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The Right to Education of Children with Visual Impairment in Addis Ababa

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Addis Ababa, Ethiopia

February, 2020

The Right to Education of Children with Visual Impairment in Addis Ababa

**A Thesis Submitted to the School of Law, Addis Ababa University, in Partial
Fulfillment of the Requirements for the Degree of Master of Laws (LL.M in Human
Rights Law)**

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February, 2020

Declaration

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

Declared by: Husen Nasir

Signature:

Date:

Approval page

Addis Ababa University, College of Law and Governance Studies

The thesis entitled “THE RIGHT TO EDUCATION OF CHILDREN WITH VISUAL IMPAIRMENT IN ADDIS ABABA” by Mr. Husen Nasir is approved for the Degree of Master of Laws (LL.M) in Human Rights Law.

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Table of contents

Declaration.....	iii
Approval page.....	iv
Acknowledgement	v
Table of contents.....	vi
Acronyms and Abbreviations	ix
Abstract.....	xi
CHAPTER ONE	1
INTRODUCTION	1
1.1. Background.....	1
1.2. Statement of the problem	2
1.3. Research questions.....	4
1.4. Objectives	4
1.4.1. General objective	4
1.4.2. Specific objectives	4
1.5. Literature review.....	5
1.6. Methodology	6
1.7. Scope of the study.....	7
1.8. Significance of the study.....	7
1.9. Organization.....	8
CHAPTER TWO	9
THE RIGHT TO EDUCATION OF CHILDREN WITH VISUAL IMPAIRMENT UNDER INTERNATIONAL HUMAN RIGHT INSTRUMENTS	9
2.1. The nature of the right to education	9
2.1.1. Education defined	9
2.1.2. Education as a human right.....	10
2.1.3. Education as a means of realizing other rights.....	13
2.2. Minimum core obligations of the right to education.....	14
2.2.1. Access to education on non-discriminatory basis	14
2.2.2. Free and compulsory primary education.....	15
2.3. State’s obligations towards the realization of the right to education	17
2.3.1. Immediate obligations.....	17
2.3.2. Progressive realization	18

2.3.3.	International obligation regarding the right to education.....	19
2.4.	The four essential elements of the right to education (the 4 A's).....	20
2.4.1.	Availability	20
2.4.2.	Accessibility.....	21
2.4.3.	Acceptability.....	22
2.4.4.	Adaptability.....	22
2.5.	The right to education of children with visual impairment under CRPD	22
2.5.1.	Inclusive education	23
CHAPTER THREE		26
THE RIGHT TO EDUCATION OF CHILDREN WITH VISUAL IMPAIRMENT IN ETHIOPIA.....		26
3.1	The legal frameworks.....	26
3.1.1	The FDRE Constitution	26
3.1.2	The Civil Code of Ethiopia	29
3.1.3	The Revised Family Code.....	29
3.2	Policy frameworks	30
3.2.1	The 1994 education and training policy.....	30
3.2.2	The Developmental Social Welfare Policy	31
3.2.3	The Education Sector Development Program (ESDP)	32
3.2.4	Special Needs Education Strategic Program.....	34
3.2.5	National Plan of Action of Persons with Disabilities (2012-2021).....	36
CHAPTER FOUR.....		37
THE RIGHT TO EDUCATION OF CHILDREN WITH VISUAL IMPAIRMENT IN ADDIS ABABA37		
4.1	Educational enrollment of children with visual impairment in Addis Ababa.....	37
4.2	Causes for the low-level access of schools to children with visual impairment in Addis Ababa39	
4.2.1	Lack of awareness.....	39
4.2.2	Inadequate expert supply and training	40
4.2.3	Low economic status.....	42
4.2.4	Low level of government's devotion to ensure the right to education of CWVI.....	44
4.3	Major challenges of the realization of the right to education of enrolled Children with visual impairment in Addis Ababa	46
4.3.1	Challenges of shortage of education assistive devices and materials	46
4.3.2	Challenges of backward assessment modalities.....	48
4.3.3	Challenges Relating to Class Lectures.....	51

4.4	The role of stakeholders towards the full realization of the right to education of children with visual impairment in Addis Ababa.....	52
4.4.1	Addis Ababa Education bureau.....	52
4.4.2	Ministry of education.....	53
4.4.3	Ethiopian national association for the blind.....	54
4.4.4	Ethiopian Human Rights Commission.....	55
4.4.5	Ethiopian Ombudsman Institution	56
CHAPTER FIVE		58
CONCLUSION AND RECOMMENDATIONS.....		58
5.1	Conclusion	58
5.2	Recommendations.....	60
Bibliography		62

Acronyms and Abbreviations

AAU – Addis Ababa University.

ACRWC - African Charter on the Rights and Welfare of the Child.

CADE – Convention against Discrimination in Education.

CEDAW – Convention on the Elimination of Discrimination against Women.

CESCR – Committee on Economic, Social and Cultural Rights.

CRC – Convention on the Rights of the Child.

CRPD – Convention on the Rights of Persons with Disabilities.

CWC – Children with Disability.

CWVI – children with visual impairment.

EFA – Education for all.

ENAB – Ethiopian National Association for the Blind.

EPRDF – Ethiopian People’s Revolutionary Democratic Front.

ESDP – Education Sector Development Program.

ETB – Ethiopian birr.

ETP – Education and Training Policy.

FDRE – Federal Democratic Republic of Ethiopia.

GDP – growth domestic product.

GEQIP - General Education Quality Improvements Package.

GER – growth enrolment rate.

ICESCR – International Covenant on Economic, Social and Cultural Rights.

ICT – information communication technology.

JAWS – job accessible with speech.

MDGs – Millennium Development Goals.

MOE – Ministry of Education.

MOLSA – Ministry of Labour and Social Affairs.

NGOs – Nongovernmental Organizations.

NPA – National Plan of Action.

OHCHR - Office of the High Commissioner for Human Rights.

PWD – persons with disabilities.

SDGs – Sustainable Development Goals.

SNE – special needs education.

SNNPR – Southern Nations, Nationalities and Peoples Region.

TGE – Transitional Government of Ethiopia.

TVET - Technical Vocational Education and Training.

UDHR – Universal Declaration of Human Rights.

UN – United Nations.

UNESCO – United Nations Educational, Cultural and Scientific Organization.

UNICEF – United Nations Children’s Fund.

UPE – Universal Primary Education.

USD – US dollars.

VI – visually impaired.

Abstract

“Education for all” is a broadly accepted maxim according to which the right to education should be availed to everyone regardless of any discrimination whatsoever. This maxim has got its way to various international human rights instruments UDHR being the pioneer one. All the instruments but the CRPD has contained provisions with regard to the right to education in a broader context making everyone to be the beneficiaries thereof. The latter, however, contextualized the right to persons with disabilities wherein children with visual impairment (CWVI) are categorized.

Ethiopia has ratified all these instruments thereby making them integral parts of its law. By doing so, it has committed itself to work towards the realization of the right to education to the CWVI. As a move to that effect, it has formulated various policies and strategies confirming such right to the group on top of which provide the need to deliver special assistance to the group as their need so requires.

Despite all this, however, CWVI are not enjoying such right of them in the required level be it in the country in general or in Addis Ababa in particular (which is the focus of this study). This being the case, this study undertakes to examine the hindrances attributed to the low-level access of the right to CWVI as well as reasons that could account for the low quality of education given to the group. After doing so, it attempts to come up with the possible solutions to be put in place to tackle such hindrances.

The thesis accordingly found out that the level of access to school of CWVI in Addis Ababa is very low due to lack of awareness, inadequate expert supply and training, low economic status and low level of governments attention towards the realization of the right to education of the said group. Not only that CWVI are not accessing schools in Addis Ababa but those students who are enrolled are not provided with quality education because of shortage of learning materials and stationaries, backward assessment modality and challenges of class lecturing. Thus, the thesis concludes that CWVI in Addis Ababa do not have access to quality education and their right to education is at its very infant stage and far from being realized.

CHAPTER ONE

INTRODUCTION

1.1. Background

The world had been treating children with visual impairment (CWVI) as the unluckiest and hopeless group of the society.¹ They were not treated as persons having rights and if they do, that is limited to humanitarian assistance.² Gradually, the world today is embracing the social and human right-based approach to recognize the fundamental rights of CWVI. Indeed, it is a universal human right principle that all human rights are enjoyed by all human beings notwithstanding age, sex, language, race or any other contingent circumstances. Thus, like the non-disabled, CWVI are the bearers of the fundamental human rights recognized in the existing human rights treaties, by the mere fact that they are human beings.

Ethiopia, having ratified most international human right treaties, including Convention on the rights of persons with disabilities (CRPD) in 2010, has committed to the promotion and protection of fundamental rights of persons with disabilities (PWD) in general and CWVI in particular. Of these fundamental rights, education, appeared as one of the fundamental human rights itself, is the means through which other rights are realized.³ Thus, a guarantee of the right to education amounts to enhancing all right and freedoms, while its violation jeopardized them all.⁴ Education is also a focal tool through which development is realized.⁵ Through education, individual can achieve personal improvement and self-esteem to a sense of inner value in addition to individual worth.⁶

¹ Shimels Sisay, 'Electoral Participation as a Fundamental Political Right of Persons with Disabilities in Ethiopia: Critical Examination of the Law and the Practice', (LLM thesis, AAU 2010) 1.

² Ibid.

³ Katarina Tomasevski, 'Human Rights Obligations in Education: the 4A Scheme', (2006) 7.

⁴ Ibid.

⁵ Hiwot Abebe, 'the Right to Education of Children with Intellectual Disability and its Implementation in Addis Ababa', (LLM thesis, AAU 2011) 1.

⁶ Ibid.

Given such tremendous value, the right to education is recognized in numerous international human right instruments such as Universal Declaration of Human Right (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESCR), CRPD, Convention on the Right of the Child (CRC), among others. These instruments clearly elucidate the essential nature of the right to education to everyone including CWVI.

Notably, CRC and CRPD gave due emphasis to the education right of PWD in general and CWVI in particular. Both treaties have emphasized the importance of accessibility of education to all PWD and maintain that the education system must be inclusive of this group.⁷ The CRPD, among others, requires the state parties to facilitate the learning of braille, mobility skills and insures education is delivered in the appropriate modes to the CWVI besides enabling them to get access to schools.

Ethiopia, having ratified CRC and CRPD in 1991 and 2010 respectively, is obliged to live up with such expectations in consonance with art. 9 (4) of the FDRE constitution. In view of this, Ethiopia has also recognized the right to education of everyone including CWVI in its domestic laws, policy and Strategies including the constitution.

1.2. Statement of the problem

This researcher is intended to view the realization of the right to education of CWVI in two dimensions: enrolment/access to school and quality. Given a tremendous increment of public education spending from total government expenditure and GDP coupled with government's policy changes in different areas of the sector⁸, primary school enrolment (Grades 1-8) has alarmingly enhanced and the gross enrolment rate (GER) has nationally reached over eighteen million students in 2017/18.⁹ In the same academic year, the GER for Addis Ababa of the same education level is registered as 394,000.¹⁰

This improvement in educational enrolment is, however, not inclusive of all groups. CWVI have been neglected. The ministry of education (MOE) itself has admitted that it is impossible to

⁷ Meseret Kifle, *'the Right to Education of Children with Disabilities in Ethiopia'*, (LLM thesis, University of the Western Cape 2013) 2.

⁸ Tasew Woldehanna and Mesele Araya, 'Educational Inequalities among Children and Young Peoples in Ethiopia', *Young Lives*, (2016) 5.

⁹ MoE, 'Education Statistics Annual abstract', (2018) 33.

¹⁰ Ibid.

attain the then millennium development goals (MDG) and the now sustainable development goals (SDG) neglecting the marginalized and those with learning difficulties and impairments.¹¹ Despite this, however, various studies disclose that educational enrollment of CWVI is alarmingly low in Ethiopia.^{12,13} In 2015, only 10% of PWD are enrolled to schools.¹⁴ This enrolment percentage is self-revealing that close to 90 percent of PWD remains out of school by then of which CWVI also represent a significant number. The 2009/2010 Academic year GER OF 6704 CWVI of primary school in Ethiopia¹⁵ is only increased to 8899 in 2014-15.¹⁶ In Addis Ababa, where the geographic reach of this study is limited to, only 2909 CWVI are enrolled to primary school in 2018-19.¹⁷ This figure clearly depicts that there are still lots of CWVI, who are out of school in Ethiopia in general and Addis Ababa in particular. Given that education, as said by most, was and remains to be the only path to success in life for CWVI, the low access to school of such group is worrying as they quite often resort to begging for subsistence as employment without education is impossible to them.

The challenge to the realization of the right to education of CWVI is not limited to access/enrolment. Instead, there are also issues of quality of education to those, who are enrolled. The quality of educational services provided to those enrolled is still worrisome provided that the unique needs of the students are not provided, problematic way of delivering the lesson in the class and backward assessment modalities. This is self-revealing that there is a gap between laws and policies on one hand and the practice on the other in realizing the right to education of CWVI. This researcher, therefore, found the right to education of CWVI worth of study against existing laws, policies and strategies, on the one hand, and their actual educational enrolment, quality of the education and the role of stakeholders towards the realization of the same right on the other. The researcher develops an interest on this topic to study the causes for the low access to education of CWVI in Addis Ababa, the major challenges of the same group with regard to the

¹¹ Ingrid Lewis, 'Education for Disabled People in Ethiopia and Rwanda', (2009) 23.

¹² Belay Tefera and others, 'Education of Children with Special Needs in Ethiopia: Analysis of the Rhetoric of "Education for All" and the Reality on the Ground', *Ethiopian Journal of Education*, [vol.35, no.1], (2015) 45.

¹³ Kifle (n7) 6.

¹⁴ Tefera (N12) 73.

¹⁵ MoE Statistics Annual Abstract (2010) as cited in Kassie Shifere, 'Inclusive Teaching Involving Visually Impaired Students in English Language Teaching (ELT) Setting', (PHD dissertation, Andhra University 2013) 4.

¹⁶ MoE, 'Education Statistics Annual Abstract', (2015) 106.

¹⁷ Addis Ababa education bureau, annual abstract (2019).

quality of education once enrolled in it and the major roles that stakeholders directly or indirectly concerned to the right to education play towards its realization.

