the implementation of the right to inclusive education of persons with disabilities in the case of AAUSM. And finally, the last chapter i.e., chapter five, presents the summary of the major findings, the conclusion, and possible recommendations.

1.8.LIMITATIONS OF THE STUDY

Since most of the sources of data for the research were governmental organizations, accessing the concerned officials was not easy. The research also had time and financial constraints. To overcome time limitations the researcher started his work as early as possible and tried to manage his time properly. And regarding financial constraints the researcher tries to properly use what is gained from the university and if it's necessary bears the costs personally.

¹⁹ Supra note 7

²⁰ Supra note 8

²¹ Addis Ababa University Admission, available at < <http://www.ugfacts.net.et-Addis-Ababa-university>> Accessed on 04 November 2022.

²² Supra note 6

1.9. REVIEW OF RELATED LITERATURE

The right to IE of persons with disabilities in the case of AAUSM is understudied. To the best of my knowledge, except for the general works of Teferi Adnew, Hiwot Abebe, Abebe Yehualawork, Team research by Tirussew Teferra and other scholars, Abdurehman Seid Hussein, and Rachel Hussey, there are no specific academic works in the area.

The work of Teferi Adnew is called “Inclusion of Students with Visual Impairment at Addis Ababa University, Ethiopia: Challenges and Prospects.”²³ Although his work is undertaken under Addis Ababa University, it only focuses on visually impaired students. It has not addressed other forms of impairments. The work of Hiwot Abebe is “The Right to Education of Children with Intellectual Disability and its Implementation in Addis Ababa.”²⁴ Her work focuses only on intellectual impairment. It does not cover other types of impairments. It also focuses only on children with intellectual disabilities. It neglects adult intellectual impairment.

Abebe Yehualawork and his team work called “Inclusion of Students with Disabilities in Formal Vocational Education Programs in Ethiopia.”²⁵ Even if it is very good regarding incorporating Students with Disabilities, it only studies formal vocational education. It does not address other fields including medicine, and it is so general and deals with all disabilities throughout Ethiopia.

The research of Abdurehman Seid Hussein is “The Right to IE of persons with disabilities in Ethiopia.”²⁶ Though his research is undertaken on the Right to IE of persons with disabilities, it is so general, not specifically address the right in AAUSM. The team research, led by Tirusew Tefera called “Assessment of the Situation of students with disabilities in Ethiopian Universities.”²⁷ Their studies address only the situation of Students with Disabilities; they have not addressed the right to IE of persons with disabilities. Even if AAU is among the Ethiopian

²³ Teferi Adnew Zelelew, 'The Inclusion of Students with Visual Impairment at Addis Ababa University, Ethiopia: Challenges and Prospects [2016] Submitted per the requirements for the Degree of Doctor of Education in the subject Inclusive Education at the University of South Africa.

²⁴ Hiwot Abebe, 'The Right to Education of Children with Intellectual Disability and its Implementation in Addis Ababa' [2011] Addis Ababa university school of graduate studies faculty of Law.

²⁵ Abebe Yehualawork (Teamwork), 'Inclusion of Students with Disabilities in Formal Vocational Education Programs in Ethiopia' [2015] International Journal of Special Education, University of Jyväskylä, Vol 30, no: 2.

²⁶ Abdulrahman Seid Hussein, 'The Right to Inclusive Education of Persons with Disability in Ethiopia: The Law and Practice' <<http://www.ssm.com/abstract=4227328>> accessed 04 November 2022.

²⁷ Tirussew Teferra (team research), 'Assessment of the Situation of Students with Disabilities in the Ethiopian Universities' [2014] Department of Special Needs Education College of Education and Behavioral Studies Addis Ababa University, Ethiopia.

Universities, their study does not specifically address the university. And finally, the work of, Rachel Hussey (team research), known as “Inclusive Education for Students with Visual, Hearing and Physical Disabilities Barriers and Experiences in Gondar, Northern Ethiopia.²⁸” Though the work relatively addresses most forms of impairments, its geographical scope is limited to Gondar, north Ethiopia.

Generally speaking, all aforementioned researches are too general, and not specific to the AAUSM. Even if, Teferi and Tirusew's works have been conducted specifically on AAU, their studies have been undertaken before 2022 (which is the year that an extraordinary situation regarding the inclusion of Students with Disabilities in AAUSM takes place). Due to this reason, their research might lack recent information from the university. Meaning, after they have conducted their research, things have changed. The university excluded/rejected disabled students from the academy.²⁹ This is unexpected from AAU, so it needs new research to address the real problem regarding exclusion. Though their works have its strength, have the above-mentioned gaps. So, this study will address the aforementioned gaps in the area.

1.10. RESEARCH METHODOLOGY AND METHODS

Based on the nature of the problem at hand and the resources available, the study employed the following research design, sampling techniques, research instruments, and methods of data analysis.

1.10.1. Research Design

Since the researcher started with research questions rather than hypotheses, the study used a qualitative design.³⁰ Through this design, the researcher can study the social processes or cases in detail in their socio-cultural contexts and interpret data from participants' points of view.³¹ Regarding this research, such design is needed to gain a greater understanding of the status of the

²⁸ Rachel Hussey, ‘Inclusive Education for Students with Visual, Hearing and Physical Disabilities: Barriers and Experiences in Gondar, Northern Ethiopia’ [2016] Dissertation Presented for the Degree of MA in International Development, University of Sheffield.

²⁹ Supra Note 5

³⁰ Leedy, P. and Ormrod P, ‘Practical Research: Planning and Design [2001] (7th Ed.), New Jersey: Merrill Prentice Hall page 101

³¹ Neuman. W, ‘Basics of Social Research: Qualitative and quantitative approaches [2007] (2nd Ed.). Boston: Pearson education.

right to IE of Persons with Disabilities in AAUSM from the perspectives of various participants in their natural settings. Because of these reasons, the researcher opts to apply the qualitative approach in his study since he sought to gain an in-depth understanding of the actual situation of the right to IE of Persons with Disabilities in AAUSM from the participants' perspectives.

The research design dominantly uses case studies as a method.³² Though the researcher used a case study as a single method, since the use and triangulation of multiple methods to collect data is an important aspect of a case study³³, the researcher employed multiple methods to collect data; namely interviews, observations, and secondary records.

Under the umbrella of the qualitative method, the study applied both doctrinal and non-doctrinal legal research approaches. The doctrinal legal research approach is necessitated because of the research question that examines the existing national, regional, and international laws regarding the right to IE of Persons with Disabilities.³⁴ Whereas, a non-doctrinal legal research approach is necessitated because of the research objectives and questions that require looking at the law in the broader social and political context plus the use of other methods from social sciences and humanities. Accordingly, this research used a case study design to describe and explore the practical state of the right to IE of Persons with Disabilities at AAUSM.

1.10.1.1. Case Study

Case study can be used to investigate common cases like individuals, organizations, processes, programs, institutions, and even events³⁵ and also can be applied in evaluation research to describe the real-life contexts in which something has occurred as well as to explore intervention strategies.³⁶ The researcher applied the case study method, especially the single-case design, as the preferred method to evaluate the current right to IE of Persons with Disabilities in AAUSM

³² Ranjit Kumar, *Research Methodology: a step-by-step guide for beginners* (SAGE Publications Ltd, 3rd eds. 2011).

³³ Ibid

³⁴ Vijay M Gawas, 'Doctrinal legal research method a guiding principle in reforming the law and legal system towards the research development' (2017) 3 (5) *International Journal of Law* 128; Amrit Kharel, 'Doctrinal Legal Research' [2018] *SSRN Electronic Journal* accessed 15 November 2019; Wondemagegn Tadesse, 'Legal Research Tools and Methods in Ethiopia' (2012) 25 2 *Journal of Ethiopian Law* 6; Dobinson and Johns (n 42) 40.

³⁵ *Supra* Note 28, page 17

³⁶ *Ibid* page 20

to seek a deeper understanding of the challenges of those students with disabilities and the remedial decisions that should be taken to overcome the challenges.³⁷

1.10.2. Target Population

The target population for the data is those disabled students who are rejected from the school because of their disability, AAUSNSC, FDRE MoE, FDRE MoH, FDRE MoWSA, FEAPD, and ENAPPD

1.10.3. Sample size

The sampling method in the case study approach is not a random sampling,³⁸ rather a non-random sampling. Since selecting a case in qualitative design usually uses a purposive sampling technique³⁹, the researcher has taken the sample from the target population by using such a technique. It is a strategy in which the researcher deliberately selects particular sites and participants to solicit the needed information to better understand the problem under investigation or to answer the research questions posed.⁴⁰ In addition to this sampling technique, the researcher used time sampling when he opted for a comfortable day to visit the school since all days are not learning days.⁴¹

1.10.4. Sources of Data and Collection Methods

1.10.4.1. Documentary Sources of Data

This research is both doctrinal and non-doctrinal legal research. According to Jain, the tools of doctrinal legal research are statutory materials and secondary materials.⁴² Thus, the primary documents perused for this research are the CRPD, the FDRE Constitution, and Subsidiary Laws, Policies, and Plans for Inclusive Education in Ethiopia. Secondary documents perused are books, journals, thesis, periodicals, reports, and Media. These documents were accessed using

³⁷ Ibid

³⁸ Martyn Denscombe, "The Good Research Guide for small-scale social research projects (Open University Press 3rd eds. 2007) 35.

³⁹ Supra Note 29

⁴⁰ Creswell. J, 'Research Design Qualitative, Quantitative and Mixed Methods Approaches.' [2003] 2nd Ed. London: Sage Publications Inc. page185.

⁴¹ Ibid, PP:161

⁴² S. N. Jain, 'Legal Research and Methodology' (1972) 14 Journal of the Indian Law Institute 487; see also Valerie J. Atkinson Brown, Legal Research via the Internet (West Lega Studies 2001) 5.

the search engines, libraries, and e-libraries of AAU, plus the offices of the organizations studied in this research.

1.10.4.2. Empirical Sources of Data and Collection Tools

As discussed above case study is a holistic inquiry, meaning it is a methodological approach that incorporates several data-gathering methods like an in-depth interview, observation, and document review.⁴³ Thus, the principal field data sources are government offices identified as the target population of the study. The empirical data-gathering tools applied for this research are interviews and observation.

Interviews

Since the interview is one of the most important data collection methods in qualitative case studies the researcher applied it as a tool.⁴⁴ Interviews using open-ended questions will be used in this study. The advantage of open-ended questions is that questions of special interest can be pursued in-depth and with great confidence. Therefore, the researcher will develop a set of open-ended questions that he uses while conducting interviews with participants to gather in-depth information from their real-life experiences.⁴⁵ Each interview was conducted face-to-face between the researcher and respondent at a time with the help of open-ended questions consisting of key themes or words.⁴⁶

⁴³ Ranjit Kumar, *Research Methodology: a step-by-step guide for beginners* (SAGE Publications Ltd, 3rd eds. 2011).

⁴⁴ Yin, R., 'Case Study Research: Design and methods.' [2009] 4th Ed. London: SAGE Publications Inc.

⁴⁵ Ibid

⁴⁶ Ibid, Page 6

Nonparticipant Observation

Observation is employed to obtain data not obtainable using other methods. Actions and behaviors of people during the interview are central in any social inquiry and they may also be used to corroborate and validate data gathered by the interview. The researcher solicited data via observation of the way respondents act or behave on particular questions and the manner of responding to particular questions.⁴⁷

Data Analysis and Triangulation

All data collected from both primary and secondary sources was systematically analyzed along with the conceptual framework. Doctrinal legal research employs the power of reasoning to synthesize, analyze, interpret, and compare the data. The case study data has been analyzed using thematic analysis and discourse analysis.⁴⁸ Data collected from one source has been used to corroborate and augment evidence from other sources to increase the validity of the findings. The interview is further supplemented by information from observation notes. Thus, the data gathered via these various techniques from numerous sources have helped to triangulate the reliability of the information in this study.⁴⁹

⁴⁷ Kidane Deyasa Jiru, 'Environmental Crime and Liability in Ethiopia: The Case of Addis Ababa City' LLM. thesis in Environmental and Land Law, Hawassa University, Hawassa, Ethiopia July 2020, P.15

⁴⁸ Harling (n 48); Michael Quinn Patton, *Qualitative Research & Evaluation Methods* (Sage Publications, 3rd ed. 2002) 297.; Julia Gillen and Alan Petersen, 'DISCOURSE ANALYSIS' in BRIDGET SOMEKH AND CATHY LEWIN (eds.), *RESEARCH METHODS IN THE SOCIAL SCIENCES* (SAGE Publications Ltd 2005) 145ff.

⁴⁹ Supra Note 38

CHAPTER TWO

In this chapter, the researcher discussed the conceptual frameworks of the right to IE of Persons with Disabilities. The chapter has two sub-topics; the first one is about the conceptual framework of Persons with Disabilities. Under this sub-topic, the researcher discussed the definition of disability under different models of disability. Under the second sub-topic, the researcher discussed the conceptual overview and justification of the right to IE, and the obligation of the state in realizing the right to IE and basic components of the right, in light of CRDP.

2. Conceptual Framework on Persons with Disabilities and the Right to Inclusive Education

2.1. Definitions and Models of Disability

2.1.1. Defining disability

Defining what disability is and what constitutes disability is always controversial. However, definition is necessary to give all the proper necessary recognition and sometimes affirmative remedies for persons with disabilities. Since time immemorial, societies have been viewing the phenomenon of disability from different perspectives. As a result, several models emerged to explain it.⁵⁰ Models of disability are important tools for defining impairment and ultimately for providing a basis upon which the government and society can devise strategies for addressing the needs of disabled people.⁵¹ The major models of disabilities are the charity model, the moral model, the medical model, the social model, and the right-based model.⁵²

⁵⁰ Barbara Z. Podzo and Charles G. Chipika, 'Curriculum Reform: A Key Driver to the Inclusion of Students with Disabilities in Higher Education' (2019) Vol.10 Journal of Education and Practice Faculty of Education, Reformed Church University, Masvingo, Zimbabwe p.60

⁵¹ Aschalew Ashagre, 'Access to Justice for PWDs In Civil Proceedings Before The Federal Courts In Ethiopia: The Law And Practice' (September 2020) Vol.14 Mizan Law Review P.3

⁵² Ibid

2.1.2. Models of Disabilities: A Brief Overview

2.1.2.1. The Charity/Traditional Model of Disability

This model is the oldest model of disability found in several religious traditions.⁵³ It views disability as a punishment inflicted upon an individual or family by an external force. It can be due to misdemeanors by the disabled person, someone in the family or community group, or forebears. Birth conditions can be due to actions committed in a previous reincarnation.⁵⁴

The model considered persons with disabilities as the problem and considers them as dependent on the sympathy of others. This model is known for treating persons with disabilities as helpless victims of need care and protection. This model largely relies on the goodwill of benevolence for custodial care of the persons with disabilities rather than justice and equality. The central tenet of this model is its perception of disability as a disqualification for claiming the right social resources which is a cause for the exclusion of persons with disabilities from social arrangements and public services. Because of this, this model is seriously criticized and not influential.⁵⁵

2.1.2.2. Medical Model of Disability

The medical model holds that disability results from a person's physical or mental limitations and is largely unconnected to social or geographical environments. It is sometimes referred to as the biological inferiority or functional limitation model.⁵⁶

This model of disability locates the problem within the individual rather than in society. It also places responsibility on the individual to change or to be rehabilitated or cured to fit into society, since it sees the problem of the individual stemming from the functional limitations or psychological losses that are assumed to arise from disability.⁵⁷

⁵³ Marno Retief and Rantsoa Letšosa, 'Models of disability: A brief overview' (2018) Vol.74 HTS Theologiese Studies/ Theological Studies P.2

⁵⁴ Kofi Amponsah Bediako, 'Relevance of disability models from the perspective of a developing country: An analysis' (2013) Vol.3 ISSN P.121

⁵⁵ Aschalew Ashagre, 'Access to Justice for PWDs In Civil Proceedings Before the Federal Courts in Ethiopia: The Law And Practice' (September 2020) Vol.14 Mizan Law Review P.3

⁵⁶ Supra Note 52, Page 122

⁵⁷ Addisu Gulilat, 'Advancing Rights of Persons with Disabilities through Universities: Exploring the Practice of Addis Ababa and Mekelle Universities Human Rights Centers' [2016] Addisu Gulilat (LLB, LLM, Lecturer) School of Law, Dire Dawa University p.6

The model has been criticized for being aligned to the medical problem only and relegates the sociological and psychological aspects of disability. It does not reflect wholesomely on an individual's life and also does not consider disabled people's views.⁵⁸

2.1.2.3. The Social Model of Disability

The social model primarily defines disability as a result of society's response to persons with impairments but also of the latter's experience of the health and welfare system which made them feel socially isolated and oppressed. The denial of opportunities, the restriction of choice and self-determination, and the lack of control over the support systems in their lives led them to question the assumptions underlying the traditional dominance of the medical model.⁵⁹

This model assumes that disability is socially constructed; it gives an active role to society in the creation of disability. Under this model, social changes should occur to guarantee the full participation of people with disabilities. Indeed, legislation and social policies on disability aim to guarantee equal access to basic opportunities and services and to reduce discrimination. The social model is based on a rights-based approach that considers that social policies should guarantee human rights to all members of society.⁶⁰

The model has become the cornerstone of the Human Rights approach to disability (discussed below) leading to progressive policies and legislations. In this regard curriculum reviewed under this lens entails the modification and adaptation of the curriculum to accommodate the needs of learners with disabilities. The social model draws more attention to the physical and environmental rights to access and participation of disabled people. This model is more beneficial to those with physical impairments than all others with varying health conditions. Brunton & Gibson in their study argue that the problems associated with disability cannot be eliminated by any imaginable form of social arrangements only. This is an indication that the

⁵⁸ Sital Kalantry, Jocelyn E. Getgen & Steven Arrigg Koh _Enhancing Enforcement of Economic, Social and Cultural Rights Using Indicators: A Focus on the Right to Education in the ICESCR'(2010) Vol. 32 Human Rights Quarterly p.269

⁵⁹ Grant Carson, 'The Social Model of Disability' [2009] SAIF P.9, www.tsoshop.co.uk

⁶⁰ Mónica Pinilla Brancaccio, _Disability and poverty: two related conditions. A review of the literature (2015) 63 P. 113

social model is not the panacea to all conceivable barriers that PWDs face but, in the absence of a better model the social model of disability stands supreme for now.⁶¹

2.1.2.4. Rights-Based Model of Disability

In more recent times, however, the notions of disability 'have come to be conceptualized as a socio-political construct within a rights-based discourse. The emphasis has shifted from dependence to independence as people with disabilities have sought a political voice and become politically active against the social forces of ableism. Disability activists, in engaging in identity politics, have adopted the strategies used by other social movements commanding human and civil rights, against such phenomena as sexism and racism.⁶²

2.1.2.4.1. Definitions of Basic Terms (Impairment, Disability and Handicap)

The terms impairment, disability, and handicap have been used synonymously within the education, counseling, and health literature. Although each of these three terminologies can be used when discussing conditions, they convey three different meanings. To promote the appropriate use of these terms the World Health Organization (WHO) provided the following definitions in their international classification of impairment, disability, and handicap.⁶³

- ❖ **Impairment** - refers to a problem with structure and organ of the body. It is any loss or abnormality of psychological, physiological or anatomical structure or function.⁶⁴
- ❖ **Disability** - is a functional limitation with regard to a particular activity. It any restriction or lack of ability to perform an activity in the manner or within the range considered normal for a human being.⁶⁵
- ❖ **Handicap** – refer to an environmental factor preventing the filing of a normal life role. It is the result when an individual with impairment cannot fulfil a normal life role.⁶⁶

⁶¹ Supra note 57 at p 61

⁶² Supra note 58

⁶³ The University of Iowa, < <http://www.dictionary.com> > Accessed on 04 August 2023.

⁶⁴ Ibid

⁶⁵ Ibid

⁶⁶ Ibid

2.2. Conceptual Overview of Inclusive Education

Inclusive Education implies an education system that is open to all learners, regardless of poverty, gender, ethnic background, language, learning difficulties, or impairments. It emphasizes that all students can learn which requires the identification of barriers that hinder learning and reducing or removing these barriers in schools, vocational training, higher education, teacher education, and education management.⁶⁷ Therefore, the education environment must be adjusted to meet the needs of all learners; through the creation of a barrier-free environment.

It is realized when all students, regardless of any challenges they may have, are placed in age-appropriate general education classes that are in their neighborhood school to receive high-quality instruction, intervention, and support that enable them to meet success in the core curriculum.⁶⁸

Furthermore, IE is the result of a process of continuing and proactive commitment to eliminate barriers impeding the right to education, together with changes to the culture, policy, and practice of regular schools to accommodate and effectively include all students⁶⁹ The barriers could be failure to understand or implement the human rights model of disability, the prevalence of deep-rooted prejudice in the community regarding persons with disabilities, lack of knowledge about the nature and advantages of inclusive and quality education, and diversity, lack of disaggregated data and research, lack of political will, technical knowledge, and capacity in implementing the right to inclusive education, budget insufficiency, inter-sectorial coordination, lack of legal remedies and mechanisms to claim redress for violations.⁷⁰

Generally, IE implies that the education system includes all students, and welcomes and supports them to learn, whoever they are and whatever their abilities or requirements by making sure that teaching and the curriculum, school buildings, classrooms, play areas, transport, and toilets are

⁶⁷ UNESCO and International Bureau of Education, Regional Seminar “Poverty Alleviation, HIV and AIDS Education and Inclusive Education: Priority Issues for Inclusive Quality Education in Eastern and Western Sub-Saharan Africa”, (Nairobi, Kenya, 23 – 27 July 2007).

⁶⁸ Lilla Dale McManis, Inclusive Education: What It Means, Proven Strategies, and a Case Study. <https://resilienteducator.com/classroom-resources/inclusive-education/>. Accessed June 18, 2023.