1.3. Research questions

The main research questions the research will address are:

- ✓ What are the normative foundations of the right to education of CWVI under international human rights instruments?
- ✓ How did Ethiopia address its international commitment of the right to education of CWVI with its domestic legislative and policy frameworks?
- ✓ What is the level of access of school to CWVI in Addis Ababa?
 - What are the contributing factors for the low level of access to school of CWVI in Addis Ababa?
 - What are the major challenges towards the provisions of quality education of CWVI to those Enrolled in Addis Ababa?
 - What are the roles of stakeholders towards the realization of the right to education of CWVI in Addis Ababa?

1.4. Objectives

1.4.1. General objective

The general objective of this research is to assess the realization of the right to education of CWVI in Addis Ababa.

1.4.2. Specific objectives

This research will also have specific aims of assessing:

- ✓ The normative foundation of the right to education OF CWVI under international human right instruments;
- ✓ The legislative and policy responses of Ethiopia towards the realization of the right to education of CWVI;
- ✓ The level of access to school of CWVI in Addis Ababa;
- ✓ Causes of low level of access to school of CWVI in Addis Ababa;

- ✓ The major challenges towards the provision of quality education of CWVI to those enrolled in Addis Ababa; and
- ✓ The roles of stakeholders towards the realization of the right to education of CWVI in Addis Ababa.

1.5. Literature review

The literatures that I review with this regard falls in either of these categories: some literatures focus on the rights of disability as a whole or cover only one of the disability types and yet others deals with different aspect of education with the right dimension is not included. Some others have also dwelled upon the right to education in general without allocating particular emphasis to disability in general and VI in particular. Meseret, with his thesis on the right to education of children with disabilities in Ethiopia, explores the legislative and policy foundation of such right of children with disabilities (CWD). He found out that Ethiopia, irrespective of ratifying most international treaties providing for the right to education of CWD, gave access to education only to one percent of the same. He identified legal/institutional, environmental and attitudinal barriers for low access to education of CWD. Meseret, therefore, besides studying the general type of disability, limits himself to assessing the extent to which the national laws address the right and the policy, legislative and administrative gaps in realizing educational right of children with disabilities. His thesis is, therefore, short of addressing the particular access to education of CWVI and challenges of those enrolled.

Hiwot, in her thesis entitled “the right to education of children with intellectual disability and its implementation in Addis Ababa”, assesses the implementation of the right to education of children having intellectual disability. She found out that special and inclusive classes are not available and physically accessible for children with intellectual disability, hence, a great majority of children with intellectual disability are out of reach of education. Further, she discloses that those available schools are not equipped with relevant learning materials and teaching aids pertaining the special needs of children with intellectual disability and the school environment in most of the schools with special and inclusive classes are not convenient and comfortable for them. Her study, therefore, is confined to children having the said disability type and short of addressing CWVI.

Belay et al, with their article entitled with “Education of Children with Special Needs in Ethiopia: Analysis of the Rhetoric of ‘Education For All’ and the Reality on the Ground”, found that irrespective of Ethiopia’s commitment ‘Education For All’ (EFA) by ratifying different international conventions and enshrining them in its various domestic laws, policies, strategies, and programs, the reality on the ground indicates that there is limited progress towards implementing these legal instruments when it comes to the education of children with special needs. The authors concluded that “Weighed against this experience, ‘education of children for all’ is only a policy rhetoric in sharp contrast to the reality on the ground that seems to portray nearly an ‘education for nil’ because of negligible level of enrollment, on the one hand, and the invisibility of those enrolled, on the other”.

Margarita Shiemer, with her book entitled with “Education for children with Disabilities in Addis Ababa, Ethiopia, Inclusive Learning and Educational Equity”, studies the cultural aspects of inclusive education and its implication. She argued that aspects like feeling like a family and developing a sense of belonging may be more important in Ethiopia compared to other cultural environments. Having this assertion in mind, she studied environmental factors that support or restrict activity and participation of school-aged CWD in the field of education in different societal and cultural contexts. This book, therefore, focuses generally on CWD and it gives due emphasis to cultural aspect instead of the right-based approach of education to the group. Yodit, with her thesis entitled “the right to primary education in Ethiopia: Progress, Prospects and Challenges”, discusses the right to education in general but does not analyze the right from the perspective of disability.

Therefore, the gap left by the above literatures and expected to be filled by this researcher is appeared to be a particular emphasis on access to school and the specific challenges of the right to education of CWVI and critical appraisal of the roles of stakeholders, which none of them have dwelled upon. As it can vividly be seen in the above literatures and similar others focusing on inclusive education, most of them tended to focus on disabilities in general, without addressing the particular access and quality of education of CWVI.

1.6. Methodology

In order to address the above mentioned problem and research objectives, the research employed the qualitative research methodology. As to the sources, it has made use of both primary and

secondary sources. The primary sources are the pertinent international human right instruments with domestic laws, policies and programs.

Interview with CWVI and special needs experts of stakeholders has complemented the study. The research had made use of selective students, who can address the research questions of this research. In selecting the students to be interviewed, the researcher has identified two primary schools of Addis Ababa, which are well-known for receiving and educating a significant number of CWVI. Accordingly, 13 students of Minilik II and Dil Betigil primary schools are interviewed. As these schools are exemplary, the researcher presumed that the findings in these schools can indicate the situations in others.

The researcher has also intended to fetch the relevant input for the research from the special needs experts of stakeholders as they were the main actors in realization of the right to education of CWVI. Accordingly, the researcher has conducted different interviews with 7 experts including a chairman from MOE, Addis Ababa education bureau, Ethiopian National association for the blind (ENAB), Ethiopian human rights commission and ombudsman institution. Different books, journal articles and articles from the web are the secondary sources which the research chiefly resorted to.

1.7. Scope of the study

Of various fundamental rights of CWVI recognized in international human right instruments, this study is confined to assessing the realization of the right to education of the group in Addis Ababa. Hence, the study did not delve into the assessment of the realization of fundamental rights of CWVI other than education. Of various aspects of the right to education itself, the study has also given a particular and greater emphasis to accessibility and quality. The study is also geographically limited to Addis Ababa. Furthermore, it focuses on those CWVI attending or required to attend primary education (grade 1-8).

1.8. Significance of the study

The research will contribute a lot in identifying and pointing out the practical problems and recommending possible solutions so that right to education of CWVI will be effectively realized. It will also serve as a reference for researchers who are interested to probe further in the area.

1.9. Organization

The research is divided into five chapters. The first of these gives a general introduction in regard to the research as there lie the background of the study, the research problem, the research objective and other related background information that will provide general guidance on the research to be conducted. The second chapter discusses the normative foundation of the right to education of CWVI in international human right instruments. By making use of relevant human right instruments, the chapter looks into the nature of the right to education, the core content of the right, states obligation for the realization of the right and the four essential elements of the same.

The third chapter is devoted to looking into the matter from the perspective of our country. Thus, domestic legislations, policies and strategies of Ethiopia ranging from the FDRE constitution to SNE strategy that establishes the right to education of CWVI will be explored.

The fourth chapter, which is the crux of the study, will look into the right to education of CWVI in Addis Ababa: the level of access to education of CWVI, causes of low access, major challenges to the quality of the education and the roles of stakeholders including MOE, Addis Ababa education Bureau and ENAB will be explored in the said chapter. The final and the fifth chapter will be the place where the discussion comes to an end and recommendations will be put forward in view of the problem so identified.

CHAPTER TWO

THE RIGHT TO EDUCATION OF CHILDREN WITH VISUAL IMPAIRMENT UNDER INTERNATIONAL HUMAN RIGHT INSTRUMENTS

Under this chapter, an attempt is made to assess the foundations of the right to education of children with visual impairment under international human right instruments. Accordingly, the chapter starting with defining education looks into the nature of the right to education, the minimum cores of the right, the obligation of states towards the realization of the right and the recognition of the same under the CRPD, among others.

2.1. The nature of the right to education

2.1.1. Education defined

Scholars have defined education in various ways. A close perusal of the various definitions indicates that they are of either a broader or a narrower nature. In a broader sense, education means “all activities by which a human group transmits to its descendants a body of knowledge and skills and a moral code which enable that group to subsist”.¹⁸ Understood this way, therefore, education is the means by which various skills of effectively performing the tasks of daily living are transmitted from the preceding generation to the subsequent ones.¹⁹

If one considers article 1(A) of UNESCO’s recommendation concerning education for international understanding, co-operation and peace and education relating to human rights and fundamental freedoms of 1974, it becomes clear that such broad definition is adopted. This recommendation states that education implies the entire process of social life by means of which individual and social group learn to develop consciously within, and for the benefit of, the

¹⁸ Klaus Beiter, *the Protection of the Right to Education by International Law: including a Systematic Analysis of Article 13 of the International Covenant on Economic, Social and Cultural Rights*, International Studies in Human Rights, [vol. 82], (2006), Martinous Nijhoff publisher, p. 18.

¹⁹ Ibid. 19.

national and international communities, the whole of their personal capacities, attitudes, aptitudes and knowledge.²⁰

In its narrower sense, the term education is defined as instruction imparted within a national, provincial or local education system, whether public or private.²¹ Looking at this narrower definition of the term, it is clear that education is limited to the formal instruction with an exclusion of the informal one. Most international Instruments have employed the narrower sense of the definition of the term in regulating the right to education as can, for example, vividly be seen in UNESCO convention against discrimination in education (CADE). This convention defines education as “all types and levels of education, including access to education, the standard and quality of education, and the condition under which it is given”.²²

2.1.2. Education as a human right

Though the right to education is little known as a human right on its own, it has a solid basis in numerous fundamental human right instruments including UDHR, which is the first human right instruments to formally recognize the right to education in 1948.²³ Education, since then, has been affirmed in numerous global human rights treaties including CADE, ICESCR, CEDAW, CRC and CRPD, among others.

These treaties generally establish a free and compulsory primary education to all children, including CWVI; an obligation to develop secondary education, supported by measures to render it accessible to all including children having special needs in which CWVI are categorized, as well as equitable access to higher education; and a responsibility to provide basic education to individuals who have not completed primary education.²⁴

Article 26 of the UDHR, for example, provides that:

²⁰ UNESCO recommendation concerning education for international understanding, co-operation and peace and education relating to human rights and fundamental freedoms, (1974).

²¹ Beiter (n 18) 19.

²² UNESCO Convention against Discrimination in Education (adopted 14 December 1960, entered into force 22 May 1962), 429 UNTS 93, art. 1 (2).

²³ UNICEF and UNESCO, ‘A Human Right-based Approach to Education’, (2007) 7; Fons Coomans, ‘Exploring the Normative Content of the Right to Education as a Human Right: Recent Approaches’, *Persona y Derecho*, [vol. 50], (2004) 61.

²⁴ *Ibid.*

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.²⁵

This instrument, therefore, besides recognizing the right to education for everyone, believed that it was vital to ensure at least elementary education and to commit the states to take all possible legal measures and administrative tools for implementing compulsory elementary education, and thus making it free.²⁶

In the UN framework, education is a right to which all human beings are entitled.²⁷ As universality is the common feature of human rights to which the right to education cannot be an exception, everyone has the right to education without any sort of discrimination whatsoever.²⁸ Thus, the right to education of CWVI is also recognized in numerous human right treaties including article 26 of the UDHR. In formulating the right to education with an inclusive term “everyone”, article 26 of UDHR and other similar human right instruments recognizing the right to education are also referring to CWVI, though not particularly. Therefore, any reference made in the international human right instruments, national legislations and policies to “everyone” or “PWD” is understood as also referring to “CWVI” in this research since one of PWD’s are CWVI. The states are, therefore, duty bound to make education accessible to CWVI meeting their special needs resulting from the type of their disability.

Indeed, the right to education has long been recognized as encompassing not only access to educational provision, but also the obligation to eliminate discrimination at all levels of the educational system, to set minimum standards and to improve quality.²⁹ That being the case, therefore, the quality of education provided to CWVI should be ensured on top of making it accessible. This is true because access without quality does not achieve the required goal.

²⁵ Universal Declaration of Human Rights (adopted 10 December, 1948), GA res. 217A (III), UN Doc A/810 at 71 (1948), article 26 (1).

²⁶ Birutė Pranevičienė and Aurelija Puraite, ‘Right to Education in International Legal Documents’, (2010) 137.

²⁷ Sharon Lee, ‘Education as a Human Right in the 21st Century’, *Democracy and Education*, [vol. 21, no. 1], (2013) 1.

²⁸ UNESCO and Right to Education Initiative, ‘Right to Education Handbook’, (2019) 28.

²⁹ UNICEF and UNESCO (n 23).

Finally, it is important to highlight the issue of categorization of the right to education in this sub-section. The Orthodox understanding about the right to education is that it falls under the economic, social and cultural rights category.³⁰ The right to education has, however, two different aspects: a social and freedom aspect thus rendering this classical categorization nominal.³¹ The social aspect of the right to education expresses itself in the positive role of the state towards ensuring the right to education, which includes making various forms of education available and accessible, investing financial and technical resources in setting up and maintaining an education system.³² It is this feature of the right to education that makes it fall under the economic, social and cultural right. This is not, however, the end of the story.

Given that there is the freedom of individuals to choose between State-organized and private education, which can be translated, for example, in parents' right to ensure their children's moral and religious education according to their own beliefs, there is also a freedom aspect to the right to education.³³ What stems from such freedom appears to be freedom of natural persons or legal entities to establish their own educational institutions.³⁴

What is more, the states should also refrain from discriminating students on various grounds.³⁵ visual impairment, for example. The obligation of the states, with regard to the freedom aspect of the right to education is, therefore, conducting a policy of noninterference in private matters or abstaining from unduly interfering with the right to education, which implies the negative state obligation.³⁶ Both aspects of the right to education have vividly been adopted under article 13 and 14 of ICESCR. While 13 (2) and 14 cover the social dimension, article 13(3 and 4) embody the freedom dimension.³⁷ Hence, the right to education in this sense is a civil and political right thus falling under two of the three generations of human rights.

³⁰ Fons Coomans, 'Identifying Violations of the Right to Education', (1994) 125.

³¹ Beiter (n 18) 36.

³² Ibid. 36.

³³ Coomans (n 30).

³⁴ Ibid.

³⁵ Beiter (n 18) 37.

³⁶ Ibid.

³⁷ Coomans (n 23) 65.

2.1.3. Education as a means of realizing other rights

Education, besides being a right on and of itself, is imperative to realize other rights of individuals or groups. Put simply, education is indispensable for the full exercise of many other human rights.