⁶⁹ UN Committee on the Rights of Persons with Disabilities, General Comment 4: The Right to Inclusive Education (Article 24 of CRPD), UN Doc. E/C. 24/2016/4, II September 2016, Para. 10

⁷⁰ Ibid, Para 4

appropriate for all students at all levels. So that IE means all students learn together in the same schools no-one should be excluded.⁷¹

2.2.1. Justifications for the Rights to Inclusive Education

It is an incontrovertible fact that the importance of inclusive education is multi-fold. It has both instrumental and intrinsic role (importance) which is pinpointed herein below. Before discussing the justification for the right to IE it is important to overview the concepts of special needs education/Special Education, segregation, and integration. Special education includes a variety of services in different settings using different methods to meet the needs of differently-abled students, which cannot be fulfilled in mainstream classrooms.⁷² Segregation occurs when the education of students with disabilities is provided in separate environments designed or used to respond to a particular or various impairments, in isolation from students without disabilities.⁷³ Integration is a process of placing persons with disabilities in existing mainstream educational institutions, as long as the former can adjust to the standardized requirements of such institutions.⁷⁴

Inclusive Education implies an education system that is open to all learners, regardless of poverty, gender, ethnic background, language, learning difficulties, or impairments. It emphasizes that all students can learn which requires the identification of barriers that hinder learning and reducing or removing these barriers in schools, vocational training, higher education, teacher education, and education management.⁷⁵

The main difference between special education, integrated education and inclusive education is that special education system has an individual student-centric approach while integrated education attempt to encourage the students with disabilities to be part of the large group, and an inclusive system sticks to “education for all” approach.⁷⁶

⁷¹ UNICEF, Inclusive education including children with disabilities in quality learning: what needs to be done? September 2017.

⁷² Difference Between Special Education Integrated Education and Inclusive Education <<http://www.Pediaa.com>> Accessed, August18, 2023

⁷³ Supra Note 3, Para. 11

⁷⁴ Ibid

⁷⁵ Supra Note 65

⁷⁶ Supra Note 70

2.2.1.1. Instrumental Utility

The right to IE is imperative for several factors. It promotes understanding, reduces prejudice, and strengthens social integration; it ensures that persons with disabilities are equipped to work and contribute economically and socially to their communities.

It is also important for the realization of other human rights since all human rights are interlinked including rights to education which is not possible to achieve an effective education unless other rights are realized. And if the right to education is fulfilled, it leads to the realization of other rights. Thus, the realization of the right to education for all serves as a tool to realize other rights and vice-versa.⁷⁷

It is also imperative economically since educating persons with disabilities is a positive investment, reducing poverty and exclusion from active participation in the economy. Thus, it will lead to reduced current and future dependence, and reduced caring responsibilities. It is also socially important to ensure social justice. It encourages tolerance among all sections of society, acceptance of difference, and respect for diversity, leading to eliminating stigmatization and exclusion.

Furthermore, it is central to achieving high-quality education for all learners and the development of inclusive, peaceful, and fair societies.⁷⁸ It also contributes to the social development of persons with disabilities, and a guarantee of universality and non-discrimination in the right to education.⁷⁹ Communities become more accepting of differences, and everyone benefits from a friendlier, open environment.

Generally, the right to IE is an enabling right that enables PWD to participate effectively in a free society. It is imperative since it promotes inclusive development to create a world where there is peace, tolerance, sustainable use of resources, and social justice, and where the basic needs and rights of all are met. Education is a particularly important right, as it is itself not only fundamental but as it is also fundamental to a person's ability to access and exercise many other rights.

⁷⁷ Supra Note 3, Para. 10.

⁷⁸ Ibid, Para.2.

⁷⁹ Ibid

2.2.1.2. Intrinsic Utility

Besides its instrumental utility, the right to Inclusive education has insurmountable value to the individual by encouraging self-gratification which couldn't be attained by a person alone, unless collaborating with others. It values the well-being of all students' respects their inherent dignity and autonomy and acknowledges individual requirements and ability to effectively be included in and contribute to society.⁸⁰ It enables a person with disabilities to lift themselves out of poverty, obtain the means to participate fully in their communities and be safeguarded from exploitation.⁸¹ Furthermore, it helps people with disabilities get a good education that is right for them, do more on their own and learn more skills, join in and be part of things, get a job later on, and do well in their lives. Likewise, it provides learners with disabilities with greater independence, social skills, and opportunities to become productive members of their communities and exercise their rights to participate and become involved in their societies.

2.2.2. States Obligation and Basic Components of the Right to Inclusive Education

Article 24 of the CRPD is a detailed provision that addresses the basic content of the right to inclusive education, what State Parties must do to ensure this right is implemented in full and the resources needed to fulfill the right. Accordingly, the basic contents of the right to inclusive education are a no-rejection clause, right to inclusive, quality, and free education, reasonable accommodation in education, support, equalization of opportunities, professional training and capacity-building, and lifelong learning.⁸²

⁸⁰ CRPD Committee GC No. 4.

⁸¹ Ibid.

⁸²The Office of the UN High Commissioner for Human Rights (OHCHR), Thematic study on the right of persons with disabilities to education" (2013) UN Doc A/HRC/25/29 Para 7

2.2.2.1. No-rejection Clause: the right of persons with disabilities to receive education in mainstream schools is included in Article 24, paragraph 2 (a), which states that no student should be excluded from the general education system based on disability. From this article, it can be said that national states are required to adopt education legislation that explicitly states a "no-rejection clause", forbidding the denial of admission into mainstream schools and guaranteeing continuity in education.⁸³

2.2.2.2. Right to inclusive, quality, and free education

The CRPD, under Article 24 Paragraph 2 (b) requires that persons with disabilities should access inclusive, quality, and free primary and secondary education on an equal basis with others in the communities where they live. To ensure the right of persons with disabilities to access inclusive, quality, and free education, the education system must comprise the four interrelated features of education: Availability, Accessibility, Acceptability, and Adaptability.⁸⁴

According to the CRPD General Comment, Availability requires States to guarantee a broad availability of educational places for learners with disabilities at all levels throughout the community. Accessibility requires educational institutions and programs to be accessible to everyone, without discrimination. Accessibility also requires that education at all levels be affordable for students with disabilities. Acceptability requires states to design and implement all education-related facilities, goods, and services taking full account of and respecting the requirements, cultures, views, and languages of persons with disabilities.⁸⁵ The form and substance of education provided must be acceptable for all.⁸⁶

Adaptability requires States parties to apply the Universal Design for Learning (UDL) approach which is a set of principles that provide teachers and other staff with a structure to create adaptable learning environments and develop instruction to meet the diverse needs of all learners.⁸⁷

⁸³ Abdurrahman Said Hussein, 'The Right to Inclusive Education of Persons with Disabilities in Ethiopia: The Law and Practice' (September 22, 2021), Accessed <<https://ssrn.com/abstract=4227328>> on 20 August 2023.

⁸⁴ UN Committee on the Rights of Persons with Disabilities (CRPD) General Comment 4: Article 24, Right to inclusive education, (2016) CRPD/C/GC/4 Para 20-25

⁸⁵ CRPD General Comment 4, Para 25

⁸⁶ Supra note 74

⁸⁷ Ibid

2.2.2.3. Reasonable accommodation in education

The concept of reasonable accommodation is a core of feature of the CRPD, and is unequivocally incorporated into the non-discrimination and equality principles. Article 5(2) of the CRPD requires States Parties to prohibit discrimination on the basis of disability. The latter is defined in Article 2 of the CRPD as: ⁸⁸ Any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation. Article 5(3) of the CRPD explicitly requires States Parties to take all appropriate steps to ensure that reasonable accommodation is provided.⁸⁹

Accordingly, reasonable accommodation is defined under Article 2 of the UN convention on the rights of persons with disabilities (CRPD) as a necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms. The same Article as well defines discrimination on the basis of disability as any distinction, exclusion or restriction on the basis of disability⁹⁰ Moreover, Article 2 makes clear that denial of reasonable accommodation is a form of discrimination.⁹¹ Consequently, the provision of reasonable accommodation is an obligation which has to be fulfilled immediately.⁹²

⁸⁸ Abenezer Hizkeal Woga, Ethiopia's implementation of the principle of reasonable accommodation in light of the convention on the rights of persons with disabilities: a case study on Addis Ababa University, October 2021 Addis Ababa

⁸⁹ Andrea Broderick, Working Report on Reasonable Accommodation under the CRPD: The Georgian Context [2017] p.16

⁹⁰ Amare Sisay, Towards Ensuring Accessibility Right to The Built Environment For Persons With Disabilities In Ethiopia: The Case Of Addis Ababa '[2012] A Thesis Submitted to the Institute of Federalism and Legal Studies of Ethiopian Civil Service University in the Partial Fulfillment of the Requirements for the Degree of Master of Laws (LL.M) P.16

⁹¹ United Nations, Committee on the Rights of Persons with Disabilities, General Comment No. 4 (2016) on The Right to Inclusive Education, 3, U.N. Doc. CRPD/C/GC/3 (Nov. 25, 2016) P.9

⁹² Ibid

According to the CRPD Committee, reasonable accommodation should be understood as an individualized measure.⁹³ Reasonable accommodation goes beyond formal equality to achieve substantive equality, in order to ensure that persons with disabilities can reach the same level of opportunities.⁹⁴ This obligation is applicable to the right to inclusive higher education as Article 24 (1) guarantees an inclusive education system at all levels and as reasonable accommodation has to be provided to all persons with disabilities in so far as the person requires it.⁹⁵136

An accommodation is said to be reasonable, according to Article 2 of the CRPD, if it does not create a disproportionate or undue burden.⁹⁶ The way in which the reasonable accommodation is determined should be made in consultation with the beneficiary.⁹⁷ The beneficiaries should play an active role as others who must deal with provision of reasonable accommodation.⁹⁸

Art. 24 (2) (c) CRPD requires State Parties to provide for reasonable accommodation of the individual's requirements. The concept of reasonable accommodation is already mentioned in art. 5(3) CRPD, in which it is stated that reasonable accommodation should be provided by State Parties to promote equality and eliminate discrimination. The repeated obligation in art. 24 shows the importance of the obligation in relation to inclusive education.⁹⁹ This duty applies to higher education, since art. 24(5) CRPD put forward that disabled students should have access to higher education without any discrimination. To ensure this right State Parties have the obligation to provide for reasonable accommodation.¹⁰⁰

⁹³ Ibid at P.8

⁹⁴ Gauthier De Beco, The Right to Inclusive Education according to Article 24 of the UN Convention on the Rights of Persons with Disabilities: Background, Requirements and Remaining Questions '32 (2014) Netherlands Quarterly of Human Rights P.264

⁹⁵ Ibid

⁹⁶ Ibid

⁹⁷ Ibid at P. 290

⁹⁸ Supra Note 86

⁹⁹ Supra Note 88, at p.19

¹⁰⁰ Ibid at p.20

The duty to reasonably accommodate persons with disabilities under the CRPD is not absolute. It is subject to the limitation that a duty bearer is not required to make a reasonable accommodation where such an accommodation would result in a disproportionate or undue burden. It is important to note that the limitation contained in Article 2 CRPD does not always exempt the duty-bearer from the obligation to provide a reasonable accommodation. Rather, it simply limits the duty. In other words, if there are two (or more) accommodation options, both (each) of which can achieve the same result, the duty bearer is entitled to opt for the less burdensome accommodation. It is unlikely that no accommodation would be possible at all to enable a person with a disability to participate in a given environment/activity, but of course that depends on the circumstances of the case.¹⁰¹The duty to provide reasonable accommodation must be carefully distinguished from legal obligations to achieve accessibility, contained in Article 9 of the CRPD (and elaborated on in many of the other substantive Convention articles).¹⁰²

Accessibility refers to the inclusive practice of removing barriers to ensure equal access for persons with disabilities to, among others, built environments, goods and services, as well as facilities. The United Nations Convention on the Rights of Persons with Disabilities (CRPD or Convention) formulates accessibility as a general principle and overarching obligation of the Convention, rather than as a human right per se.¹⁰³ Accessibility duties are generalized and anticipatory (not triggered by an individual request).⁴ Moreover, accessibility duties usually require compliance with set standards, e.g. installing ramps or providing certain information in Braille or large print.⁴¹⁰⁴ Without delving into the theoretical question on whether accessibility is a principle, a right, or a facilitator of rights, the main difference between accessibility and reasonable accommodation is that accessibility obligations laid down in the CRPD are group related, while, as discussed above, reasonable accommodation has an individualized nature.¹⁰⁵

¹⁰¹ Marianne Hirschberg and Christian Papadopoulos, Reasonable Accommodation and Accessibility

¹⁰² Ibid at P.20

¹⁰³ Andrea Broderick, Of rights and obligations: the birth of accessibility '(2020) VOL. 24 The International Journal of Human Rights P.393

¹⁰⁴ Ibid, at P.20

¹⁰⁵ Supra Note 101, at P.43

In general, reasonable accommodation is an immediate obligation related to individual with impairment taking in to account specific situations and particular contexts whereas, accessibility is related with needs of a group and need to be realized without request of individuals.¹⁰⁶ Ethiopia needs to develop accessibility standard without which reasonable accommodation alone cannot adequately respond to the rights of persons with disabilities to access work and employment. As temporary alternative, it is possible to imagine various types of reasonable accommodations even for environment which is not accessible. For instance, application by telephone, change of exam place and etc. The type of accommodation should also be as much as possible the most effective one.¹⁰⁷

2.2.2.4. Support:

the CRPD, under Article 24 Paragraph 2 (d) affirms that students with disabilities are entitled to the support they require to facilitate their effective education and enable them to fulfill their potential on an equal basis with others. Support in terms of the general availability of services and facilities within the education system should ensure that students with disabilities can fulfill their potential to the maximum extent possible. Support can be articulated in different ways, while always considering individual needs. Individualized attention should be considered a central feature of inclusive education. There may be numerous support measures based on individual education plans. All of the measures should be sustained by adequate allocation of resources in the State budget.¹⁰⁸

¹⁰⁶ Wesen Alemu Tekletsadik, The Right to Be Employed: The Case of Visually Impaired Persons in Ethiopia ‘A Thesis Submitted in Partial Fulfillment of the Requirements of Master’s Degree of Law (LLM) in Human Rights Law [2019] P.29

¹⁰⁷ Ibid

¹⁰⁸ Supra note 74

2.2.2.5. Equalization of opportunities

Article 24, paragraph 3, of the CRPD, refers to a series of measures necessary for persons with disabilities, and particularly certain groups of persons with disabilities, to participate in the education system and society. States parties must make appropriate provisions for persons with disabilities, particularly persons on the autism spectrum, those with communication impairments, and those with sensory disabilities, to acquire the life, language, and social skills essential for participation in education and within their communities.¹⁰⁹

2.2.2.6. Professional training and capacity-building

Article 24, paragraph 4 requires States to take appropriate measures to employ administration, teaching, and non-teaching staff with the skills to work effectively in inclusive education environments and qualified in sign language and/or Braille, orientation, and mobility skills. States parties must ensure that all teachers are trained in inclusive education based on the human rights model of disability. States parties must invest in and support the recruitment and continuous education of teachers with disabilities.¹¹⁰

2.2.2.7. Lifelong learning:

According to Article 24, paragraph 5, state parties should ensure that persons with disabilities can access general tertiary education, vocational training, adult education, and lifelong learning without discrimination and on an equal basis with others. Reasonable accommodation must be provided to ensure that persons with disabilities do not face discrimination. This provision underscores that persons with disabilities cannot be restricted in their progress about their right to education based on the medical diagnosis of impairment.¹¹¹

States have the obligation not to interfere with the right in question. This is a negative obligation that implies that states should refrain from interfering in the enjoyment of the rights. Therefore, it requires avoiding measures that hinder the enjoyment of the right, such as legislation excluding certain persons with disabilities from education, or denial of accessibility or reasonable

¹⁰⁹ Ibid

¹¹⁰ Ibid

¹¹¹ Ibid

accommodation.¹¹² Thus, state parties must refrain from any action that discriminates against persons with disabilities. Furthermore, states shall modify or abolish existing laws, regulations, customs, and practices that constitute such discrimination. The CRPD committee has also elucidated under its general comment that segregated education laws and policies amount to violation of the convention so it must be avoided by the state parties to the convention.¹¹³

The CRPD committee in its general comment has elucidated the concept of reasonable accommodation which imposes a duty on state parties under article 5 (3) in tandem with articles 2 and 5 of the convention. Accordingly, it imposes the positive legal duty to provide reasonable accommodation which is modification or adjustment that is necessary and appropriate where it is required in a particular case to ensure that a person with a disability can enjoy or exercise his/her rights. In addition, the duty also implies those required accommodations don't impose a disproportionate or undue burden on the duty bearer.¹¹⁴

¹¹² Ibid

¹¹³ CRPD Committee General comment No. 4 (2016) on the right to inclusive education, para. 24.

¹¹⁴ General Comment No. 6 of CRPD Committee on Equality and Non-discrimination.

CHAPTER THREE

In this chapter, the researcher discussed the legal and institutional frameworks of the right to IE. The chapter has two sub-topics. The first one is about the legal framework of the right to IE. Under this sub-topic, the researcher has discussed the status of IE in different international, regional, and national instruments. Under the second sub-topic, the researcher has discussed institutional mechanisms that were used to implement the right to IE in Ethiopia.

3. Legal and Institutional Framework of Inclusive Education

3.1. Legal Framework

3.1.1. International Standards on the Rights to Inclusive Education

It is an undeniable fact that the right to education is recognized under various international standards that apply to all persons regardless of status since equality and non-discrimination are the hallmarks of international human rights norms. Therefore, various international instruments recognize the rights to education in general and IE in particular as having both a general and specialized nature. Under this section, the researcher tries to highlight and discuss the international human rights standards that have recognized the rights to Inclusive education of Persons with Disabilities along with the protection that exists and the extent of the right in question.

3.1.1.1. International Instruments of Generalized Nature on Inclusive Education

It is self-evident that all international human rights instruments protect the human rights of persons with disabilities, as they apply to all persons. Since the principle of universality is at the heart of the instruments it is also reinforced by the principles of equality and non-discrimination. It is an undeniable fact that the right to education has been included in several international instruments as a human right applicable to all without any status. Thus, Persons with Disabilities are also included in those instruments since they are human beings. Their right to IE is also recognized in those instruments. The first pioneering document to be looked at is UDHR which proclaims that education shall be directed to the full development of the human personality and

the strengthening of respect for human rights and fundamental freedoms.¹¹⁵ Despite UDHR being soft-law, its provisions are currently turned out to customary international law which binds state parties thereof.

In the same vein, the core UN Human rights instruments also recognized the right to education for all human beings without discrimination and equality. It is stipulated under Art. 13 and 14 of ICESCR that the rights to education are for everyone. It provides the right to education to everyone; again, this proviso is relevant for Persons with Disabilities. Since the convention obliges state parties to guarantee the rights recognized under the convention.¹¹⁶ The committee of ICESCR has also affirmed the issues of Persons with Disabilities rights to education under its general comment No. 13. Apart from that, the right is also recognized under articles 28 and 29 CRC, Articles 10 and 14 of CEDAW, and art. 5 of CERD which contain detailed provisions regarding education rights for all.

Moreover, the UNESCO Convention against Discrimination in Education seeks not only to ban discrimination but also to promote equal opportunities and equal treatment in education for the individual.¹¹⁷ Therefore, all of the above instruments recognize the rights to education of all persons making it relevant for Persons with Disabilities. The right to IE is therefore recognized under the above human rights instruments.

3.1.1.2. International Instruments of Specific Context on Inclusive Education

Several disability-specific international instruments have been adopted at the international level either having binding or non-binding nature. The first legal document to be looked at is the Convention on the Rights of Persons with disabilities which recognizes the rights to education of Persons with Disabilities. It is the first legally binding instrument to contain a reference to the concept of inclusive education.¹¹⁸ The convention obliges state parties to ensure the IE system at all levels.¹¹⁹ Further, it obliges States-Parties to create accessible educational environments, the aim of which is to enable persons with disabilities to live independently and participate fully in

¹¹⁵ Art. 26 of the UDHR.

¹¹⁶ Art. 2 and 13 of the International Convention on economic, social, and cultural rights.

¹¹⁷ Art. 1, 3, and 4 of the UNESCO Convention against Discrimination in Education

¹¹⁸ UN Committee on the Rights of Persons with Disabilities, General Comment 4: The Right to Inclusive Education (Article 24 of CRPD), UN Doc. E/C. 24/2016/4, II September 2016, Para. 1.

¹¹⁹ Art. 24 of the Convention on the rights of persons with disabilities.

all aspects of life,¹²⁰ and obliges them to guarantee the right of persons with disabilities to education [...] based on equal opportunity.¹²¹

*Thus, state parties shall ensure an inclusive education system at all levels and lifelong learning directed to the full development of human potential and a sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms, and human diversity; the development by persons with disabilities of their personality, talents, and creativity, as well as their mental and physical abilities, to their fullest potential; enabling persons with disabilities to participate effectively in a free society.*¹²²

Although not a legally binding instrument, United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities represent a strong moral and political commitment of Governments to take action to attain equalization of opportunities for persons with disabilities. The rules serve as an instrument for policy-making and as a basis for technical and economic cooperation. The Standard Rules consists of 22 rules summarizing the message of the World Program of Action.¹²³

The Rules incorporate the human rights perspective which had developed during the Decade. The 22 rules concerning persons of disabilities consist of four chapters preconditions for equal participation, target areas for equal participation, implementation measures, and the monitoring mechanism and cover all aspects of life of persons with disabilities. It provides for the appointment of a Special Rapporteur to monitor the implementation of the Rules.¹²⁴

In the same vein, the UN Committee on the Rights of Persons with Disabilities has elucidated the concept of the right to inclusive education under its General Comment No. 4 which is an authoritative interpretation of the committee of its understanding of the rights under CRPD. *The committee affirms that the right to education must be assured without discrimination and based on equality of opportunity.*¹²⁵

¹²⁰ Ibid.art. 9.

¹²¹ Ibid. art. 24.

¹²² Ibid.

¹²³ United Nations, Disabilities Department of Economic and Social Affairs, <https://www.un.org/esa/socdev/enable/dis50y70.htm> Accessed October 03, 2023.

¹²⁴ Ibid.

¹²⁵ CRPD Committee, GC No. 4 Para. 13.