The enjoyment of most of the rights categorized under the civil and political rights including the right to vote, freedom of expression, information as well as economic and social rights such as the right to choose work and to take part in cultural life is extremely dependent upon a minimum level of education.³⁸ Looking into the right to work, for example, individuals have to equip themselves with some level of education to get employed in a certain institution. When it comes to persons with visual impairment, who cannot engage in blue collar works because of the disability they are with and as a result of which institutional employment is the most if not the only employment opportunity to realize their right to work, education turns out to be a pivotal instrument through which they can realize the same. Thus, unless the right to education of CWVI is fully realized, it is impossible to realize their other fundamental rights: the right to work in this particular example.

The UDHR, ICESCR and CRC indicate that education leads to individual creativity, improved participation in the social, economic, cultural and political life of society, and hence, to more effective contribution to human development and transforming the society.³⁹ UDHR, provides that “education shall be directed to the full development of the human personality and strengthening of respect for human rights and fundamental freedoms”⁴⁰. Thus, this article is clearly emphasizing the importance of education towards strengthening respect for human rights and fundamental freedoms.

Indeed, education has also been stressed as a powerful instrument for understanding and respecting the rights of others, and empowering those who suffer from multiple disadvantages: marginalized groups of the society including CWVI, for example.⁴¹ Education, as an

³⁸ Yodit Zenebe, ‘the Right to Primary Education in Ethiopia: Progress, Prospects and Challenges’, (LLM thesis, University of Oslo 2009) 9.

³⁹ See for example, UDHR (n 25) article 26.

⁴⁰ Ibid. art. 26 (2).

⁴¹ CESCR General Comment No. 13: the right to education (Article 13 of the Covenant), (21st session, 1999), U.N. Doc. E/C. 12/1999/10, para. 1.

empowerment right, is a focal tool by which a socially marginalized groups, CWVI, can lift themselves out of poverty and obtain the means to participate fully in their communities.⁴² Thus, education goes much beyond being a right on its own and serves as a primary vehicle by which other rights of CWVI are respected and protected. For this reason, making education accessible with its desired quality for CWVI like any other member of the society is imperative in order for these children to be successful throughout their life.

2.2. Minimum core obligations of the right to education

Though the concept of minimum core obligation of the right to education is not mentioned in the text of ICESCR, CESCR has elaborated same in its authoritative guidance to states. Accordingly, a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights, including the right to education, is incumbent upon every state party.⁴³ As it can be inferred from the very designation, minimum core obligations prioritize certain content of the right to education, without which rights-holders are considered to be deprived of the right to education. If, therefore, one or more of the minimum core elements are violated, the states are not living up to their treaty obligations of the right to education. There are certain aspects of the right to education, which the CESCR deemed to constitute minimum core. What follows next is, therefore, an exploration of these core obligations.

2.2.1. Access to education on non-discriminatory basis

At the heart of the right to education is that no one shall be denied a right to education.⁴⁴ This means that the right to education of individuals has to be ensured on a non-discriminatory basis. The ICESCR, for example, provides that the rights enumerated in the covenant including the right to education shall be exercised without any sort of discrimination.⁴⁵ Thus, it is prohibited in this covenant and similar others to discriminate against CWVI on the basis of disability. If a given state is excluding CWVI from getting access to the existing public educational institutions

⁴² Ibid.

⁴³ CESCR, General Comment No.3: *The nature of States parties' obligations* (art. 2, par. 1), (Fifth session, 1990), UN Doc. E/C 12/1999/4, para. 10.

⁴⁴ Coomans (n 23) 79.

⁴⁵ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976), 993 UNTS 3 (ICESCR) art. 2 (2).

owing to such status of them, that state is in violation of the right to access to education of this group.

The state is not only obliged to ensure the right to access to education of CWVI, the education that the state is providing to the group should also be of the same quality with non-disabled children. Hence, CWVI should not be provided with education of an inferior quality compared to non-disabled children.⁴⁶

2.2.2. Free and compulsory primary education

The other core element of the right to education is the right to enjoy primary education. Though international human rights law does not define “primary education”, there are attempts by various organizations, the leading one being UNESCO, to define and outline the meaning of primary education. Accordingly, primary education relates to the first layer of a formal school-system and usually begins between the ages of 5 and 7 and lasts approximately six years, but in any case no fewer than four years.⁴⁷ In Ethiopia’s currently functioning policy pending the recent policy change, however, primary education lasts for eight years (grade 1-8).⁴⁸ This primary or sometimes called elementary education is typically designed to provide students with fundamental skills in reading, writing and mathematics (i.e. literacy and numeracy) and establish a solid foundation for learning and understanding core areas of knowledge, personal and social development, in preparation for lower secondary education.⁴⁹ It focuses on learning at a basic level of complexity with little, if any, specialization.⁵⁰

No matter how primary education is defined or how long it lasts, education in general and primary education in particular is so fundamental for the development of a person’s abilities that it can be rightfully defined as a minimum claim.⁵¹ Given such tremendous importance of primary education, most of international human right instruments have provided primary education to be

⁴⁶ CADE (n 22) art. 1 (1 and 2).

⁴⁷ UNESCO’s Statistical Yearbook and the Revised Recommendation concerning the Standardization of Educational Statistics, (1996) 3; Preliminary Report of the Special Rapporteur on the Right to Education, U.N. Doc. E/CN.4/1999/49, paras.75-79.

⁴⁸ Ethiopian Ministry of Education (2011a). About the Ethiopian education system. (Addis Ababa, Federal Democratic Republic of Ethiopia).

⁴⁹ UNESCO and Right to Education Initiative (n 28) 105.

⁵⁰ Ibid.

⁵¹ Coomans (n 23) 80.

compulsory and free. Hence, state shall compulsorily and freely provide primary education to every child.⁵² Because primary education shall be free, states shall provide primary education free of charge to every child including CWVI. Indeed, the CESCR stated that the availability of primary education needs to be ensured without charge to the child, parents or guardians.⁵³ States are, therefore, under obligation to facilitate public education institutions so that children can receive primary education freely.

As primary education is also compulsory, no one, for example parents or employers, can withhold a child in general and CWVI in particular from attending primary education.⁵⁴ In this instance the obligation of the state is protecting the compulsory right to primary education from the encroachment of a third person.⁵⁵

In general, the obligation of the state to provide for primary education under the ICESCR may be characterized both as an obligation of conduct and an obligation of result.⁵⁶ It is an obligation of conduct because the state is required to set up and work out a plan of action, within two years after becoming a Party to the Covenant, for the progressive implementation of compulsory primary education free of charge for all within a reasonable number of years.⁵⁷ It is also an obligation of result because the state should meet basic learning needs which may be complied with through a variety of delivery systems and provide specific levels of knowledge and skills.⁵⁸

In conclusion, the sum-total of the aforementioned elements constitute the core content or the very essence of the right to education as a human right of children in general and CWVI in particular. The violation of one or more of these elements by the state would make the right lose its material and intrinsic value as a human right.⁵⁹

⁵² UDHR (N 25) art. 26; ICESCR (n 41) art. 13 (2 A).

⁵³ CESCR, general comment 13, (n 38) para. 7.

⁵⁴ CESCR, General Comment No. 11: Plans of Action for Primary Education (Art. 14 of the Covenant), (20th Session, 1999), E/1992/23, para. 6.

⁵⁵ Coomans (n 23) 83.

⁵⁶ Ibid. 84.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid. 89.

2.3. State's obligations towards the realization of the right to education

Once a given state ratifies a treaty in general, and international human rights treaty in particular, the state has agreed to be bound by the obligations that the rights embodied in the treaty entail.⁶⁰ States hold the primary responsibilities and are accountable for the implementation of the rights.⁶¹

As the supreme court of the United States of America stated in the historic judgment in *Brown v. Board of Education* (1954), the provision of public school is among the primarily ranked function of the state, for education is one of the most important role of a state and local government.⁶² Thus, in fulfilling such prime function, states hold various level of obligation towards the realization of the right to education of CWVI. Hence, a brief discussion of these obligations will be in order.

2.3.1. Immediate obligations

There is a significant variety between countries of the world in resource allocation and accumulation. While some countries have ample resources to realize any of the rights, others are short of resources to do the same. Taking such reality into account, most of the socioeconomic rights are designed to be implemented by states progressively.

Given the orthodox categorization of the right to education under the socioeconomic rights, education is also designed to be progressively realized in most of human right instruments. There are, however, certain aspects of the right to education, which are subject to obligations of immediate effect which require states to take immediate action.⁶³ This does not necessarily guarantee the immediate realization of such aspects of the right to education. Instead, obligations of immediate effect require full action to make the right in question a reality in contradistinction to progressive realization where it permits states to take incremental action towards the full realization.

Thus, the states should immediately start to take steps towards the full realization of the right to education as soon as the international human right treaty recognizing the right to education that

⁶⁰ UNICEF and UNESCO (n 23) 146.

⁶¹ Ibid.

⁶² *Wisconsin v. Yoder*, 406 U.S.205, 92 S. Ct. 1526, 32 L.Ed.2d 15 (1972) as cited in Kishore Singh, Report of the Special Rapporteur on the Right to Education, (2013), para. 17.

⁶³ UNESCO and Right to Education Initiative (n 28) 139.

such states are a party to comes into force. This would mean that states are expected to implement the appropriate measures including particularly the adoption of legislative measures towards the full realization of the right.⁶⁴ Such steps should be taken within a reasonably short time and must be deliberate, concrete and targeted.⁶⁵ This prevents states from inaction, or invoking a lack of resources for their failure to comply with their obligations.

Generally, the core obligations of the right to education identified in the foregoing section are aspects of obligations of immediate effect and states are required to take action so as to make them a reality. Hence, the provision of primary education to all; access to public educational institutions and “guarantee that the right will be exercised without discrimination of any kind”⁶⁶ including disability; and free choice of education are regarded to be aspects of the right to education that require obligations of immediate effect.⁶⁷

2.3.2. Progressive realization

The ICESCR (Article 2 (1) and 13) places an obligation on states to progressively achieve the full realization of the right enumerated under the covenant including the right to education and hence, “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures”⁶⁸. Progressive realization is an element of the Covenant that requires states to take steps to the maximum of their available resources in order to achieve the full realization of the right over time.⁶⁹ The full realization of all the rights is beyond the resources of many states.⁷⁰

⁶⁴ Ibid. 140.

⁶⁵ Ibid.

⁶⁶ CESCR, General comment 13 (n 41) para. 43.

⁶⁷ Hatharine G. Young, ‘the Minimum Core of Economic, Social Rights, a Concept in Search of Content’, *The Yale Journal of International Law*, [vol.33, No. 113], (2008) 128; M. E. Salomon and others (eds.), *Castling the Net Wider: Human Rights, Development and New Duty-Bearers*, Hart publishing Ltd, UK- Oxford, (2007) 342.

⁶⁸ ICESCR (n 45) art. 2 (1).

⁶⁹ CESCR general comment 3 (n 43) para. 9.

⁷⁰ Matthew Craven, ‘the International Covenant on Economic, Social and Cultural Rights’, in (Raija Hanski and Markku Suksi (eds.)), *An Introduction to the International Protection of Human Rights*, Text Book, (2nd rev. ed), Institution for Human Rights, Finland: Turku/Abo, Abo Academic University, (2002) 107.

Progressive realization recognizes that certain aspects of the right to education can only realistically be achieved over a period of time, particularly for states with fewer resources. The ICESCR does not impose an obligation of realizing any level and type of education, primary, secondary and technical and vocational, higher and fundamental education, irrespective of consideration of the availability of adequate resources, expertise and infrastructure.⁷¹ It requires states to achieve the full realization by taking the necessary steps within the maximum level of available resources. This means that the level of realization of the right to education has to be weighed in light of the available resources.

Progressive realization should not, however, be misinterpreted as depriving the obligation of all meaningful content' as this would defeat the object and purpose of ICESCR, which is to establish clear obligations for States parties in respect of the full realization of the rights in question.⁷² What is more, under no circumstances shall this be interpreted as implying for States the right to deter indefinitely efforts to ensure full realization.⁷³ Moreover, even if the full realization of the relevant right may be achieved progressively, steps towards that goal must be taken within a reasonable short time after the Covenant entered into force for the state concerned.⁷⁴ All states, regardless of the availability of resources, must set benchmarks to move progressively beyond the core content and to secure the national resource for that purpose.⁷⁵ States cannot, therefore, sleep over their duties under the guise of “progressive realization” in achieving the right to education of CWVI.

2.3.3. International obligation regarding the right to education

The general obligation of taking the necessary steps towards the full realization of the rights, as provided under art. 2 (1) of the ICESCR, is not limited to the use of once own resources.⁷⁶ Provided that the covenant, under the same article, requires states “to take steps, individually and

⁷¹ UNESCO and Right to Education Initiative (n 28) 138.

⁷² CESCR, general comment 3 (n 43) para. 9.

⁷³ Limburg Principle on the Implementation of the International Covenant on Economic, Social and Cultural Rights, para. 21.

⁷⁴ CESCR, general comment 3 (n 43) para. 2.

⁷⁵ Asbjorn Eide (ed), *'Economic, Social and Cultural Rights as Human Rights'*, in Asbjorn Eide and others (eds.), *Economic, Social and cultural Rights*, (2nd ed.), Kluwer Law International, Netherlands, (2001) 27.

⁷⁶ Zenebe (n 38) 14.

through international assistance and co-operation, specially economic and technical”⁷⁷, a state is not absolved of its duties under the covenant where it has done its best for the fulfillment of the right to education within its boundaries. In cases where their own resources are insufficient to fulfill the implementation of the right to education, therefore, states are obliged to seek economic and technical assistance from the international community.

Another fundamental international obligation of states regarding the right to education is presentation of initial and periodic report to the UN treaty monitoring bodies. Hence, states are obliged to submit initial and periodic report to the respective monitoring bodies of the treaties providing the right to education. In the case of ICESCR, for example, states are duty bound to submit initial and periodic report to the CESCR containing the legislative, administrative and other measures they take towards the full realization of the right to education of everyone in general and CWVI in particular and the progress achieved.⁷⁸

2.4. The four essential elements of the right to education (the 4 A’s)

These 4A’s – availability, accessibility, acceptability and adaptability, developed by the former Special Rapporteur on the right to education, Katarina Tomasevski and expressed for the first time by the CESCR and then reaffirmed in other documents related to human rights consist of the quantitative and qualitative scope of the right to education.⁷⁹ These 4A’s are considered to be the minimum standards for the goals of implementing the right to education throughout the world.⁸⁰ The achievement of these provisions defines a process as well as an end, and they challenge inequalities and abuse.