Apart from that, there are soft laws recognizing the rights to inclusive education applicable internationally. The 1994 World Convention on Special Needs Education or Salamanca declaration is one of the soft laws recognizing the rights to IE. It has uniquely set the policy agenda for inclusive education on a global basis.¹²⁶ *The Salamanca Framework is based on the principle of inclusion, in which institutions are meant to include everybody, celebrate differences, support learning, and respond to individual needs.*¹²⁷ It also stipulates that schools should accommodate all learners, regardless of their physical, intellectual, social, emotional, linguistic, or other conditions.¹²⁸ In particular, the Salamanca also illustrates the importance of making quality inclusive education accessible to all students with impairments.¹²⁹ Its basic requirements focus on policy and organization, school factors, recruitment, as well as the training of educational personnel, external support services, priority areas, and resource requirements for the provision of inclusive education.¹³⁰

Accordingly, inclusion requires the articulation of a clear and forceful policy and legislation, an extensive program of orientation and staff training, the provision of the necessary support services, and adequate resources. In addition, changes to the curriculum, buildings, pedagogy, assessment, and staffing are necessary to cater successfully to a wide range of learners, including students with disabilities. It provides for the principle of inclusion by recognizing the need to work towards schools for all so that institutions that include everybody, celebrate differences, support learning, and respond to individual needs.

Furthermore, the World Declaration on Education for All (1990), The World Program of Action (WPA), and the Sustainable Development Goal 4 embodies measures testifying to the growing awareness and understanding of the right education of Persons with Disabilities.¹³¹

3.1.2. Regional Standards on the Rights to Inclusive Education

It is also important to deal with regional standards since they form parts of international human rights standards which add important guarantees that develop education. Thus, the African

¹²⁶ Peters, Susan J., Education for all, A historical analysis of international inclusive education policy and individuals with disabilities, Journal of disability policy studies 18.2, (2007), pp. 98-108.

¹²⁷ UNESCO, The Salamanca Statement and Framework on Special Education Needs. (1994).

¹²⁸ Ibid.

¹²⁹ Peters, Susan J. "Education for all?" A historical analysis of international inclusive education policy and individuals with disabilities." Journal of disability policy studies 18.2, (2007), pp. 98-108.

¹³⁰ UNESCO, The Salamanca Statement and Framework on Special Education Needs. (1994), p. 7.

¹³¹ General Comment 4, Para. 1.

standard also recognizes the right to inclusive education. Despite there being no disability-specific legislation in the region, various standards dispense protection to persons with disabilities and recognize the rights to IE.

The first legal standard recognizing the rights to education in Africa is the African Charter on Human and People's Rights. It was established in 1990. It went into effect in 1999, almost a decade later. Its provisions are based on the United Nations Convention on the Rights of the Child in many ways. The most comprehensive formulation of the right to education in regional African human rights instruments is to be found in the African Charter on Human and People's Rights. The Charter imposes a binding obligation on those African states which ratify it. It further establishes the African Committee of Experts on the Rights and Welfare of the Child, an organ responsible for monitoring its implementation.

Article 13 of African Charter on Human and People's Rights is about 'handicapped children'. This provision, even if it did not make any direct reference to right to education of children with intellectual disability, it has a vital importance for the realization of right to education of these children. Article 13(1) reads as: "Every child who is mentally or physically disabled shall have the right to special measures of protection in keeping with his physical and moral needs and under conditions which ensure his dignity, promote his self-reliance and active participation in the community." In order to enjoy this right, the special measure of protection to be taken must include education. Otherwise children with intellectual disability could not be able to participate in the community, achieve personal or mental development. Article 13(2) further states that, the assistance to be given to children with disability should be achieved to effective access to training, preparation to employment, etc. Article 13(3) is a very important provision which discusses about accessibility.

Inaccessibility of different public services is the major problem of these disability students in general. And with specific reference to education; school buildings, teaching aids, roads, etc. are not accessible for children with intellectual disability especially in the countries like Ethiopia. And it is one of the major obstacles for children with intellectual disability that hinder them from exercising their right to education in effective way. According to this sub article, State parties have a duty to create a convenient situation for children with disability by using their available

resources. The Charter also has a reporting procedure in order to follow up its implementation by member States. Therefore, the African Charter on the Rights and Welfare of the Child is composed of different provisions that recognized the right to education of children with intellectual disability.

The Disability Protocol to the African Charter on Human and People's Rights was adopted in 2018. (Banjul Charter). It will only take effect if 15 African Union member states have signed and ratified it (making it legally enforceable). Sight savers is working with partners in Ghana, Malawi, Nigeria, Kenya, Senegal, Sierra Leone, and Zimbabwe to promote ratification of the convention through our Equal World campaign. So far, this has included organizing a side event during the UNCRPD Conference of State Parties (held in June 2021) to raise awareness about the African Disability Protocol. Our country offices have also hosted side events, one of which can be viewed below.

No one is genuinely left behind according to the African Disability Protocol. It is unique to Africa and takes into account African habits and concerns in order to improve the lives of individuals with disabilities. It addresses the root causes of handicap prejudice so that everyone has equal access to health, education, and employment.

So, based on their understanding of the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities article 16 [3], they attempted to defend the right of disability specifically: State parties must take reasonable, appropriate, and effective steps to guarantee that all people with disabilities have access to high-quality education and skills training, including ensuring that basic and secondary education is free, high-quality, and compulsory without discrimination. The protocol covers and encompasses specific issues such as inclusive quality education, based on these strong articles.

3.1.3. Legal and Policy Frameworks on Inclusive Education in Ethiopia

Despite there being no specific education law in Ethiopia, there are a plethora of legal and policy frameworks recognizing the rights to Education which constitutes mainly the FDRE Constitution, proclamations, the Education and Training Policy, programs, plans, strategies, guidelines, and frameworks. Thus, the researcher in this section tries to unpack the legal and policy frameworks on the rights of inclusive education in Ethiopia.

3.1.3.1. FDRE constitutional provisions

It is an undeniable fact that the FDRE Constitution serves as the bedrock, and an important tool for the protection and promotion of human rights in Ethiopia since it unequivocally commits to respect human rights.¹³² Further, the Constitution enables the concerned stakeholders to translate international agreements into domestic law and obliges all branches of government to respect and ensure the rights it articulates.¹³³

The FDRE constitution protects the rights of persons with disabilities in the country which includes the rights to inclusive education. Since it recognized the right to education; and established the universal right to education. Thus, it has recognized the right to inclusive education for all persons in the country without discrimination. Thus, persons with disabilities have the right to IE in the country.

The constitution protects the rights of persons with disabilities under article 41(4) stipulates that *the State has the obligation to allocate ever increasing resources to provide to the public health, education and other social services.* It also protects the rights of persons with disabilities in the country under its art. 41 stipulates that *the state shall, within the available means, allocate resources to provide rehabilitation and assistance to physically and mentally disabled persons, it also emphasizes on the need to allocate resources and provide assistance to disadvantaged groups.*

Despite article 41(5) of the FDRE Constitution sets out the state's responsibility for the provision of necessary rehabilitation and support services to 'the physically and mentally disabled, its wording is outdated and reflects a narrow, medical understanding of disability. It tends to have

¹³² FDRE Constitution.....art. 13 and 10.

¹³³ FDRE constitution.... art. 13 and 9 (4).

adopted a charity model approach to disability and has not addressed all forms of impairments such as intellectual and sensory impairments.¹³⁴ However, according to Article 9(4) and Article 13(2) of the Constitution, all international agreements ratified by the Ethiopian government automatically become part of the law of the land. Thus, the state is therefore obliged to ensure the rights of persons with disabilities as prescribed in the CRPD and other instruments.

In the same vein, the constitution under Art. 90 also *provides for the state's responsibility to provide all Ethiopians access to public health and education...to the extent the country's resources allow.*¹³⁵ This is also relevant for the rights to education of persons with disabilities to be realized.

Furthermore, the right of persons with disabilities to IE in the country is guaranteed more under the constitution since all international instruments ratified by the country protect the rights of persons with disabilities which is imperative to implement the IE of persons with disabilities; since Ethiopia has ratified and adopted almost all of the relevant initiatives and international legal texts on the rights of persons with disabilities including the UN Convention on the Rights of Persons with Disabilities (CRPD) in 2010 which is applicable and recognizes the rights to IE.

3.1.3.2. The Higher Education Proclamation No. 1152/2019

This proclamation has incorporated the right to inclusive higher education for student with disabilities. Article 41(1& 2) of the Proclamation reads, *1/ Institutions shall make, to the extent possible, their facilities and programs amenable to use with relative ease by physically challenged students. 2/ Institutions shall, to the extent that situations and resources permit, relocate classes, develop alternative testing procedures, and provide different educational auxiliary aids in the interest of students with physical challenges.*¹³⁶

Article 41 (1), by qualifying the statement with the phrase, “to the extent possible”, we cannot say that this proclamation has fully acknowledge that student with disabilities have the right to inclusive higher education.” The inclusivity of the right is rather dependent on the will and whim of the institutions than on the law. The phrase ‘to the extent possible’ denotes legal likelihood that Universities may not at times make their programs and facilities amenable for persons with

¹³⁴Ludago, T.B, Practices, Challenges, and Opportunities of Inclusive Education Implementation in Kambata Tambaro Zone, Ethiopia, (Open Access Library Journal, 7, 2020), P.2.

¹³⁵ Art. 90(1) of the FDRE Constitution.

¹³⁶ Higher Education Proclamation No. 1152/2019, Art. 41 (1), (2), (3) and (4)

disabilities. Therefore, the proclamation, via Article 41 (1), cannot be read as imposing obligation on Universities so as to enforce the right to inclusive higher education for persons with disabilities.

In addition, Article 41 (2), the phrase “to the extent . . . resources permit” makes the right to inclusive higher education dependent on will and whim of Universities; i.e. availability of sufficient resource is not enough on and of itself. Universities should be convinced that they have enough resource to meet the needs of students with disabilities. Unless they are convinced, although there is sufficient resource required to meet the needs of students with disabilities, they may reject requests for relocating classes, developing alternative testing procedures, and providing different educational auxiliary aid under the guise of resource insufficiency. There is nothing that can make them accountable when they fail to meet the needs of students with disabilities while they have sufficient resource required to satisfy those needs.

What the law is to mean by the phrase “to the extent situations . . . permit” also is not clear. If the required resource is available, what is the other thing called ‘situation’ that prevents Universities from satisfying the needs of students with disabilities? The ordinary meaning of “situation” refers to “a particular set of circumstances existing in a particular place or at a particular time”.¹³⁷ The meaning is so comprehensive and flexible that Universities claim any “particular set of circumstances in a particular place or at a particular time” in order to set aside their responsibility to satisfy the needs of students with disabilities.

Moreover, the phrase “to the extent that situations and resources permit” is in direct conflict with the obligation of providing reasonable accommodation under the CRPD, which is an Obligation that should be immediately discharged. For the reason that the qualification helps Universities hold off satisfying the needs of students with disabilities for unlimited period of time. In other words, despite the phrase “to the extent that situations and resources permit “, delay to discharge obligation of reasonable accommodation such as to relocate classes, develop alternative testing procedures, and provide different educational auxiliary aids for students with disabilities cannot be attributable to the rule of “progressive realization”. These two sub-articles relegate the right to

¹³⁷ Microsoft Encarta Dictionary, <https://microsoft-encarta.en.downloadastro.com/Result>, (accessed on June. 19, 2022; 4:09 AM).

inclusive higher education of persons with disabilities to a status of charity dependent upon generosity of Universitie

3.1.3.2. Subsidiary Laws, Policies and Plans on Inclusive Education in Ethiopia

3.1.3.2.1. Strategies and Policies on Inclusive Education in Ethiopia

It is an undeniable fact that Ethiopia has adopted several strategies and policies recently towards realizing the right to inclusive education in the country though it has got only paper value. The country adopted a new education and training policy in 1994 which strives to address the entitlements of students with disabilities within a general objective of education; and also tries to start the provision of special education for persons with disabilities. The policy provides implementation strategies regarding the education of persons with disabilities through special education and the like. However, it doesn't encourage an inclusive approach to the education of persons with disabilities.

The other strategy is the Special Needs Education Program Strategy (SNEPS) which was developed in 2006 by the Ethiopian Ministry of Education to identify and remove the prevailing barriers to the implementation of inclusive education. This federal-level strategy shows the direction for providing access to inclusive education to all learners by identifying and removing existing barriers at all levels of schooling and higher education. As a result, the ministry to curtail the barriers has identified strategic issues like strengthening educational management and administration, accessibility to all, capacity building, promotion of inclusive curriculum, and the like. It was also revised in 2012 as the special needs or IE strategy. Its overall purpose is to build an IE system that will provide quality, relevant, and equitable education and training for all and enable them to fully participate in the socio-economic development of the country.

Recently, the Ministry of Education introduced the 10-year Master Plan for Special Needs Education / Inclusive Education that uses for 2016-2025. The purpose of the Master Plan is to give more visibility to inclusive and special needs education and to strengthen the structures and environment enabling inclusion. It is a complete policy to guide provision of special needs education.¹³⁸

¹³⁸ Federal Democratic Republic of Ethiopian Ministry of Education: A Master Plan for Special Needs Education/Inclusive Education in Ethiopia (2016-2025), October 2016

3.1.3.2.2. National Plan of Action on Disability (NPA)

The National Plan of Action for Inclusion of Persons with Disabilities (2010-2020) was prepared to promote, protect, and ensure the full and equal enjoyment of fundamental rights, public services, opportunities for education and work, and the full participation in family, community and national life by all persons with disabilities in Ethiopia. The NPA was formulated to address specific priorities over the period 2010-2020 to overcome barriers to equality of opportunity and the full participation of persons with disabilities in society, and thus contribute to achieving a society inclusive of all. It is an ambitious policy framework that aims to mainstream disability issues in all fields of society. Thus, it makes provision for comprehensive rehabilitation services, equal opportunities for persons with disabilities in education, skills training, and work, as well as full participation in the lives of their families, communities, and the nation. *Generally, the FDRE government has signed international legal and policy frameworks related to inclusive education making part and parcel of the law of the land by article 9(4) of the FDRE constitution. By being parties to many treaties, the philosophy of inclusive education has become an integral part of the national legal and policy frameworks (Emphasized).*

3.1.3.2.3. Legislations of Addis Ababa University regarding Inclusive Education

The senate legislation of AAU Article 171 sub-Article 2 stipulates the right to inclusive education of students with disabilities. This states that;

'... students with disabilities have the right of equal treatment by the University with that of students without disabilities and have the right, in as much as practicable, to lead an active and independent life. To this effect, the University shall comply with the standard of reasonable accommodation in particular, to the extent possible and by the University`s Policy on Disability Services, by Making its facilities and programs amenable to use with relative ease by Students with disabilities; Relocating classes, developing alternative testing procedures, and providing Different educational auxiliary aids in the interest of students with disabilities...'

In line with different legislations that recognize inclusive education, AAU under its senate legislation has recognized the inclusive rights of disabled students. Under this senate legislation, the university is given the power to enact admission requirements to the respective colleges. Accordingly, CHS stipulated admission requirements to undergraduate and postgraduate programs of the School of Medicine. These admission requirements are;

The admission requirements, among others, that students who want to join undergraduate programs of the school must meet are;¹³⁹

- Students must at all times be physically and mentally capable of completing the training and subsequently practicing as a medical doctor;
- Applicants with significant physical disabilities such as complete loss of vision, complete loss of hearing, and serious musculoskeletal disabilities incompatible with the routine practice of medicine and severe psychiatric or mental problems that can be detrimental to safe practice may not be accepted to the program;
- Physical and mental capability shall be determined during a screening procedure performed by a special medical board set up by the MOE and the School of Medicine academic commission during admission;

The admission requirements, among others, that students who want to join postgraduate programs of the school must meet are;¹⁴⁰

- Applicants must be in acceptable physical and mental health without any serious health conditions that would limit their ability to cope with the requirements of the training program and service. The department reserves the right to deny admission to unfit candidates as determined by the department's academic commission.

¹³⁹ Ibid

¹⁴⁰ Supra Note 3

3.2. Institutional Mechanisms to Implement Inclusive Education in Ethiopia

Under this section, the researcher delves into the institutional mechanisms of implementing the rights to IE in the country since national human rights laws in general comprises laws, institutions, policies, and practice thereof so dealing with it is imperative.

It is an undeniable fact that institutions matter for the concretization of the principles, plans, and strategies set out under those policy documents. As a result, there are various institutions in charge of advancing the rights of persons with disabilities in Ethiopia like the Ministry of Women and Social Affairs (MoWSA) which has a department within it which is Disability Directorate has the mandate to coordinate disability issues at the federal level, provide policy guidance and technical support to other organs of state. There is also a Bureau for Women and Social Affairs (BoWSA) in all regions of the country that is responsible for implementing national disability policies and promoting the integration of persons with disabilities at the regional level.¹⁴¹ Apart from that, there are others like the Ministry of Education which is responsible for implementing Ethiopia's mainstreaming approach to education for persons with disabilities.

Furthermore, under Proclamation No. 1263/2021, a new law promulgated was enacted to define the Power of the Executive Organs of the Federal Democratic Republic of Ethiopia. The law requires all ministries to take responsibility for mainstreaming disability issues into their respective areas of work.

Besides the internal systems of disability rights protection, there are external institutions doing accountability measures in the country on disability rights protection. Those are national human rights institutions like the Ethiopian Human Rights Commission and institutions of ombudsman since they have got the mandate to monitor the protection and advancement of human rights in the country. Besides that, the National Implementation Monitoring Coordinating Committee (NIMCC) was created under the chairmanship of MoWSA, with representation from key ministries and civil society, including organizations of persons with disabilities (OPDs). The NIMCC is responsible for monitoring and reporting on the implementation of national laws and policies on disability. Likewise, there are also organizations of persons with disabilities (OPDs)

¹⁴¹ Disability Rights in Ethiopia, Sida, September 2014.

that are concerned with the advancement of disability rights in the country. The main actors in Ethiopia are; the Federation of Ethiopian Associations of Persons with Disabilities (FEAPD), Ethiopian Women with Disabilities National Association (EWDNA), and Ethiopia National Disability Action Network (ENDAN). They do have significant roles in terms of advancing disability rights in the country.

CHAPTER FOUR

In this chapter, the Implementation of the Right to IE of persons with disabilities in AAUSM is assessed in light of the basic components of IE. The chapter has two sub-topics; the first one is about the structure of AAUSM is elaborated. Under the second sub-topic, the researcher evaluated the Implementation of the Right to IE of persons with disabilities in AAUSM in light of the basic components of IE.

4. Implementation of the Right to Inclusive Education of Persons with Disabilities in Addis Ababa University School of Medicine

4.1. Structure of Addis Ababa University School of Medicine

AAU was established in 1950 as the University College of Addis Ababa (UCAA) and is the oldest and largest higher learning and research institution in Ethiopia. Since its inception, the University has been the leading center in teaching-learning, research, and community services.¹⁴² Now, it has become the first autonomous public university in Ethiopia through the regulation approved by the Council of Ministers during its 23rd regular meeting held on the 4th of August 2023.¹⁴³

In recent years, the University has been undertaking various reform schemes to cope with and respond to the fast-changing national and international educational dynamics. At present, the University has 10 colleges, 4 institutes that run both teaching and research and 6 research institutes that predominantly conduct research. Within these academic units, there are 55 departments, 12 centers, 12 schools, and 2 teaching hospitals.¹⁴⁴

¹⁴² AAU at glance, < <https://www.bing.com/search?q=structure+of+addis+ababa+university> > accessed on 04 August 04, 2023.

¹⁴³ Addis Ababa University, < <http://www.aau.edu.et-portal> > accessed on 04 August 04, 2023.

¹⁴⁴ Supra note 1

CHS, one of the 10 colleges of AAU, is a professional health sciences college, established in 2009/10 by the reorganization of previously separate institutions of health under one umbrella. The CHS is comprised of four schools and one teaching hospital. The four schools are the School of Medicine, the School of Pharmacy, the School of Public Health, and the School of Applied Health Sciences.¹⁴⁵

School of Medicine is among one of the four schools of CHS. It offers professional degrees at both undergraduate and postgraduate levels.¹⁴⁶ The school teaches/Trains these programs in Tikur Anessa Specialized Hospital, Zewditu Memorial Hospital, Menilik II Hospital, Yekatit 12 Hospital, ALERT Hospital, Bethel Teaching Hospital, and Myung Sung Christian Medical Hospital. Among these hospitals, Tikur Anbessa Specialized Hospital serves as both the teaching and training hospital of the College.¹⁴⁷

4.2. Implementation of Right to IE of PWD in AAUSM

As we have discussed in the previous chapters IE has basic components. These are the no-rejection clause, right to inclusive, quality, and free education, reasonable accommodation in education, support, equalization of opportunities, professional training and capacity-building, and lifelong learning. Under this section, the researcher evaluated the implementation of IE in AAUSM in light of these components as follows.

➤ No-rejection clause

Except for a move by MoWSA to prepare the comprehensive disability act which will incorporate a ‘**no rejection clause**’,¹⁴⁸ in Ethiopia, there is no binding legislation that governs the education system regarding IE. As a result, Ethiopia HEIs are not bound to comply with this clause when enacting any educational legislation concerning persons with disabilities.

¹⁴⁵ AAU, <[http://www.aau.edu.et/services/hospital/background-of_Addis-ababa+university+school+of+medicine ...](http://www.aau.edu.et/services/hospital/background-of_Addis-ababa+university+school+of+medicine...)> accessed on 04 November 2022

¹⁴⁶ Ibid

¹⁴⁷ Addis Ababa University, <<http://ugfacts.net/et/Addis-Ababa-university>> accessed on 04 November 2022.

¹⁴⁸ Interview with Ato Sisay Tilahun, Awareness Raising and Community Mobilization Unit Leader at MoWSA Disability Affairs Directorate, August 25, 2023.

Though this is the case in Ethiopia HEI as long as we adopted CRPD according to the FDRE constitution, the clause is taken as part and parcel of the law of the country. As HEI, AAU should respect the clause of no rejection.¹⁴⁹

However, AAUSM has stipulated admission requirements to both undergraduate and postgraduate programs that are against this clause of CRPD.¹⁵⁰ According to the interview that I conducted with Ato Kalab Bahiru¹⁵¹ and Ato Solomon Zenebe¹⁵² regarding the 'no rejection clause', the admission requirement of AAUSM is against the CRPD. The admission requirement excluded physically and mentally disabled persons from joining the school because of the impairment they have.