2.4.1. Availability

Availability refers to the state’s obligation to ensure the obtainability of primary schools and other basic education establishments and settings to all school-aged children by making same compulsory via the law and policy enforcement mechanisms.⁸¹ Thus, each child must be provided with place of learning or the opportunity thereto, in tandem with properly qualified

⁷⁷ UNESCO and Right to Education Initiative (n 28) 144.

⁷⁸ CESCR, General Comment No. 1: Reporting by States Parties, (Thirteenth Session, 1981), E/1989/22, para. 2.

⁷⁹ Pranevičienė and Puraite (n 26) 139.

⁸⁰ Ibid.

⁸¹ UNICEF and UNESCO (n 23) 31.

teachers and adequate and appropriate resources and equipment.⁸² The CESCR reiterated that availability encompasses school and library buildings, sanitation systems for both sexes, competitively salaried teachers, teaching materials, computer and other IT facilities, and so on.⁸³

These facilities should be provided in a manner that meets the particular needs of CWVI. The teachers training should, for example, include braille training so as to help CWVI students in giving notes in class and correcting tests and exams. The educational resources provided by the government should also consider the CWVI, for example, the teaching materials should be prepared in electronic-copies, braille or digital recording; the computers provided, if any, should be facilitated with aiding software including screen readers (JAWS); the school and library buildings need to be accessible etc.

Availability also requires governments to not interfere with the freedom of non-state actors to establish private or independent educational institutions, on condition they meet the standards for education as set out by the state.⁸⁴ Hence, availability requires the government to permit the establishment of the educational institutions by non-state actors.⁸⁵

2.4.2. Accessibility

Accessibility obliges states to ensure that every child has got access to primary education on an equal basis without any sort of discrimination. Accessibility, therefore, obliges the state to eliminate any discrimination on the basis of internationally prohibited grounds: including legal and administrative barriers and disability.⁸⁶ Therefore, CWVI should not be discriminated against non-disabled children from getting free and compulsory primary education on the basis of disability.

Generally, accessibility has two dimensions: economic and physical accessibility. Accessibility, therefore, requires that there must be a primary school within safe physical reach, and

⁸² Ibid.

⁸³ CESCR, general comment 13 (n 41) para 6 (a).

⁸⁴ Katarina Tomasevski, *Human Rights Obligations in Education: the 4-A Scheme*, Wolf Legal Publishers, the Netherlands, (2006) 20.

⁸⁵ Ibid.

⁸⁶ Pranevičienė and Puraite (n 26) 139.

compulsory primary education must be free of charge to all, and all other levels and types of education must be made progressively free of charge.⁸⁷

2.4.3. Acceptability

Acceptability is closely related to the quality and relevance of education. Education is, therefore, required to be of an adequate or good quality and relevant to the development of children. States ensure that education is acceptable to children, parents and teachers, with relevant content and methods, respecting everyone's rights.⁸⁸ It includes parental choice of education for their children and the enforcement of minimal standards (quality, safety, environmental health).⁸⁹

To meet the acceptability of education, curricula and pedagogy must be appropriate and of good quality. In this regard, states parties are required to regulate the education sector—both public and private—to ensure that establishments at all levels and of all types meet the minimum standards as set out by the state.⁹⁰

2.4.4. Adaptability

Adaptability, which is of a paramount importance to disability in general and CWVI in particular, requires that education has to be flexible enough so that it can adapt to the unique and changing needs and values of societies.⁹¹ Education has to be able to meet the unique needs of individual students, CWVI.

It is not for children to do their best to cope with whatever education may be available, or otherwise face rejection. Rather, teachers and schools must adapt to children with diverse capabilities and disabilities and support needs.⁹²

2.5. The right to education of children with visual impairment under CRPD

In 2006, the UN formally adopted a landmark convention, CRPD, which came into force as of 2008, giving a particular focus on the unique needs of disability in general and persons with

⁸⁷ UNESCO and Right to Education Initiative (n 28) 77.

⁸⁸ Pranevičienė and Puraite (n 26) 140.

⁸⁹ Ibid.

⁹⁰ UNESCO and Right to Education Initiative (n 25) 78.

⁹¹ Zenebe (n 38) 20.

⁹² Ibid.

visual impairment in particular.⁹³ In the UN framework, this convention is the first ever legally binding instrument to particularly deal with disability.⁹⁴ Though the rights delineated in this convention are not of a new creation, it clarifies, consolidates and strengthens the already recognized rights by the pre-existing core human right instruments in light of PWD.⁹⁵ Hence, unlike its predecessors, CRPD offers PWD an unprecedented level of protection thereby tailoring and articulating the rights in response to their specific needs and circumstances.⁹⁶

CRPD has also come up with the social model of disability for attributing disability to the interaction between persons with impairments and attitudinal and environmental barriers.⁹⁷ For this reason, it marked a paradigm shift in attitudes and approaches to PWD by considering them as the right holders and acknowledging environmental barriers as causes of disability.⁹⁸ Article 7 of the convention, dealing with CWD, requires states to take the necessary steps to ensure that they enjoy all human rights and fundamental freedoms on an equal foot with others.⁹⁹ Though CWD has been particularly mentioned in such specific article, the convention plainly stipulated that all the rights embodied in it are also equally applicable to them.¹⁰⁰ One such right which the convention recognizes to equally be applicable to the children is the right to education which is stipulated under article 24 of the convention. What follows, therefore, is the right to education of CWVI.

2.5.1. Inclusive education

One of the focal concepts which have been given a particular attention in the convention is inclusive education. The convention, starting with an affirmation of the right to education of CWVI under art. 24, clearly ascertains that CWVI are not excluded from the general education

⁹³ Convention on the Rights of Persons with Disabilities (CRPD), GA Res. 61/106 (2007).

⁹⁴ Aiko Akiyama, 'Convergence between the International Convention on the Rights of Persons with Disabilities and the Biwako Millennium Framework for Action', *Asia Pacific Disability Rehabilitation Journal*, [Vol. 18, NO. 1], (2007) 20.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ The African Child Policy Forum (ACPF), *'Missing Voices: Children with Disabilities in Africa, Addis Ababa'*, (2009) 24

⁹⁸ UN Human Rights Office of the High Commissioner for Human Rights (OHCHR), 'Monitoring the Convention on the Rights of Persons with Disabilities: Guidance for Human Rights Monitors', (2010) 13.

⁹⁹ CRPD (n 93) art. 7.

¹⁰⁰ Ibid. the preamble.

system.¹⁰¹ The states are required to ensure that CWVI are not excluded from the general education.¹⁰² By demanding states to ensure an inclusive educational system, the weight is clearly placed on the system to become inclusive, rather than on the individual to be included - a shift from a medical model to a social model approach.¹⁰³ Thus, the CRPD's definition of inclusive education appears to require educators to determine the ideal placement of students based on their individual needs and to establish access to general schools as the norm.¹⁰⁴

Though there is no universally agreed upon definition for the concept of inclusive education, there are features that scholars agree to be the very essence of the concept and of which the CRPD has also included under the article in consideration. To effectively guarantee the proper implementation of inclusive education of CWVI, states are required to ensure that the children have non-discriminatory access to the general education system, their needs are reasonably accommodated and effective individualized support is provided which takes each child's unique needs into account. Hence, to realize inclusive education to CWVI, besides insuring the non-discriminatory access to free and compulsory primary education on an equal basis with non-disabled children and children with other types of disability, they should be reasonably accommodated and their unique individual support and needs including provision of teaching materials in a required formats; employing qualified and trained teachers with braille and other similar trainings; etc. should be fulfilled in the inclusive education classrooms. Thus, state parties are duty bound to remove any barriers including legislative and policy that impede CWVI from equal access to free and compulsory primary education. If, for example, there is insufficient educational support and services to CWVI, it needs to be immediately fulfilled as it can impinge upon equal access to education of CWVI.¹⁰⁵

States are also obliged to ensure the availability of reasonable accommodations for CWVI to enable them enjoy their right in equal footing with their peers. Reasonable accommodation in this sense entails any action that helps to alleviate a substantial disadvantage due to impairment,

¹⁰¹ Ibid. art. 24.

¹⁰² Ibid. art. 24 (2 A))

¹⁰³ Kifle (n 7) 31.

¹⁰⁴ Vanessa Hernandez, 'Making Good on the Promise of International Law: the Convention on the Rights of Persons with Disabilities and Inclusive Education in China and India', *Pacific Rim Law and Policy Journal Association*, (2008) 505 as cited in Kifle (n 7) 31.

¹⁰⁵ CRPD (n 93) art. 24 (2).

visual impairment in our case.¹⁰⁶ As the convention requires effective individualized support measures to be made available to increase academic and social development in accordance with the goal of inclusion, state parties should set up braille and employ teachers well-trained in braille and other aiding skills so as to individually support CWVI.¹⁰⁷

¹⁰⁶ Abebe (n 5) 52.

¹⁰⁷ CRPD (n 93) art. 24 (2 and 3 A and 4)).

CHAPTER THREE

THE RIGHT TO EDUCATION OF CHILDREN WITH VISUAL IMPAIRMENT IN ETHIOPIA

Under this chapter, the researcher put an endeavor to dig out the extent to which Ethiopia, being a party to many of the international human right instruments mentioned in the preceding chapter, incorporates the right to education of CWVI within its laws, policies and strategies. To that effect, the laws, policies and strategies that the country has adopted to ensure the right to education to the general public and CWVI in particular will be explored starting from the constitution to SNE strategy.

3.1 The legal frameworks

3.1.1 The FDRE Constitution

A constitution, being the supreme law of the land in most states including Ethiopia, plays a pivotal role in laying down guiding principle for any legislative measures that a government may put in place. Any legislation, customary practices or any other measures shall be of no effect so long as it contravenes the constitution.¹⁰⁸ In other words, constitutional provisions are binding on all state authorities i.e. that all legislation and policies adopted by the government must be in alignment with the constitution. How disability in general and CWVI in particular is inculcated in the constitution is of utmost importance provided that these provisions have far-reaching effects. Inclusion of disability in the constitution will have, therefore, an effect of shaping the overall legal frameworks regarding the rights of the former including the right to education in the country.

Though the right to education is nowhere expressly provided either to PWD or the general public in the constitution, it is possible to establish a solid base using various indirect inferences from the constitutional provisions.

To start with, the FDRE Constitution can be seen as one of the new generation of African constitutions that clearly agrees with the role that international human rights law should play at

¹⁰⁸ See for example, FDRE Constitution, Proclamation No. 1, 1995, Fed. Neg. Gaz. Year 1 No.1, art. 9 (1).

domestic level.¹⁰⁹ Accordingly, the constitution provides that the international agreements ratified by the country will become the integral part of the law of the land upon fulfilling certain procedures.¹¹⁰ Furthermore, the constitution sets out the fundamental rights and freedoms to be interpreted in a manner that conforms to the principles of the Universal Declaration of Human Rights and other international instruments adopted by Ethiopia.¹¹¹

It is, therefore, possible to conclude that the international human right instruments that have been mentioned in the previous chapter recognizing the right to education of CWVI including CRPD and CRC are integral part of the law of Ethiopia. Since Ethiopia has ratified ICESCR, CRC, ACRWC, CRPD and other relevant international human right instruments, the country has committed itself to the full realization and protection of the right to education of CWVI.

The other relevant stipulation of the constitution that leads to the inference of the equal access to education of CWVI is article 25. This provision affirms equality before the law and establishes that everyone is equal before the law and equal protection is promised without any sorts of discrimination.¹¹² Though the constitution has still failed to expressly mention disability as one of the prohibited grounds of discrimination, it can be included under “other status”.

The inference here is, therefore, CWVI have the right to exercise their right to education without any discrimination on their status of disability. If they are in any case discriminated, they have the right to be equally protected by the law as the constitution guarantees equal protection of the law.¹¹³

The constitution, in the section regarding socio-economic rights, provides that: ‘Every Ethiopian national has the right to equal access to publicly funded social services.’¹¹⁴ One of the publicly funded social services is education. Thus, CWVI have the right to get access to education in

¹⁰⁹ Teferi Adnew, ‘the Inclusion of Students with Visual Impairment at Addis Ababa University, Ethiopia: Challenges and Prospects’, (PHD dissertation, University of South Africa 2016) 24.

¹¹⁰ FDRE constitution (n 108) art. 9 (4); Ibrahim Idris, ‘the Place of International Human Right Conventions in the 1994 FDRE Constitution’, *Journal of Ethiopian Law*, [Vol. 20], (2000) 45.

¹¹¹ *Ibid.* art. 13 (2).

¹¹² *Ibid.* art. 25.

¹¹³ Belaynesh Atnafu, ‘Review on the Constitutional and Other Legislatives Frameworks Regarding Inclusive Education and the Issue of Accessibility to Persons with Intellectual Disability’, *Workshop Proceeding Report on Inclusive Education*, UNECA, Addis Ababa, (2009) 27.

¹¹⁴ FDRE constitution (n 108) art. 41 (3).

equal basis with their non-disabled peers or children with other types of disabilities. CWVI are, therefore, entitled to access adequate and appropriate assistance and the state is obliged to create an enabling environment and remove any barriers that may hinder their right to access education.¹¹⁵ Moreover, Article 41 (3) specifically refers to “equal access”, making a clear linkage between the socio-economic rights and equality clause.¹¹⁶ Here, the State has the obligation to prevent laws or policies that have the effect of excluding CWVI from the full and equal enjoyment of their access to education from being promulgated. The State has, in addition, “to take positive steps to ensure that CWD benefit equally from education,”¹¹⁷ through ensuring the quality of education delivered, for example.

The constitution further requires the government to allocate resource to provide rehabilitation and assistance to the physically and mentally disabled.¹¹⁸ Though the terminologies employed to refer to disability “physically and mentally disabled” here are the reflection of the orthodox understanding of the concept, the constitution sets out the state’s responsibility for the provision of necessary rehabilitation and support services for PWD including CWVI. Hence, the government is committed to allocate resources to ensure the accessibility, availability, acceptability and adaptability of education to CWVI.

To sum-up, Though the Constitution does not specify the rights of CWVI to inclusive education or guarantee the right to free and compulsory primary education for anyone for that matter, this cannot in any way adversely affect the full realization and enjoyment of the right to education of the people in general and that of CWVI in particular because there are various inference that solidly establish the right to education of CWVI in the constitution. Such inferences can, as stated above, be drawn from article 9 (4), the constitutional promise of equal access to publicly funded social services and be defined in other subordinate legislation that concern institutions including MOE.

¹¹⁵ Kifle (n 7) 43.

¹¹⁶ Ibid.

¹¹⁷ Rakeb Mesele, ‘Enforcement of Human Rights in Ethiopia’, Action Professionals Association for the People, (2002) 32.

¹¹⁸ FDRE constitution (n 108) art. 41 (5).

3.1.2 The Civil Code of Ethiopia

The 60 years old Civil Code of Ethiopia contains various civil rights in one single document. This code, though not expressly, has impliedly recognized the right to education of CWVI.¹¹⁹ One of the provisions leading to the said inference states that “A person commits an offence where he fails to take, in respect of persons entrusted to his charge of supervision by law or inconformity with the law, measures of education and supervision which may reasonably be expected of him, having regard to the circumstance and custom.”¹²⁰

Given the vulnerability of CWVI, these children require cares from their parents or guardians. The care for CWVI, for example, includes making them attend their education. The Civil Code obliges guardians or parents to provide education to a child, who is under their watch, in conformity with the circumstances and custom of that area. Failing this, they will incur a civil liability for any damage caused to the CWVI or any damage the CWVI caused to others.¹²¹ The Civil Code of Ethiopia, therefore, contains a provision facilitating the implementation of the right to education of CWVI indirectly by imposing duties upon parents and guardians to make sure that their child gets education.¹²²

3.1.3 The Revised Family Code

The Revised Family Code puts in place a provision ensuring the right to education of children. The Family Code requires that guardians must make sure that a child is given general education or professional training commensurate with the child’s age and ability.¹²³ Here, the guardians are obliged to make sure that their children receive the appropriate education.

Due to the low level of awareness, parents or guardians may not know that CWVI are entitled to attend school. Those guardians who know that their children are entitled to education may also fail to ensure the schooling of their children due to social stigma in the community they live in. Hence, these guardians may end up keeping their CWVI at home. Article 260 of the Family Code is, therefore, of paramount importance in protecting CWVI from their parents or guardians who might deny their right to education either negligently or intentionally.

¹¹⁹ Abebe (n 5) 73.

¹²⁰ The Civil Code of the Empire of Ethiopia, Proclamation No. 165, (1960), Neg. Gaz. Year 19th No. 2, art. 2052 (1).

¹²¹ Abebe (n 5) 74.

¹²² Ibid.

¹²³ The revised family code of Ethiopia, proclamation no. 213/2000, (2000), art. 260.

3.2 Policy frameworks

3.2.1 The 1994 education and training policy

The 1994 Education and Training Policy (ETP), adopted after the fall of the Dergue regime with coming into power of the EPRDF, marks a new era of education policy in Ethiopian history.¹²⁴ This policy was formulated to resolve longstanding problems associated with the education system in general and the provision of special education in particular with overarching policy reforms.¹²⁵ Among the tremendous changes that the Transitional Government of Ethiopia (TGE) had boldly taken in the areas of education, a particular focus on special education was the leading one.

The ETP underscores the implementation and development towards special education, among others.¹²⁶ It stipulates, as one of its general objectives, the expansion of basic education and training for all, the development of physical and mental potential and problem-solving capacity of individuals including those with special needs, in accordance with their potential needs.¹²⁷ It specifically aimed at enabling both the handicapped and the gifted learn in accordance with their potential and needs.¹²⁸ Hence, this policy by then was cognizant of the right to education of CWVI and intended to expand the basic education to the same. As a result, all Ethiopian educational institutions are responsible for meeting this objective.

This policy, however, regards “special education” as separate from other education levels and the term inclusive or special needs education had not yet found its way into the new policy by then.¹²⁹ This policy had adopted the following overall strategies with regard to CWVI: Special education and training will be provided for people with special needs;¹³⁰ Teacher training for special education will be provided in regular teacher training programmers;¹³¹ and Special

¹²⁴ Margarita Shiemer, *Education for children with Disabilities in Addis Ababa, Ethiopia, Inclusive Learning and Educational Equity*, Springer Open, [vol. 4], (2017) 18.

¹²⁵ Adnew (n 109) 25.

¹²⁶ Tefera (n 12) 58.

¹²⁷ TGE, the Ethiopian Education and Training Policy, (1994) section 2.1.1.

¹²⁸ Ibid. section 2.2.3.

¹²⁹ Shiemer (n 124) 19.

¹³⁰ ETP (n 127) section 3.2.9.

¹³¹ Ibid. section 3.4.1.1.

attention will be given in the preparation and utilization of support input for special education.¹³² This policy was developed to establish a particular section within the overall structure of educational organizations that included the MOE, Regional Education Bureaus, Zonal Education Departments and District Education Offices in order to coordinate and monitor the education of CWVI.¹³³ This policy was, however, short of clarity in terms of the provision of support for students with visual impairment and does not encourage an inclusive approach for their education.¹³⁴ To deal with such shortcomings of the then policy, the MOE has adopted special needs education (SNE) strategy mandating inclusive education and setting out a policy agenda with clear priorities aimed at promoting the inclusion of people with impairments.¹³⁵

3.2.2 The Developmental Social Welfare Policy

This policy, adopted in 1997, specifically addresses CWVI and targets to safeguard their rights and to promote opportunities for vocational rehabilitation.¹³⁶ The policy had identified specific areas of focus where efforts for enhancing opportunities to CWVI should be directed: these include increasing education, skill training and other services and adoption of appropriate legislation with a view to ensuring the welfare of CWVI.¹³⁷

To realize the aforementioned policy objectives, the ministry prescribed various strategies including creating an accessible physical environment, promoting positive attitudes towards CWVI, and assisting action groups and NGOs working on the issue and providing services to CWVI. In making the public or the parents of CWVI aware that CWVI can learn in line with the strategy of promoting positive attitudes towards CWVI, the policy may achieve its objective of increasing education of the said group. Hence, this policy is relevant to increase the low level of awareness that the public has developed over CWVI for so long. If the public awareness is improved, it is possible to realize the right to education of CWVI as lack of awareness is claimed to be one of the focal reason for CWVI not to attend education besides accessibility issues.

¹³² Ibid. section 3.7.6.

¹³³ Ibid.

¹³⁴ Adnew (n 109) 26.

¹³⁵ Ibid.

¹³⁶ Ministry of Labor and Social Affairs (MOLSA), 'the Developmental Social Welfare Policy, (1996) art 5 (6 1)).

¹³⁷ Ibid. art. 5 (6 9)).

3.2.3 The Education Sector Development Program (ESDP)

After the ETP, MOE has embarked on drafting successive sectorial programs through which the policy items can be implemented.¹³⁸ The programs were developed from governments desire to improve the provision of quality education resulted in the formulation of the ETP. Such programs are to be worked out for five successive years to be accordingly updated.¹³⁹

Thus, MOE developed the first five years ESDP for 1997/98- 2001/02) in 1997 (ESDP I). Then, four such programs were consecutively developed and the first four were phased out in 2015 obviously without fully achieving the main goals including EFA, universal primary education (UPE). Though ESDP I and II were said to be successful in their efforts to substantially increase levels of primary education enrollment and in improving access to education for girls and reduce their levels of school dropout and repetition¹⁴⁰, it disregards students with CWVI and had no efforts to be appreciated as improvements to the said group.¹⁴¹

ESDP III, unlike its predecessors, however, gave due consideration to the expansion of educational opportunities for children with special needs in order to achieve the EFA goals.¹⁴² One of the goals of ESDP III, in line with achieving EFA, was increasing access to educational opportunities at primary level and to achieve UPE.¹⁴³ This objective is quite relevant to ensure the right to education of CWVI. Unless the right to education of CWVI is ensured, it is impossible to fully realize UPE. Hence, since it is impossible to fully realize UPE in disregard of CWVI, the government need to primarily ensure the full realization of the right to education of CWVI so as to attain UPE.

The government, through ESDP III, committed itself to provide technical assistance to the regions in the form of guidelines and capacity building so as to ensure the right to education of CWVI.¹⁴⁴ SNE is also considered as cross-cutting issue to be mainstreamed in general school education as well as Technical Vocational Education and Training (TVET) in the same

¹³⁸ Tefera (n 12) 59.

¹³⁹ Abebe (n 5) 81.

¹⁴⁰ MOE, ESDP III, (2005) 4.

¹⁴¹ MOE, ESDP IV, (2010) 77.

¹⁴² Ibid.

¹⁴³ ESDP III (N 140) 2.

¹⁴⁴ Ibid. 23.

program.¹⁴⁵ Furthermore, it focuses on the need for MOE to strengthen cooperation between education offices and development partners in order to address the increasing demand for the expansion of inclusive education in the country.

ESDP IV, replacing ESDP III, has come up with tremendous progress and given wider coverage of CWVI stipulating basic components of focus, strategies, and intended targets.¹⁴⁶ This program, starting with bold recognition of the misconception and the negative attitudes towards CWVI, stated that there is a limited understanding of the concept of disability, negative attitude towards CWVI and a hardened resistance to change as the major barriers impeding SNE and inclusive education.¹⁴⁷ Though one cannot discredit a little attitudinal changes of the society towards CWVI in recent years due to various activism, such changes are so piecemeal, sporadic and inconsistent that they would hardly deconstruct the bigger disability discourse that has a strong hold in Ethiopia over the turn of centuries.¹⁴⁸

This program, besides the lack of knowledge, also identified rigid and poor teaching methods, inconvenient learning environment and inadequate assessment procedures as measure barriers to the realization of the right to education of CWVI.¹⁴⁹ So as to tackle these barriers and increase the limited number of CWVI enrolled in education, thereby, achieve the EFA goals, Ethiopia has integrated disability inclusion in ESDP IV, in contrast to the first three education policies.¹⁵⁰

Furthermore, Ethiopia has developed the General Education Quality Improvements Package (GEQIP) to improve the quality of education and to mainstream vulnerable groups including CWVI.¹⁵¹ The objectives of the Package are the improvement of curricula and textbooks, the conversion of assessment practices, progress of teacher qualifications, training in management and encourage schools to manage their resources. Put simply, inclusive education is promoted in some of the objectives of the GEQIP. These and other focus areas of ESDP show government's legislative commitment to promote and protect the right to education of CWVI, though the reality on the ground may reveal otherwise.

¹⁴⁵ Ibid.

¹⁴⁶ Tefera (n 12) 60.

¹⁴⁷ ESDP IV (N 141) 76.

¹⁴⁸ Tefera (n 12) 60.

¹⁴⁹ ESDP IV (n 141) 77.

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

ESDP V, the most recent of all programs and currently enforce, recognized that there is poor progress during ESDP IV in supporting children with special education needs including CWVI.¹⁵² Such low level of progress is attributed to lack of awareness, lack of knowledge, skills and commitment to implement activities to support SNE, which is true from the federal government to the school level, lack of reliable data to help and understand the status of CWVI and target suitable interventions, absence of a financing mechanism to support SNE and inclusive education, poor school infrastructure, facilities and adapted teaching and learning materials for SNE - along with the absence of standards and guidelines, among others.¹⁵³

Hence, ESDP V has bluntly captured the real causes of the limited progress in the right to education of CWVI. This is one step in improving the access and educational quality of the group. This is because, once the problems are clearly outlined, it is possible for stakeholders to take necessary measures. The role of stakeholders will, therefore, now be limited to finding a means of dealing with such ongoing problems with the preceding programs.

3.2.4 Special Needs Education Strategic Program

The first SNE program strategy was developed in 2006 by MOE with the aim of identifying and removing the prevailing barriers to the implementation of inclusive education.¹⁵⁴ It is primarily launched with a view to facilitate the education of CWVI into the ESDP III and achieve UPE. For this reason, it is considered as one component of ESDP III.¹⁵⁵ 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 including primary education.¹⁵⁶ The strategy aimed at ensuring both access and quality of education for all children including CWVI with a strategic priorities of inclusion of SNE in national and regional education sector planning and

¹⁵² MOE, ESDP V, (2015) 25.

¹⁵³ Ibid. 26.

¹⁵⁴ MOE, Special Needs Education Program Strategy: Emphasizing Inclusive Education to Meet The UPEC and EFA Goals, (2006) 5.

¹⁵⁵ Derebssa Dufera, 'Prospects and Challenges of Achieving the Millennium Development Educational Goals in Ethiopia: Where does Ethiopia Stands on EFA Goals', The Ethiopian Journal of Education, [Vol. 26, No. 2], (2006) 25.

¹⁵⁶ SNE strategy (n 154) 1.

reporting systems; development of guidelines and provision of technical assistance to regions; and strengthening the capacity of the education system.¹⁵⁷

To actualize the Education and Training Policy elements, the strategy was planned to train teachers of SNE in the existing Teacher Education Institutions/Colleges.¹⁵⁸ Furthermore, identification procedures, support systems and availability of appropriate materials and equipment in schools and in the community are listed as basics for inclusive education to take place. This strategy further requires the higher institutions to establish resource centers that support students with VI and their lecturers, and that provide students with Braille literature, reading and writing tools, and training on ICT applications.¹⁵⁹

The revised version of this strategy was adopted in 2012. The revision and updating of the strategy was necessitated due to the inherent weaknesses of the previous strategy, problems encountered during its implementation, the dynamic nature of education and the ratification of CRPD by the Government.¹⁶⁰ With similar identification of the drawbacks and limitations of its predecessors, this strategy has also included quite similar general and specific objectives still with no guarantee of its implementation. It, however, promised to increase awareness raising activities, create conducive educational settings accessible facilities and enhance the education of female students with VI.¹⁶¹

The strategy also stipulates that learning materials (braille text books, abacus, etc.), stationeries (slate, styles, talking calculator, braille paper, etc.) and computer software (such as JAWS) should be available to CWVI at all level of education institutions including elementary schools.¹⁶² The strategy, interestingly, stated that methods of assessment of learners with special educational needs should take account of their particular disabilities: a CWVI learner may need to be tested orally and practically or in Braille or a tape recorded test.¹⁶³ The implementation of

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid. 30.

¹⁶⁰ MOE, the revised special needs/inclusive education strategy, (2012) 1.

¹⁶¹ Ibid. 10-11.

¹⁶² Ibid. 13.

¹⁶³ Ibid.

this strategic plan is pivotal in solving the critical assessment related challenges of CWVI. The strategy should have, however, alternatively stated computer tests in this list.