In addition to its rejecting nature, as far as the admission requirement of the undergraduate program has no implementation guideline, it would be manipulated by the school. Meaning, that the requirements are open to interpretation, so the admission of persons with disabilities depends on the goodwill of the interpreters. Let's look at the admission requirements of undergraduate students;

*'...serious musculoskeletal disabilities incompatible with the routine practice of medicine and severe psychiatric or mental problems that can be detrimental to safe practice may not be accepted into the program.....capability shall be determined during a screening procedure performed by a special medical board set up by the MoE and the school of medicine academic commission during admission...'*¹⁵³

To determine whether the disability is serious musculoskeletal, severe psychiatric, or mental, it needs standards/guidelines. However, capability in AAUSM is determined by a special medical board set up by the MoE and the school academic commission without standards/guidelines except for medical diagnosis.¹⁵⁴ Besides, the composition of the board is not representative. It

¹⁴⁹ Ibid

¹⁵⁰ Supra note 4

¹⁵¹ Interview with Ato Kalab Bahiru, an expert in the Federation of Ethiopian Association Persons with Disability, September 22, 2023.

¹⁵² Interview with Ato Solomon Zenebe, Deputy Manager of Ethiopian National Association of Persons with Physical Disability, August 25, 2023.

¹⁵³ Supra note 4

¹⁵⁴ Interview with Ato Alemayew W/kirkos, Special Needs Education Experts in Pastoralist and Special Needs Directorate at the Ministry of Education, August 25, 2023

lacks concerned stakeholders like; MoWSA, FEAPD, ENAPPD, and AAUSNSC. Thus, it might lead to discrimination against persons with disabilities based on the impairment they have.

Concerning the admission requirement of postgraduate programs; there is a guideline prepared by both MoH and MoE for the implementation of the Ethiopian Residency Matching Program.¹⁵⁵ The admission requirements under this guideline are more or less similar to the admission requirements of AAUSM. Those postgraduate students who joined the school by fulfilling the requirements stipulated under the guideline do not need additional requirements. Therefore, from the outset preparing additional requirements by AAUSM was not necessary. The requirements are irrelevant and must be struck out.¹⁵⁶ In a nutshell, in light of the "no-rejection clause" component of IE, the is not inclusive.

➤ **Right to inclusive, quality, and free education**

The CRPD requires that persons with disabilities should access inclusive, quality, and free primary and secondary education on an equal basis with others in the communities where they live. To ensure the right of persons with disabilities to access inclusive, quality, and free education, the education system must comprise the four interrelated features of education: Availability, Accessibility, Acceptability, and Adaptability.¹⁵⁷

Accessibility requires educational institutions and programs to be accessible to everyone, without discrimination. However, the admission requirements¹⁵⁸ of AAUSM excluded persons with physical and mental disabilities from joining the school because of their disability. In this regard, we can conclude that the school and its programs are not accessible to PWD.

According to the interview I made with Binyam Isayas¹⁵⁹ and Dr.Tazbachew Wude¹⁶⁰, with different concerned organs; like FEAPD, ENAPPD, MoWSA, MoE, MoH, and AAUSNC, and

¹⁵⁵ MoH & MoE, 'Guideline for the implementation of Ethiopian Residency Matching Program: Strategic Steering Group' Revised and Approved, June 2022.

¹⁵⁶ Ibid, P 20

¹⁵⁷ UN Committee on the Rights of Persons with Disabilities (CRPD) General Comment 4: Article 24, Right to inclusive education, (2016) CRPD/C/GC/4 Para 20-25

¹⁵⁸ Supra note 4

¹⁵⁹ Binyam Isayas (undergraduate program student) was making progress towards the fifth year of the program, AAUCHS announced him to discontinue his pursuit of studying medicine because of a disability on his left hand which he has had since childhood. The decision of the college has nothing to do with academic performance. He is among the achieving students. It is rather because of his disability, which he has had since childhood

different documents I got from these organs, both Binyam Isayas and Dr.Tazbachew Wude were rejected from the school that they both had been enrolled in for the last 5 and 4 years, respectively without any problems rather they were among high-achieving students. Even after the school allowed them to continue the program from where they terminated, they followed the programs without any problems. This clearly shows that was not their disability that prohibited them from following their respective program but rather the attitude and stereotypical mindset in AAUSM.

Therefore, although the education rendered at AAUSM has no problems concerning its quality and cost, it lacks inclusiveness. The way the school gives the programs becomes discriminatory to PWDs.

➤ **Reasonable Accommodation in Education**

As far as the senate legislation of AAU complies with CRPD regarding reasonable accommodation of PWD, the researcher evaluates this component of IE in AAUSM only in light of the legislation. Under Article 171 sub-Article 2 of the senate legislation of AAU, the university to the extent possible and per the University`s Policy on Disability Services, by Making its facilities and programs amenable to use with relative ease by Students with disabilities; Relocating classes, developing alternative testing procedures, and providing Different educational auxiliary aids in the interest of students with disabilities shall comply with the standard of reasonable accommodation.

However, regarding reasonable accommodation except for giving Birr 1000 (One Thousand Birrs) per year for clothes, and Birr 500 (Five Hundred Birr) per month to all disabled students in AAU¹⁶¹, there are no auxiliary aids in the interest of the student with a disability, developing alternative testing procedures, and Making its facilities and programs amenable to use with relative ease by Students with disabilities.

¹⁶⁰ 'Dr. Tazbachew Wude was 4th Years postgraduate student at the School of Medicine in the Department of Obstetrics and Gynecology. Due to his visual problem, the school decided to terminate the program.'

¹⁶¹ Interview with, W/ro Hana Seifu and W/ro Abebech Mihiretu, Addis Ababa University Special Need Center Experts, August 25, 2023.

This is because, as student Binyam said, "Though the academic commission of the school decided to restart the program and promised to hire nurses to help me during the internship, it did not comply with its word. Let alone doing this, after my back, the school is treating me negatively. The challenge is continuing."

As I observed and interviewed; officials of MoE¹⁶², MoH¹⁶³, MoWSA, FEAPD and ENAPPD¹⁶⁴, and understood from different letters that the school has written regarding student Binyam to different organs, there is no reasonable accommodation in AAUSM. Also, there is no reasonable accommodation provided by the state for individual students to enable them to access an education on an equal basis. According to the CRPD Committee, this denial of reasonable accommodation amounts to discrimination.¹⁶⁵

Therefore, regarding this component of IE, there is an implementation gap. As the practice showed, AAUSM is this component of IE. So, in AAUSM, there is no reasonable accommodation, but rather discrimination based on disability. The state has limitations regarding realizing such measures in the school.

¹⁶²Supra note 120

¹⁶³ Interview with Ato Asegid Samuel, Ministry of Health Human Resource Directorate, August 25, 2023.

¹⁶⁴ Interview with Ato Sisay Tilahun, Awareness Raising and Community Mobilization Unit Leader at MoWSA Disability Affairs Directorate, August 25, 2023.

¹⁶⁵ UN Committee on the Rights of Persons with Disabilities, 'Concluding Observations on the Initial Report of Hungary' (2012), UN Doc CRPD/C/HUN/CO/1, Para 41

➤ Support

Despite the CRPD affirmed students with disabilities are entitled to the support they require to facilitate their effective education and enable them to fulfill their potential on an equal basis with others, students with disability in AAUSM gets no support.

Student Binyam Isayas said, "At the time when the academic commissions allowed me to continue from where I was stopped, the academic commission of the school was forwarded recommendations that would be achieved by the school to support me. One of the recommendations was hiring a professional nurse who would provide support to me during my undertaking. The other recommendation was, if the first recommendation is not possible, by the cost of the school he follows his remaining courses abroad. If the school cannot fulfill the first two recommendations, the commission recommends providing legal aid to me from the school. But none of the recommendations of the commissions are achieved. Let alone supporting me, the school starts treating me negatively."

According to the data I gathered from MoE and AAUSNC; except for giving Birr 1000 (One Thousand Birrs) per year for clothes, and Birr 500 (Five Hundred Birr) per month to all disabled students in AAU, the government has not allocated adequate budget to such supporting measures for student with a disability. As per FEAPD and ENAPPD, the government without enacting cosmetic laws does not focus on supportive measures.

Therefore, though we do have not that much gap in legislation in this component of IE, concerning the issue of its implementation there is a big challenge in AAUSM.

➤ **Equalization of opportunities**

Although the CRPD refers to a series of measures necessary for persons with disabilities to participate in the education system and society, the admission requirements¹⁶⁶ of AAUSM let alone rendering an equal opportunity to persons with disabilities with others, rather it rejects and discriminates against persons with disabilities.

When we evaluate the admission requirement of the school in light of this component of IE, it prohibits undergraduate and postgraduate students who are qualified enough but with physical, mental, and sensory impairments from joining different programs of the school. Therefore, we can conclude that the admission requirement of AAUSM does not give equal opportunity to students with disabilities to join the school as other non-disabled students.

➤ **Professional training and capacity-building**

The CRPD requires States to take appropriate measures to employ administration, teaching, and non-teaching staff with the skills to work effectively in inclusive education environments and qualified in sign language and/or Braille, orientation, and mobility skills.

However, according to the data I gathered from AAUSNSC, AAUCHS, AAUSM, FEAPD, and ENAPPD they have never given capacity building and professional training to the administration, teaching, and non-teaching staff of AAUSM.

Because of the non-existence of capacity building and professional training in the school, as I understood from the letter the CHS wrote to different concerned organs on Binyam Isayas and Dr. Tazbachew Wude's cases and the interview conducted with students, there is a knowledge and skills gap in the school community regarding IE that contribute for the development of negative attitude to disabled students.

Therefore, as per this component of IE, the state does not fulfill its obligation to give Professional training and capacity-building to employ administration, teaching, and non-teaching staff of AAUSM.

¹⁶⁶ Supra Note 4

➤ **Lifelong learning**

According to CRPD, state parties should ensure that persons with disabilities can access general tertiary education, vocational training, adult education, and lifelong learning without discrimination and on an equal basis with others. The CRPD underscores that persons with disabilities cannot be restricted in their progress about their right to education based on the medical diagnosis of impairment.¹⁶⁷

Although the law says so, the reality in AAUSM is against such principles. This is because, as Binyam and Dr.Tazbachew said, “The school before rejected and directed us to the respective department for medical diagnosis to uncover our impairment. Based on the report of medical diagnosis, the school rejected us from the program that we had been following till that time.”

Therefore, regarding this dimension of IE of persons with disabilities, in AAUSM there is a barrier to the implementation of lifelong learning.

Therefore, generally as per the aforementioned evaluation of the implementation of the right to IE in AAUSM in light of basic components of the Right to inclusive education such as; no-rejection clause, right to inclusive, quality, and free education, reasonable accommodation in education, support, equalization of opportunities, professional training and capacity-building, and lifelong learning, the Right to IE of persons with disabilities is not efficiently implemented in AAUSM.