3.2.5 National Plan of Action of Persons with Disabilities (2012-2021)

In 2012, MOLSA adopted a national plan of action for persons with disabilities (NPA) that is still in force till 2021. The NPA is developed in consultation with key government institutions, PWD, parents of CWD and civil societies unlike the previous national plan of action.¹⁶⁴

This NPA bases itself on international instruments including CRPD, national legislations and regional documents. It considers eight basic principles of the CRPD to be a framework for all the actions.¹⁶⁵ The definition of disability adopted by the NPA, for example, is in line with the CRPD.

The NPA incorporates the twin track approach and includes both mainstream and disability-specific actions.¹⁶⁶ Hence, one of the tracks focuses on mainstream programs and services which are not specifically designed for CWVI such as ordinary schools, while the other track focuses on disability-specific programs and service provision required to address the individual needs of CWVI such as special schools for the blind.¹⁶⁷ The NPA, however, noted that neither track is better or more important than the other; both are required to ensure that needs of CWVI are met, and to provide for equality of opportunity and full participation in the society.¹⁶⁸ Finally, it is important to note that the NPA has also listed education and training among the priority areas.¹⁶⁹

¹⁶⁴ MOLSA, National Plan of Action of persons with disabilities (2012-2021).

¹⁶⁵ Ibid.

¹⁶⁶ Ibid. 12.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid. 26.

CHAPTER FOUR

THE RIGHT TO EDUCATION OF CHILDREN WITH VISUAL IMPAIRMENT IN ADDIS ABABA

Under this chapter, an attempt is made to assess the realization of the right to education of children with visual impairment in the context of Addis Ababa. Accordingly, the chapter looks into the level of access to school of CWVI, causes of the low level of access to school, the major challenges of the right to education to those children, who are enrolled to school and the roles of stakeholders towards the realization of the same right.

4.1 Educational enrollment of children with visual impairment in Addis Ababa

To start with, it is easy to draw a conclusion that all PWDs, to which CWVI are no exception, are far from getting access to education in Ethiopia.¹⁷⁰ According to recent records, it is estimated that there are currently 2.7 million CWDS, who are in their age of attending primary schools countrywide.¹⁷¹ Of these, 277,165 i.e. only 10% of CWDS were enrolled in primary schools in 2018.¹⁷² Given that there are various types of disabilities in Ethiopia and such number includes all types of disabilities, it is crystal clear that the share of CWVI is insignificant.

The same holds true in Addis Ababa. Though there are little efforts of making education accessible to CWVI in the city, it is hardly possible to frankly say that the groups are enrolled in primary education at the required level.¹⁷³ This assertion can be buttressed by the fact that there are still a number of CWVI, who are begging in the streets of Addis Ababa in their school age.¹⁷⁴

In the 2018-19 academic year, 232 public primary schools have been registered before Addis Ababa education bureau so as to deliver primary education to children of the city.¹⁷⁵ Sadly enough, CWVI can only be enrolled in 15 of them.¹⁷⁶ In these schools, only 2909 CWVI were enrolled to attend their primary education in the said academic year. The remaining 217 schools

¹⁷⁰ Interview with Mr. Alemayehu Woldekerkos, Coordinator of special needs education team of special needs and inclusive education, ministry of education, (8 November, 2019).

ibid.

¹⁷² Ibid.

¹⁷³ Interview with Mr. Daniel Asrat, special needs expert, Addis Ababa education Bureau, (6 November, 2019).

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

do not, however, enroll CWVI for the reason that they fail to meet the accessibility standards set by the bureau.

Of these 15 schools itself, the children are prominently enrolled in only four of them provided that many of the schools are not fully accessible to their needs.¹⁷⁷ Hence, the parents tend to register their CWVI in these few schools that are better equipped with the basic needs and are notable of educating CWVI.¹⁷⁸ This, indeed, is having a negative consequence in the sense that the other schools are not improving their accessibility believing that CWVI and their parents will not make them their priorities in the presence of the notable ones.¹⁷⁹

In view of this, the bureau has established what are called “inclusive education -resource centers” in those 15 schools in an endeavor to improve the accessibility of the schools to all PWDs including CWVI. These resource centers are staffed by special needs experts and well-trained teachers. Furthermore, the bureau is striving to furnish the centers with such necessary implements of CWVI as slate, stylus and other aiding materials in collaboration with various NGOs.

These resource centers are expected to regulate the activities of all schools in terms of making their environment accessible to CWVI. Using these resource centers as a springboard, the bureau is attempting to increase the enrollment of CWVI by increasing the number of accessible schools thereto. To this end, the bureau has set a direction that obliges both public and private schools to enroll CWVI and indeed, it is intensely working towards achieving same.¹⁸⁰

Despite all this, the current status of access to education of CWVI in Addis Ababa is contrary to Ethiopia’s commitment to increase the accessibility of education to everyone in its policies and strategies. Though the -country is committed to expanding education under the education policy, the expansion is not inclusive of CWVI and the goal is far from being realized.

¹⁷⁷ Interview with Mr. Aschalew Kebede, special needs expert, Addis Ababa education bureau, (11 November, 2019).

¹⁷⁸ Ibid.

¹⁷⁹ Interview with Daniel (n 173).

¹⁸⁰ Ibid.

4.2 Causes for the low-level access of schools to children with visual impairment in Addis Ababa

The right to education is both one of the most important right for CWVI and the right most frequently denied, owing to many factors. The right, first recognized for everyone in the UDHR, is clearly enshrined in many other human right treaties adopted subsequent thereto. As discussed in chapter two, CRPD has expressly prohibited discrimination on the basis of disability and clearly expresses the right of disabled child to education.¹⁸¹ Ethiopia, being a party to most of the international human rights instruments including CRPD, and recognized the right in its domestic laws, policies and strategies, it has undertaken to comply with the obligations enunciated therein which are applicable to CWVI, too. In this subsection, therefore, an attempt is made to explore the factors that thwart CWVI from actually enjoying their right to education in accordance with the above mentioned national and international standards in the context of Addis Ababa.

4.2.1 Lack of awareness

In the community where the CWVI live, there is a common perception that they cannot learn owing to their visual impairment. This negative perception, to one's dismay, is even upheld by the parents of CWVI themselves.¹⁸²

Though there is a little improvement in the awareness of the families of CWVI in recent years, there still is an overarching archaic belief that having CWVI is a curse of God.¹⁸³ On top of that, the parents of the child do not believe that their child may compete with the non-disabled children and be successful in his/her education.¹⁸⁴ Given such obsolete and distorted perception, parents do not let their CWVI to go out and attend their education.¹⁸⁵ Instead of sending their children to school, therefore, the parents resort to keeping them at home.¹⁸⁶

Sometimes there is an argument aired by stakeholders that the negative attitude towards the right to education of CWVI is confined to the rural parts of the country.¹⁸⁷ In saying so, they contend that the protracted and intense activism made by them in the capital has brought about a dramatic

¹⁸¹ CRPD (N 93) art. 24.

¹⁸² Ibid.

¹⁸³ Interview with Mr. Sultan Esmu, chairman, Ethiopian National Association for the blind, (14 November, 2019).

¹⁸⁴ Interview with Daniel (n 174).

¹⁸⁵ Ibid.

¹⁸⁶ Interview with Sultan (n 183).

¹⁸⁷ Ibid.

change in the view of the parents of the CWVI thereby making them send their children to school.¹⁸⁸ In contradistinction to this, however, the fact on the ground reveals that there are still a lot of CWVI kept at home or in the streets because of the negative perception that they will not be successful in education in urban areas, too, to which Addis Ababa is not an exception.¹⁸⁹

Even where some parents send their children to school for education, the community, including the students and teachers, are not welcoming.¹⁹⁰ Since most of the teachers are not well-trained in the unique needs of CWVI, the CWVI will be discouraged to attend education. The students with whom these CWVI learn are not also aware of the capability of the latter. Instead of helping them with reading notes and other books so as to make them competent, most of the non-disabled children avoid any relationship with CWVI.¹⁹¹ They are even afraid of making them friends.¹⁹² This view of them has sprang from nowhere but the usual tendency of judging a book by its cover.

In quite contradiction to such overarching negative perceptions, CRPD obliges Ethiopia in general and Addis Ababa city administration in particular to adopt immediate, effective and appropriate measures to raise awareness throughout the society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities.¹⁹³ The above paragraphs, however, suffice to reveal that the city administration is not complying with its awareness raising obligation as the CWVI are still victims of negative perception.

4.2.2 Inadequate expert supply and training

First and foremost, it is necessary to have special needs experts to bring CWVI to schools.¹⁹⁴ It is mentioned in the foregoing paragraphs that due to the negative perception about the capability of CWVI, the families of these children would like to keep them at home instead of sending them to school. Hence, it could be said that the first reason for these children not to be enrolled in schools

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

¹⁹¹ Interview with Getabalew Abebe, student, Minilik II primary school, (8 November, 2019).

¹⁹² Ibid; Interview with Genet Belay, student, Minilik II primary school, (8 November, 2019); interview with Beimnet Teshome, student, Dil Betigil primary School, (15 November, 2019).

¹⁹³ CRPD (N 93) ART. 8 (1A).

¹⁹⁴ Interview with Alemayehu (n 170).

is the lack of someone to bring them out.¹⁹⁵ For various reasons including attitude, the parents will not bring them to school. To bring these children to school, therefore, it is necessary to have experts so as to convince the parents in raising their awareness about the right to education of the former and thereby, to bring them out from where they have hidden to school.¹⁹⁶

There are, however, a few, if not none, experts who are engaged in this activism. These limited number of experts is, therefore, a hindrance to ensure access to education of CWVI in Addis Ababa.

Secondly, due to the disability the children are with, there are particular needs that need to be fulfilled so as to make them competent in their education. One such important thing is, for example, braille. The basic skills that students need to equip themselves with appear to be reading and writing. CWVI, to be able to read and write, they should primarily be equipped with basic braille training.

In this regard, CRPD obliges Ethiopia to employ teachers who are qualified in braille and to train professionals and staffs who work at all level of education in order to help ensure the realization of the right to education for CWVI.¹⁹⁷ The country should also facilitate the learning of braille.¹⁹⁸ There are not, however, sufficient experts who are skilled in braille to train the CWVI same in Addis Ababa in violation of the above provision. Indeed, there are a few experts who can read and write braille countrywide.¹⁹⁹ Due to shortage of these experts, CWVI, even though they are enrolled to education, will not be fruitful for there is no one to train them even with the basic need: braille. This being the case, it is not a surprise to witness visually impaired students in higher educational institutions without having a basic braille knowledge these days.²⁰⁰

Third, though some of the universities including Addis Ababa University (AAU) and colleges are graduating experts of special needs in recent years, these experts are not fruitful for various reasons.²⁰¹ These reasons include: the courses that have been delivered are minimal; since the

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

¹⁹⁷ CRPD (n 93) art. 24 (4).

¹⁹⁸ Ibid. art. 24 (3A)

¹⁹⁹ Ibid.

²⁰⁰ Ibid; Interview with Sultan (n 183).

²⁰¹ Interview with Aschalew (n 177).

lecturers, who delivered these courses are overloaded with other tasks, they will not equip this trainees with full concentration.²⁰² For these reason, these graduated experts are not serving the CWVI satisfactorily.²⁰³

These few experts themselves will not stay in the field for they are not encouraged with incentives.²⁰⁴ As a result, they will not stay in this field and left it in search of better opportunities.²⁰⁵ In earlier years, even though they were limited in number, CWVI were trained by qualified teachers in special needs specially those CWVI in boarding schools. But nowadays, These qualified special needs teachers have even been taken by colleges and universities.

For the aforementioned reasons, therefore, there is a shortage of experts who could fulfill the unique needs of CWVI. This shortage of experts in turn is a cause for the low access of education. Provided that the children will not get education in their vicinities due to shortages of experts in schools, the parents will be discouraged to send their children for education. Due to the predominant negative perception about the right to education of CWVI, the parents will be hesitant to search for other schools when they are rejected in schools of their neighborhood. This is, indeed, a contributing factor for the low level of access to education of CWVI in Addis Ababa. It is, for that matter, mentioned somewhere in this work that out of 217 public primary schools in Addis Ababa, only 15 of them can accept and teach CWVI.

4.2.3 Low economic status

It is axiomatic that for one visually impaired child to be enrolled in schools, the fulfillment of the basic materials is indispensable. These materials include: learning materials (braille text books, abacus, etc.), stationeries (slate and stylus [braille writing machines], braille paper, talking calculator, etc.), white cane (a mobility aid that visually impaired persons use to move from place to place), etc. These materials are very expensive in the market compared to the materials that non-disabled children make use of in order to attend their education.²⁰⁶

²⁰² Interview with Alemayehu (n 170).

²⁰³ Ibid.

²⁰⁴ Interview with Sultan (n 183).

²⁰⁵ Ibid.

²⁰⁶ Interview with Mr. Gebre Teshome, public relations officer, Ethiopian national association for the blind, (11 November, 2019).

In the current market, the slate and stylus costs more than five hundred (500) Ethiopian birr (ETB); the white cane is more than four hundred (400) ETB and one ream braille paper, which contains 200 pieces of paper is two hundred fifty (250) ETB.²⁰⁷ While the non-disabled children can buy a pen, pencil and an exercise book with not more than one hundred fifty (150) ETB to join school, the visually impaired are required to invest more than 1000 birr to do the same.²⁰⁸ Given that most families of the CWVI are poor, it is impossible for them to finance these expenses of their children to join school.²⁰⁹

Not only are the materials expensive, they are also unavailable in local markets.²¹⁰ Accordingly, it is impossible to easily have access to these materials even where the families decide to buy them. Since the materials are imported from abroad, they are only available at the disposal of a few concerned NGOs.²¹¹ Due to lack of information where to buy such materials from, the families, those who can buy the materials, may be discouraged and even end up keeping their children at home.

Another reason which is related to the low economic status of the CWVI or their parents is transportation cost. It is mentioned somewhere else in this work that it is very difficult for CWVI to have access to school in their vicinities. Of the 15 schools which have been registered to accept and teach CWVI in Addis Ababa, it is only 4 of them, which are relatively accessible to the group. In search of these schools, therefore, CWVI may travel far from their vicinities.

Given the rising nature of transportation cost in the capital city, it is difficult to the families of CWVI to cover this cost, and thereby, enroll their child in schools far from their neighborhood.²¹² Hence, such high transportation cost is also hindering access to school of CWVI in Addis Ababa. In other words, it can be said that absence of accessible schools in the vicinities where the CWVI live appears to be a hindrance to access to education of CWVI in the capital city.

²⁰⁷ Ibid.

²⁰⁸ Ibid.

²⁰⁹ Ibid.

²¹⁰ Interview with Sultan (n 183).

²¹¹ Ibid.

²¹² Interview with Getahun Tegenaw, student, Minilik II primary school, (8 November, 2019); interview with Rediet Tsegaye, student, Dil betigil primary School, (15 November, 2019).

Even where the school is not that far from their neighborhood and can be managed to go on foot for other non-disabled children, it is a must for CWVI to use transport because of the disability they are with. This is so because of the fact that the roads of the country in general and the capital city in particular are full of ups and downs, ditches, ETC, making the movement of CWVI difficult.²¹³ Such inaccessibility of the roads of the city will oblige the CWVI to use transport even for the nearest schools in contradiction to their non-disabled counterparts. The cost of transport is, therefore, another reason for the low access to school of CWVI in Addis Ababa.

Irrespective of such economic difficulties of CWVI to attend their school, Ethiopia has committed itself to give special financial assistance to those who have been deprived of educational opportunities.²¹⁴ Provision of transportation and other costs in the form of pocket money could exactly fit in the special financial assistance as promised by the policy and it would have relieved the CWVI from the economic difficulties of attending education.

Indeed, other regions including Oromia, Amhara and SNNPR are giving monthly pocket money, though it is insignificant in amount, to the visually impaired students to cover their transport and other costs.²¹⁵ The Addis Ababa city administration, though frequently nagged by most stakeholders including ENAB, has turned a deaf ear to do the same.²¹⁶ Given that most visually impaired come from rural parts of the country in search of better opportunities with no one to help them, they are in a severe condition in the absence of such pocket money.²¹⁷

4.2.4 Low level of government's devotion to ensure the right to education of CWVI

The government of the country in general and the Addis Ababa administration in particular are not giving due attention to the right to education of CWVI.²¹⁸ There is an international Moto, which is incorporated in most international human right instruments that provides for universal primary education for all. Ethiopia, being a party to the international instruments, is also

²¹³ Ibid. Interview with Rediet Tsegaye.

²¹⁴ ETP (n 127) sec. 3.9.4.

²¹⁵ Interview with Sultan (N 183).

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ Interview with Abera Harketa, children, woman and disability's education and training expert, Ethiopian Ombudsman institution, (12 November, 2019).

advocating for the same in its laws, policies and strategies. The goal is not, however, achieved in Ethiopia. The main reason for failure to achieve this goal is government's failure to ensure the right to education of CWVI.

The government is not fully committed to ensure the right to education of CWVI in comparison with the non-disabled children.²¹⁹ It is vividly seen that the government gives due attention to ensure the right to education of the non-disabled children. This is not, however, the case with PWD in general and CWVI in particular.²²⁰

This can be bolstered by the ratio of MOE annual abstract. While the non-disabled children account for more than 80% of the total share of students in primary schools, CWVI make up only 10% of same according to the study conducted in the 2017/18 academic year.²²¹ This figure shows that 90% of PWD are still out of school waiting for their access to education be ensured.²²² This is clearly attributed to the low level of attention that the government is giving to the right to education of CWVI. There is always low level of commitment in the side of government officials towards ensuring the rights of PWD in general and CWVI in particular and the right to education is not an exception.²²³

Such low level of commitment is elucidated by governments failure to make officials accountable, low budgeting, limited number of human resource, etc.²²⁴ The government does not hold those stakeholders accountable for failure to live up with their obligation. Indeed, there is no mechanism set forth in respect of holding officials accountable for the wrong deeds they commit with regard to the right to education of CWVI.²²⁵ The government's low commitment is also manifested in its failure to come up with detailed and specific strategy that guides stakeholders how to bring CWVI to school and maintain them therein.²²⁶

²¹⁹ *Ibid.*

²²⁰ *Ibid.*

²²¹ *Ibid.*

²²² *Ibid.*

²²³ *Ibid.*

²²⁴ Interview with Sultan (n 183).

²²⁵ *Ibid.*

²²⁶ *Ibid.*

4.3 Major challenges of the realization of the right to education of enrolled Children with visual impairment in Addis Ababa

To start with, not only is there a low level of enrolment of CWVI to education in Addis Ababa. But also, those children, who are enrolled to education are encountering multifold challenges, which in turn is decreasing the quality of education. The challenges range from shortage of education assistive devices and materials to class lecturing. What follows in this subsection is, therefore, an exploration of this challenges.

4.3.1 Challenges of shortage of education assistive devices and materials

There are basic teaching aids and learning materials that CWVI need to have to attend their education. These include: learning materials (braille text and reference books, abacus, etc.), stationeries (slate and stylus, braille paper, digital recorder, talking calculator) and mobility aid (white cane). The cost of these assistive devices and educational materials is prohibitively high, not likely affordable for an average Ethiopian family. They, therefore, expect their school to provide them.

The schools in Addis Ababa are, however, not currently providing these materials to the CWVI.²²⁷ In this academic year, for example, the Addis Ababa education bureau has provided uniform, exercise books and other basic needs to its students in the city. It did not, however, provide the unique materials that the CWVI are in need of.²²⁸ This action of the city administration in general and the bureau in particular is an illumination of its unequal treatment of the right to education of CWVI with the non-disabled ones.²²⁹ It, indeed, amounts to discrimination on the basis of disability in contradiction to the stipulation of the international human rights instruments discussed in chapter two including CRPD.

The CWVI uses slate and stylus to take notes in the class. Due to the uncomfortable sound it makes while writing, the students have now ceased to use it in the class not to distract their non-disabled peers.²³⁰ The alternative to taking notes in the class for CWVI is recording the voices of their teachers. Such alternative is also impossible to be realized for they are not provided with

²²⁷ Beimnet (n 192); interview with Hiwot Alemu, student, Minilik II primary school, (8 November, 2019); Tariku Belay, student, Minilik II primary school, (8 November, 2019)..

²²⁸ Interview with Eniyu Asaminew, student, Dil Betigil primary School, (15 November, 2019).

²²⁹ Ibid.

²³⁰ Interview with Getabalew (N 191).

digital recorder. Given the expensive nature of the price of the recorder, the students cannot buy it individually. Hence, the students are attending classes without any modalities of taking notes in the inclusive class.

The other challenges of CWVI is shortage of braille text books. It is, for example, quite common to hear government claiming that it has achieved the goal of one text book for one student.²³¹ Students with visual impairment did not, however, get sufficient braille text books to read in the libraries of their school let alone borrowing a textbook each.²³² Even worse, they will not have access to borrow even in group due to the acute shortage of braille textbooks.

Hence, it would be difficult for the CWVI to do assignments in their home for they cannot even refer the text books let alone the reference books.²³³ They are, therefore, required to work their assignment solely in a library. As a result, the students cannot manage to submit their assignment within the deadline set and the grade they score in the assignment is not satisfactory.²³⁴ Given that text books are being revised repeatedly, even the text books in the library are the old versions of the curriculum.²³⁵ The revised version of the curriculum is not produced in braille on time.²³⁶

The soft-copy version of the books, which could be provided as the alternative to the braille books, are also not made accessible to the CWVI. Though sufficient computers are made available in the resource room of the schools to the non-disabled children, they are not made compatible with an installation of assistive software to the CWVI.²³⁷ The computers could, for example, be made accessible with an installation of screen reading software like JAWS so that the students may read the soft-copy versions of the text and reference books, thereby, fill the gap of shortage of braille books with relatively low finance. The schools are, however, short of making such alternative accessible, too.

²³¹ Interview with Sultan (n 183).

²³² Interview with Abeba Belachew, student, Minilik II primary school, (8 November, 2019); Yohannes Seyoum, student, Dil betigil primary school, (15 November, 2019).

²³³ Interview with Getahun (n 212).

²³⁴ Interview with Genet (n 192).

²³⁵ Interview with Alemu Girma, student, Minilik II primary school, (8 November, 2019).

²³⁶ *ibid.*

²³⁷ *ibid.*

Yet, given the physical inaccessibility of the school environment, it is difficult to move from place to place without the mobility aid (white cane).²³⁸ The schools do, however consider this claim of the student as a luxury and are not providing them. They do not even consider it as assistive device to education.²³⁹

Such unavailability of technological aids and modern teaching methods is also a reflection of backward mode of teaching CWVI in the capital. Ethiopia is, however, obliged by the CRC to facilitate access to scientific and technical knowledge and modern teaching methods with international cooperation.²⁴⁰ Conversely, the country is unable to educate them even with outdated assistive devices and learning materials let alone facilitating technical and scientific knowledge to the CWVI and educating them with modern teaching methods.

It is obvious that the availability or otherwise of proper teaching aids and educational materials have the potential to affect the quality of education provided to CWVI. General Comment No 1 of the CRC Committee on the Aims of Education also states that article 29(1) of the CRC insists up on the need for education to be child-centered, child friendly and empowering besides adding a qualitative dimension which recognizes the rights and inherent dignity of the child to the right to education.²⁴¹ Therefore, the CWVI'S right to education in addition to being a matter of access is also a matter of content. The Addis Ababa city administration has, however, not only failed to enroll CWVI to education, but has also failed to give a quality education for those, who are enrolled.

4.3.2 Challenges of backward assessment modalities

The other major challenge faced by the students, which of course impinges the quality of their education, is the backward assessment modality. Assessment is one of the ways through which students are tested the knowledge they have acquired from their education besides being the merit that determines their promotion to the next level. True enough, students with visual impairment should also pass through such assessment. Despite this, however, the modality of assessing them in Addis Ababa is still backward.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ UN Convention on the Rights of the Child, G.A. Res. 44/25, U.N. Doc. A/44/49 (1989), art. 28 (3).

²⁴¹ CRC Committee General Comment No 1 on the aims of education.

To start with, the revised SNE strategy states that methods of assessment of learners with special educational needs should take account of their particular disabilities: a CWVI learner may need to be tested orally and practically or in Braille or a tape recorded test.²⁴² Though such modalities themselves with the exception of braille can be labeled as backward, they are better compared with the ways with which the students are being assessed now.

In the continuous assessments, for example, CWVI are currently being assessed by an indication of fingers to their readers.²⁴³ The student's will raise 1 finger to indicate that the answer is A, 2 for B, 3 for C 4 for D, etc.²⁴⁴ There is a possibility sometimes for their readers/examiners to record answer which is different from theirs due to, for instance, lack of proper concentration.²⁴⁵ It is more difficult when they want to change their answer. There is a tendency on the side of their examiner to leave the prior answer as it is even though he/she is told to change it. This will in turn lead them to a disagreement with their teachers when they see their result.²⁴⁶

What makes the problem severe is that they are examined by their classmates who first finished the exam. Since the school administrators do not make readers available from the teachers for continuous assessments, it is their classmates who have finished their exam prior to others that read and record their answer.

Since their peers are not that wary, they may not fill their answer meticulously. It is customary to expect these children to lose concentration as they are indeed eager to join their peers who have finished their exam for a game. Thus, it is the CWVI that bares the risk of such backward assessment modality. What is more, since the CWVI will be examined in the same class with the non-disabled but when the latter finishes the exam, the CWVI are expected to face the loud sound that their peers make when they leave the exam room.²⁴⁷ In that sense, not only the assessment modality is challenging, but also the place of assessment. Such uncomfortable assessment environment may affect the CWVI in stealing their attention.

²⁴² The revised SNE strategy (160) 13.

²⁴³ Interview with Getabalew (N 191).

²⁴⁴ Ibid; Genet (n 192)..

²⁴⁵ Interview with Alemu (n 257).

²⁴⁶ Interview with Abeba (n 254).

²⁴⁷ Interview with Tariku (n 249).

Furthermore, in case where the examining student is a rank contender of the CWVI whom he is examining, there is a tendency to record one or two answers different from what the CWVI ordered him to do so.²⁴⁸ In that way, the examiner can score a better grade than his rank contender (CWVI) in the class.²⁴⁹ Though such happening can be said is minimal, it is hardly possible to argue that it can never be the case. Contrarily, it can also be argued that assessing CWVI by their classmate may also open a way for exam cheating. In case where a competent classmate examines the CWVI, the former may assist the latter by recording for him the correct answers. This may negatively affect the effort the CWVI may exert in their study.

Though the magnitude decreases, there is the same old problem in the assessment of final exam, too. It is, of course, teachers who examine the CWVI in final exams.²⁵⁰ But one teacher may examine 10 or more students in a day separately. In that situation, since the students are too many to be successfully handled by a single teacher, there is a widespread instance where the teachers mix the answer of one student with the other.²⁵¹ Because of that, the student may encounter answers different from theirs in the answer sheet.²⁵²

These and other assessment related challenges obviously minimize the competence of CWVI in their education. It is, indeed, one reason for the low quality of education of CWVI. It is also greatly impacting the right to education of CWVI in Addis Ababa.

In this connection, it is very alarming to realize that none of the assessment modalities that the SNE strategy has promised to the CWVI are used. The students are not given the chance of being assessed in braille for their teachers cannot read braille. The rest assessment modalities are not used for an excuse of budget problem. The country is, however, obliged to provide special financial assistance to the CWVI by numerous international human rights instruments it has ratified.

²⁴⁸ Interview with Temesgen Adane, student, Minilik II primary school, (8 November, 2019).

²⁴⁹ Ibid.

²⁵⁰ Interview with Tariku (n 249).

²⁵¹ Ibid.

²⁵² Ibid; Alemu (n 257).

4.3.3 Challenges Relating to Class Lectures

Not only are there a few number of trained teachers in special needs to teach CWVI, but the regular teacher does not also consider the unique needs of the former in lecturing in the class. As CWVI do not read what has been written in the board, it is necessary to dictate same while writing.

Most of the teachers are, however, hesitant to do so.²⁵³ It is customary in elementary classes that 30-35 minutes of a single period is used for writing on board for the students to take note without any dictation and 10 minutes to explain what has been written.²⁵⁴ Of the 45 minutes of a period, therefore, CWVI will only be active for the last 10 minutes as they will not be considered in the 35 minutes of note taking.