¹⁶⁷ Ibid

4.3. Experiences at the national level

In this topic, among the best 9 medical schools in Ethiopia¹⁶⁸, the researcher has checked the universities that have best practices regarding the implementation of the right to IE of PWD through their website and different literature. However, none of them except Gondar University has the best experience in terms of the issue. As a result, the researcher has opted for Gondar University for its best practices. So, we discussed the experience of the University as follows;

4.3.1. Gondar University

Gondar University has been serving people with disabilities in and around the North Gondar Zone since its inception in the mid-1950s. Over the years, its various units have designed and implemented numerous projects, employing alternative institutional and community-based models to promote the well-being of people with disabilities. Lessons drawn from these initiatives and shifts in health and social work practice informed the university's decision to establish its Community-Based Rehabilitation (CBR) program in 2005.¹⁶⁹

Given a shared commitment to the principles and practice of CBR, the University of Gondar is presently collaborating with the International Centre for the Advancement of Community-Based Rehabilitation (ICACBR) at Queen's University in Canada to create new disability-related education and mentorship opportunities. These include community-based research and internship opportunities for undergraduate and graduate scholars through a shared Mastercard Foundation Scholars Program. The two institutions, in collaboration with the Mastercard Foundation¹⁷⁰, have an overall goal of creating a disability-inclusive campus and regional rehabilitation hub at the university.¹⁷¹

¹⁶⁸ <<https://www.bing.com/ck/psq=best+and+oldest+universities+of+ethiopia+regarding+school+of+medicine+diabl+ed+persons+in+ethiopian+medical+schools&u>> Accessed on 26 November 2023

¹⁶⁹ <<https://www.bing.com/=universities+of+gonderand+mastercard+foundation>> Accessed on 26 November 2023

¹⁷⁰ **The MasterCard Foundation** is a registered Canadian charity and one of the largest foundations in the world. It works with visionary organizations to advance education and financial inclusion, enabling young people in Africa and Indigenous youth in Canada to access dignified and fulfilling work. Established in 2006 through the generosity of MasterCard when it became a public company, the Foundation is an independent organization separate from the company, with offices in Toronto, Kigali, Accra, Nairobi, Kampala, Lagos, Dakar, and Addis Ababa. The Foundation's Board of Directors and leadership determine its policies, operations, and program decisions. <<http://mastercardfdn.org>> Accessed on 26 November 2023

¹⁷¹ Supra note 130

The Mastercard Foundation seeks a world where everyone has the opportunity to learn and prosper. Its focus is helping young people in Africa access opportunities by advancing education and financial inclusion.¹⁷²

Good Practices

Through the help of the foundation, the University gives scholarships to young disabilities who are qualified enough to pass the academic requirements that the school needs. Those disabled students who are eligible for the scholarship gain supportive measures based on the type of disability they have. This measure might be given either in the university or abroad based on the needs of the students.¹⁷³

¹⁷² < <http://mastercardfdn.org> > Accessed on 26 November 2023

¹⁷³ Phone Interview with Dr. Asmamaw Atinafu, chief Academic Director of the College of Medicine and Health Science University of Gondar, August 25, 2023

CHAPTER FIVE

5. SUMMARY, CONCLUSION AND RECOMMENDATION

This chapter exclusively focuses on summarizing major findings, drawing conclusions, and feasible recommendations.

5.1. Summary

- ❖ Except for the move toward preparing a comprehensive disability act by the MoWSA, there is no binding law in Ethiopia that obliges the government to implement the right to IE of persons with disabilities.
- ❖ Although the education rendered at AAUSM has no problems with its quality and cost, the admission requirements of the school lack inclusiveness because, it prohibits students who are qualified enough but with physical, mental, and sensory impairments from joining different programs of the school.
- ❖ Except for giving Birr 1000 (One Thousand Birrs) per year for clothes, and Birr 500 (Five Hundred Birr) per month to students with disabilities in Addis Ababa University¹⁷⁴, there is no auxiliary support, and full package of reasonable accommodation to disabled students per their respective interests.
- ❖ Addis Ababa University Special Need Support Center and other concerned governmental and NGOs that have the responsibility to train the society on the issue of IE have never given capacity building and professional training to the administration, teaching, and non-teaching staff of AAUSM. As a result of this, there is an attitude problem in the school regarding student with disabilities.
- ❖ Ministry of Education that have the responsibility to supervise the implementation of IE in HEI, except supervising Addis Ababa University in general has never looked at AAUSM.

¹⁷⁴ Interview with, W/ro Hana Seifu, and W/ro Abebech Mihiretu, Addis Ababa University Special Need Center Experts, August 25, 2023.

5.2. Conclusion

The right to education is one of the most important and legally protected rights in international human rights law. The right to education, in the context of persons with disabilities, is clearly protected under the Convention on the Right of Persons with Disabilities. The convention proclaims the right to inclusive education and prescribes the steps that have to be taken to this end.¹⁷⁵ Realizing this right, on the other hand, requires States Parties to develop policies and strategies as well as laws and allocate sufficient fiscal resources to fulfill both their immediate and progressive obligations.¹⁷⁶

As a state party to the CRPD, Ethiopia has recognized the right to IE of persons with disabilities through different policies, strategies, and plans. Among these policies, strategies, and plans are the 1995 FDRE Constitution, Higher Education Proclamation No.1152/2019, the 1994 Education and Training Policy, the 2023 Education and Training Policy, the National Plan of Action of Persons with Disabilities (2012-2021), A Master Plan for Special Needs Education/Inclusive Education (2016-2025) are the majors.

Pursuant to the country's policies, strategies, and plans, the Addis Ababa University (AAU), as one of Ethiopia's Higher Education Institutions (HEI), makes IE of persons with disabilities part and parcel of its internal senate legislation¹⁷⁷ and has opened the curriculum to students with disabilities. In realizing the right to IE of persons with disabilities the university in general has a promising development. However, in AAUSM the implementation of IE is against this promising development. The barriers of the implementation arising from factors in and outside of AAUSM.

¹⁷⁵ Supra note 81

¹⁷⁶ Singitan Adere, *The Right to Social Security of Persons with Disabilities in Ethiopia*, Addis Ababa, Ethiopia September, 2021

¹⁷⁷ Addis Ababa University Senate Legislation: Rights of Students with Disability (Article 171 sub-Article 2), March 2019.

Factors that contributes to the non-implementation of IE of persons with disabilities in AAUSM are the non-existence of supportive measures to students with disability, the discriminatory admission requirements of the school that lacks inclusiveness, the non-existence of a full package of reasonable accommodation, the non-existence of capacity building and professional training, and attitude problems in the school community regarding students with disabilities. So, there is no implementation of IE of persons with disabilities in AAUSM.

Factors that contributes to the non-implementation of IE of persons with disabilities outside of AAUSM are the non-existence of biding education laws that explicitly state a "no-rejection clause", and the non-existence of capacity building and professional training that would have role in overcoming the attitude problems of the school. So, the concerned state organs like MoE,MoH, MoWSA, and AAUSNSC are not discharging their responsibility regarding implementation of IE in AAUSM.

Therefore, in nutshell the state is not fully discharging its responsibility even to the extent possible, and the right to IE of persons with disability is implemented or realized in Addis Ababa University School of Medicine.

5.3.Recommendation

The researcher proposes the following recommendations against the problems facing AAU in general and AAUSM in particular in realizing the right to inclusive education of persons with disabilities.

- ❖ Addis Ababa University in general and AAUSM in particular should review its undergraduate program admission requirement in line with CRPD, and should struck out its postgraduate admission requirements since there is a Guideline for the implementation of Ethiopian Residency Matching Program MoH & MoE.
- ❖ Addis Ababa University Special Needs Center should aggressively give training and capacity building about inclusive education to the academic and non-academic staff of CHS in general and the School of Medicine in particular to change attitude problems in the College and School respectively.
- ❖ Besides its effort to realize reasonable accommodation, and support for disabled students, Addis Ababa University as the University of Gondar should work with concerned national or international governments and non-governmental organizations.
- ❖ Ministry of Women and Social Affair should adopt comprehensive disabilities act that obliges the state to implement the right to IE of person with disabilities.
- ❖ Ministry of Education should also adopt education laws that guarantee inclusive education as a comprehensive school system, recognize the provision of reasonable accommodation as an immediate obligation of the government, protect the rights of persons with disabilities to access inclusive education, allocate effective and adequate financial, material and educated human resources and to set clear timelines and targets to secure timely and measurable progress in the implementation of the right to inclusive education.¹⁷⁸
- ❖ Ministry of Education should strictly supervise the implementation of the right to inclusive education in AAUSM in light of standards stipulated under CRPD.

¹⁷⁸ Ibid

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ANNEXES

Interview Guide for Stakeholder Institutions and selected informants regarding the Right to IE of Persons With Disabilities in AAUSM.

Annex A- AAUSNSC

1. Do you think that the IE of Persons with Disabilities in AAUSM is efficiently implemented?
2. How do you see the admission requirement of AAUSM in light of the basic components of IE?
3. Does the center give professional training and capacity building to the community of AAUSM regarding IE?
4. Does your center work with the school of medicine regarding the right to IE of Students with Disabilities?
5. Is there any challenge regarding the realization of IE in the school? If so, how do you solve it?

Annex B- AAUCHS

1. How does the college understand IE?
2. Do you think that the college is inclusive regarding its programs?
3. What do your organizations do regarding IE?
4. What do you think about the admission requirement of AAUSM? Don't you think that it is not discriminatory and against the major principles of IE?
5. What are, if any, the challenges of IE in your organization?
6. What is the role of the college in preparing admission requirements for AAUSM?

Annex C- AAUSM

1. How does the school understand the IE of Persons with Disabilities?

2. Are there disabled students in the school following the program? How do you treat disabled students in the school? Are the programs in the school welcoming to disabled students?
3. Do you have a relationship with students with a disability?
4. Are there any challenges in the school to IE? If any, what are they?
5. Do you think that the admission requirement of AAUSM is inclusive?

Annex D- MoH

1. How does the Ministry understand the right to IE of Persons with Disabilities?
2. What are the roles of the ministry regarding the assignment of students in AAUSM?
3. What measures are taken by the ministry to make the assignment inclusive regarding Students with Disabilities? Do you have admission guidelines?
4. Do you face any challenges during assignments regarding Students with Disabilities?

Annex E- MoWSA

1. What is the role of your ministry concerning IE of Persons with Disabilities?
2. Are there any national laws that oblige the government to apply the education system inclusive measures?
3. Do we have a comprehensive disability act in Ethiopia?
4. Do you work with AAU regarding disability issues? What is your role in terms of supervising the implementation of IE in AAU?
5. What are the current legislative and practical barriers impeding the realization of the IE of Persons with Disabilities in AAUSM?

Annex F- MoE

1. What is the role of your ministry in the implementation of the right to IE of Persons with Disabilities?
2. What is your role during the assignment of students in AAU? Are there any criteria to assign students to different programs other than Academic qualification?

3. Do you think that the assignment requirements of AAUSM are inclusive?
4. Do you strictly follow the implementation of IE in AAUSM? Does your ministry allocate a sufficient budget to the school?
5. Are there barriers to IE in AAUSM? What are they? What is the root cause of the barriers? What do you recommend to solve the problems?

Annex G- FEAPD

1. What is the role of the federation in the realization of IE?
2. Do you work with AAU regarding the IE of Persons with Disabilities? Is it right that IE is efficiently implemented in AAUSM?
3. What do you think are the main problems of AAUSM?
4. Have you seen the admission requirements of AAUSM? Is this requirement inclusive?

Annex H- ENAPPD

1. What is the role of the association in the realization of IE?
2. Do you work with AAU regarding the IE of Persons with Disabilities? Is it right that IE is efficiently implemented in AAUSM?
3. What do you think are the main problems of AAUSM?
4. Have you seen the admission requirements of AAUSM? Is this requirement inclusive?

Annex I- Selected Students

1. What types of disability do you have? When do you join AAUSM? Are undergraduate or postgraduate students?
2. How many years you have followed the program? Does your disability affect your academic performance?
3. How does the school treat you? Does it support you?
4. Do you face any challenges due to your disability in AAUSM?