When the students ask their teachers to dictate them the note, they will be told that the teacher will cover what has been written on the board in the 10 minutes of explanation. They justify the small number of minutes for explanation by the saying “speaking is much easier than writing”. It is, however, always the case that teachers will leave the class without fully addressing what they have written on the board. They will not even try to cover what has been left unexplained in the next class.²⁵⁵ It is also impossible to ask for the help of their peers to read them the note out loud in the class for there are teachers that prohibit the same for the disturbance they may make in the class.²⁵⁶ For this reason, the CWVI will not cover some of the chapters in the class unless they are assisted by their peers in reading their notes out of class.

This is, of course, the major barrier that the CWVI is facing in subject delivery in the class. This is, indeed, contrary to the reasonable accommodation promised to be made for the CWVI by Ethiopia in various instruments including CRPD. Furthermore, it amounts to unequal treatment of the students in the class. While the teachers are required to enable the CWVI to take notes by their dictation, for example, equally with their peers, they even prohibit them not to get the help of their peers to do so. Inability of the teachers to enable the CWVI to take note in the class is, therefore, an elucidation of unequal treatment of the group with their non-disabled peers.

²⁵³ Interview with Widneh Abebe, student, dil betigil primary school, (15 November, 2019).

²⁵⁴ Ibid; Interview with Temesgen (269).

²⁵⁵ Interview with Tariku (n 249).

²⁵⁶ Interview with Genet (192).

4.4 The role of stakeholders towards the full realization of the right to education of children with visual impairment in Addis Ababa

4.4.1 Addis Ababa Education bureau

As it is the bureau that regulates the overall realization of the right to education of CWVI in Addis Ababa, ensuring the realization of this right is the prime role it is vested with. If there is, for example, anybody that breaches the realization of this right, it is the bureau that would take administrative measures against that body.²⁵⁷ Thus, the bureau is working towards making accountable the school administration and other bodies in case where they interfere with the right to education of CWVI considering it as one of its role.

The bureau has also the role of creating awareness as regards the right to education of CWVI.²⁵⁸ The bureau is playing a vital role to change the negative attitude of the community towards CWVI in general and regarding their rights to education in particular. In raising awareness, the bureau has targeted the families of children, school administration and the community as a whole.

The bureau is also providing trainings to special needs experts including Braille.²⁵⁹ To fill the gap of special needs experts in the inclusive education resource centers, the special needs experts of the bureau are providing a scheduled braille training at the weekend. With such training, the bureau has been able to improve the braille knowledge of these experts.

It would have, however, been more productive had the training been also given to the regular teachers. Though the bureau has a future goal of doing the same, it is not currently providing the training to the regular teachers. Had the regular teachers been trained with basic braille knowledge, assessment related problem of the CWVI would have been solved, among others. Indeed, Ethiopia is obliged to provide trainings of such nature to the inclusive class room teachers by international instruments as stated before. The CRPD has obliged the state parties to train braille not only the teachers but the whole staff, who work at all level of education. In this

²⁵⁷ Interview with Daniel (n 173).

²⁵⁸ Ibid.

²⁵⁹ Ibid.

regard, the bureau is far from achieving what the country is committed in the convention and expected to play a significant role in future.

4.4.2 Ministry of education

The principal role of MOE is issuing directives, policies, strategies and standards.²⁶⁰ In issuing these, the MOE has included the issue of CWVI as one area of its concern. It has also issued specific strategies that guide stakeholders about the right to education of PWD in general and CWVI in particular. It has, for example, issued the SNE strategy and its revised one in an endeavor to realize the right to education of CWVI.

The other role is building the capacity of regions and the city administrations.²⁶¹ The ministry has currently established 200 support giving centers of which Addis Ababa takes its share.²⁶² With these centers, the ministry attempts to build the capacity of the city administration towards realizing the right to education of CWVI in the capital. Once established the center, the ministry also supports and follows them up.²⁶³ With its role of support and follow up, the ministry regulates whether the centers are properly working, whether they are fully furnished with the learning materials and stationeries, whether they have hired experts to ensure the quality of education, etc.²⁶⁴

These are the major roles that the ministry is expected to play towards ensuring the right to education of CWVI. The rest is the role of the city administration. The city administration has its own annual budget to ensure the same. The ministry, however, with the general education quality improvement program for equity provides 15,000 USD to each support giving resource center to buy the learning materials and stationaries with the details of the materials and its specifications.²⁶⁵ It is, therefore, the responsibility of the city administration to fill those resource centers with the specified materials.²⁶⁶

The ministry believes that an expansion of the support giving resource centers will ensure the accessibility and quality of education of the CWVI and it is why it is intensively working on

²⁶⁰ Interview with Alemayehu (n 170).

²⁶¹ Ibid.

²⁶² Ibid.

²⁶³ Ibid.

²⁶⁴ Ibid.

²⁶⁵ Ibid.

²⁶⁶ Ibid.

those centers.²⁶⁷ These resource centers are considered to be the better means for achieving the accessibility and quality of education of CWVI for the following reasons. First, the city administration will buy the learning material and stationeries and deposited it within the resource room of the centers. CWVI will easily make use of it taking out from there. Secondly, the awareness raising training will be given to all community of the school within those resource centers in general and to the teachers, Focusing on the pedagogy, a training entitled with “how to teach children with special educational needs in inclusive class room” in particular.²⁶⁸ Thus, the ministry in giving such and other related trainings will play a vital role to enhance the capacity of regular teachers so as to ensure the access of CWVI in getting a quality education.

4.4.3 Ethiopian national association for the blind

To start with, this association was initiated with a view to seeking answer to three basic questions that the then visually impaired (VI) were raising. These questions relate to the recognition of braille, provisions of food or the now stipend for VI students and the recognition of the right to employment of the group.²⁶⁹ From this we can understand that of the three basic questions that necessitated the establishment of the association, the first two were directly related to ensuring the right to education of VI. That being the case, one can conclude that the significant share of the works of the association, as of its establishment onwards, is ensuring the right to education of VI.

The roles that this association is playing are of direct and indirect nature. Directly, ENAB plays a role of importing learning materials and stationaries to the CWVI from abroad and distributing it to them with a relatively fair price.²⁷⁰ As stated before, the availability of learning materials and stationaries of CWVI is very low for the materials are imported from abroad. They are imported by stakeholders, one of which being ENAB. Such unavailability of the materials, indeed, makes it expensive in the market. ENAB is, therefore, playing a role of balancing such high price of the materials by distributing it with a relatively fair price and thereby, making it available.

²⁶⁷ Ibid.

²⁶⁸ Ibid.

²⁶⁹ Interview with Sultan (n 183).

²⁷⁰ Ibid.

In addition to distributing the materials with a fair price, it puts pressure on stakeholders including Addis Ababa education bureau and public schools in Addis Ababa to buy for CWVI since the latter are unable to afford for them.²⁷¹ Its effort bearing a fruit, it is currently estimated that close to 95 to 97% of the learning materials and stationaries of CWVI are being bought by such institutions.²⁷²

ENAB also transcribes text and reference books to braille in order to make them accessible to CWVI. Alternatively, it produces audio visual documents to those, who cannot read braille.²⁷³ Indeed, the beneficiaries of these documents are mostly the students of Addis Ababa. Though the association has been established having a countrywide reach, because of the inaccessibility of regions to the association and its products, the members of Addis Ababa remain to be the significant beneficiaries.

The association is also actively engaging in awareness raising campaigns regarding the right to education of CWVI in Addis Ababa.²⁷⁴ By organizing trainings in different levels, the association raises awareness of the community about the rights of CWVI. Among the rights that the association gives training on, education is the leading one.²⁷⁵

ENAB is also educating 50 CWVI of Addis Ababa by providing them a monthly stipend.²⁷⁶ These CWVI are enrolled in public elementary schools. Since they are found in a severe economic status, they will cover their monthly expenses including house rent, transportation and food by the stipend the association is providing them. Though there are lots of CWVI that require a similar support in Addis Ababa, the capacity of the association has allowed it to support only these, who are relatively found in severe economic condition.²⁷⁷

4.4.4 Ethiopian Human Rights Commission

There are certain roles that this commission is playing to ensure the rights of CWVI in general and education-related rights in particular. There were, for example, efforts to convert human

²⁷¹ Ibid.

²⁷² Ibid.

²⁷³ Ibid.

²⁷⁴ Interview with Gebre (n 216).

²⁷⁵ Ibid.

²⁷⁶ Ibid.

²⁷⁷ Ibid.

rights documents to braille in 2012 so as to enable the CWVI know their rights.²⁷⁸ It was, however, one time effort and the commission failed to persist with such activity. The commission is also working on making accessible the convention (CRPD) via audio and picture.

As stipulated in the establishing proclamation of the commission, one of its powers and duties is raising awareness of the public of the promotion and protection of human rights.²⁷⁹ In line with such duties, the commission has engaged in various awareness raising campaigns. The right to education being one of the human rights of CWVI, it is one of the major rights that the commission raises awareness on. Indeed, there were different forums of disability organized by the commission to raise awareness on the rights of CWVI including education.²⁸⁰

4.4.5 Ethiopian Ombudsman Institution

As it is clearly stipulated in the establishing proclamation, this institution is basically mandated to supervise the activities of the executive organ of the government.²⁸¹ In line with such mandate of the institution, it regulates and supervises the proper functioning of MOE. It accordingly assesses the accessibility of the schools to the CWVI.

The institution, for example, made an assessment of selected schools in Addis Ababa as to the extent to which they are accessible to CWVI.²⁸² In the said assessment, the institution found out that most of the schools are inaccessible to the CWVI. The schools did not furnish themselves with learning materials and stationaries of CWVI unless there are VI students enrolled therein. That is to say, there is a tendency of thinking about the provision of those materials after the CWVI have already enrolled in. Following such finding, the institution has recommended that the schools should prepare themselves even where there is no CWVI therein. They need to be accessible for the upcoming students. This report is sent to the Addis Ababa education bureau so that it should take the remedial measures.

Besides, the institution is engaged in the awareness raising campaign as to the right to education of CWVI. Though the focus of this institution is ensuring good governance, it is engaged in the

²⁷⁸ Interview with Mr. Kaleab Andarge, children, women, and disability expert, Ethiopian human rights commission, 13 November, 2019.

²⁷⁹ Ibid.

²⁸⁰ Ibid.

²⁸¹ Interview with Abera (n 218).

²⁸² Ibid.

awareness raising campaign of the right to education of CWVI for it believes failure to ensure the right to education of CWVI is one instance of lack of good governance.²⁸³ The institution held discussion with executive organs engaged in education sector on the right of education of CWVI in line with its supervisory mandate. It has a session of children, women and disability's good governance forum held annually with which the institution attempts to raise awareness on the rights of these groups including education.²⁸⁴

²⁸³ Ibid.

²⁸⁴ Ibid.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

This research has been undertaken to assess the realization of the right to education of CWVI in Addis Ababa. To this end, it looks into the quality and access of the education provided there to the group. Education, being the mother of all rights, is recognized in most of the international instruments to which Ethiopia is a party. Starting with the firm stipulation of article 26 of the UDHR, subsequent international human right instruments have provided the right to education to everyone. Indeed, the instruments have made primary education to be free and compulsory. Though, the general stipulation of the right to education to everyone in those instruments is equally applicable to CWVI, CRPD has more particularly and clearly has stipulated the right to education of CWVI.

Ethiopia, besides being a party to most of the international instruments including CRPD and committed to ensure the right to education of CWVI, has further committed to ensure the right in its policies and strategies. The ETP and SNE strategy with its revised version can be mentioned as clear instances of that endeavor. Generally, the Education Policy, Programs, and Strategies of Ethiopia recognize the right to education of everyone and with further commitment to provide special assistance to children with special needs including CWVI.

The policies and strategies are, however, short of implementation and are left on paper. The thesis accordingly concludes that access to education of CWVI is far from being achieved. Of the 217 public primary schools found in Addis Ababa, it is only 4 of them that relatively make themselves accessible to CWVI. There are multifold reasons for the low level of access to education of CWVI including lack of awareness, inadequate expert supply and training, low economic status and low level of government's attention towards the right to education of the group. For these and other reasons, the vast majority of CWVI in Addis Ababa are still out of reach of school.

Not only that CWVI are not enrolled in schools because of inaccessibility of schools in Addis Ababa but those students who are enrolled are not provided with quality education because of

shortage of learning materials and stationaries, backward assessment modality and challenges of class lecturing. Thus, the thesis concludes that CWVI in Addis Ababa do not have access to quality education and their right to education is at its very infant stage and far from being realized.

5.2 Recommendations

The following recommendations are drawn from this thesis. They appear in no particular priority order:

- ✓ Schools should be made accessible to enroll CWVI; It is necessary to increase inclusive and special schools to the maximum possible number so that CWVI be able to enroll in schools of their vicinities and thereby, tackle their economic problem, which currently stands as one reason impinging access to education of CWVI in Addis Ababa.
- ✓ The government, stakeholders and NGOs working on disability and education should actively engage in awareness raising campaigns of bringing CWVI to schools in line with art. 8 of CRPD; The awareness raising campaign should be directed to the school community as a whole, parents of CWVI (so that they will send their children to school), the society at large to tackle discrimination and stigma against CWVI in exercising their right to education. Besides, it is necessary to disseminate relevant provisions of ratified human rights treaties for families, communities, sector offices, school administration and teachers at all levels.
- ✓ Basic learning materials and stationaries that address the special needs of CWVI should be available in adequate manner in every school; It is important to equip the schools with these materials even where they have no CWVI enrolled. It is necessary to make the schools available for the upcoming students.
- ✓ The Government should increase a trained manpower on Special Need Education; In so doing, braille and other trainings should be given to the teachers and supporting staffs of schools as the country is committed in CRPD. It is necessary that the CWVI attend their education by the teachers trained in the unique needs of the former.
- ✓ The city administration should start to provide a special financial assistance to CWVI in line with the commitment of the country in international human right instruments; the city administration may provide the special financial assistance in the form of stipend like other exemplary regions including Oromia, Amhara and SNNPR.
- ✓ The government should enact a detailed policy and strategy; though the country has enacted policies and strategies providing for the right to education of everyone, they are not detailed enough to address the specific needs of CWVI. Hence, the policies and strategies should be designed in a manner taking into account the specific needs of PWD

in general and CWVI in particular. Accordingly, they have to be developed so as to guide stakeholders how to bring CWVI to school and what needs to be fulfilled in the school so as to maintain them therein. The government is not only expected to issue policies and strategies. But it is also required to employ the requisite human resource that works towards the implementation of same. Besides, it should also prepare mechanisms of accountability. When stakeholders and experts fail to live up with their obligation of ensuring the right to education of CWVI, they need to be made accountable for their failure.

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