

# **The Right to Education of Persons with Disabilities in Ethiopia: An Overview**

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## **Introduction**

The right to education is one of the internationally framed sets of human rights recognized by the international human rights instruments since the 1948 Universal Declaration of Human Rights (UDHR). The right to education thus recognized under the international human rights instruments has different status based on the levels of education. For instance, it is on the free and compulsory basis for the primary education while progressive free and compulsory for secondary education. It is on the other hand on the basis of merit for higher education. In addition, there are also issues related to pre-primary education and adult education. Hence, the international human rights instruments deal with the right to education in general and specific to the levels of education. Nonetheless, its implementation for persons with disabilities has remained controversial and staggering across nations. Hence, except few developments and considerations by the jurisprudence following the Convention on the Rights of the Child (CRC), disability was not upfront in the dealings of international human rights instruments on the right to education. As a result, attention began to be given since 1990s under the commitments of States within the United Nations Scientific and Cultural Organization (UNESCO) and culminated in the incorporation of the right to education of persons with disabilities in the binding international human rights instrument called the Convention on the Rights of Persons with Disabilities (CRPD).

One of the issues illumined in the discourse of the right to education of persons with disabilities is the philosophy of inclusion that comprises the right to learn in regular schools with the respect of the needs of persons with disabilities. Hence, the CRPD came up with the contents of the right to education that State parties shall ensure to establish effective inclusive education. Countries have also adopted various policy and legal measures to establish a meaningful inclusive education system. In this short article, therefore, the right to education of persons with disabilities will be discussed both at the international, regional and national levels to show its status in Ethiopia.

## **1. The Right to Education of Persons with Disabilities under the United Nations Educational Scientific and Cultural Organization (UNESCO).**

Under UNESCO, the issue of inclusiveness in education was first patronized by the 1990 world conference on education for all held at Jomtien, Thailand,<sup>1</sup> second by the 1994 Salamanca statement with the delegates representing 92 states and 25 international organizations,<sup>2</sup> third by the 2000 Dakar framework.<sup>3</sup> Fourth by the 2015 incheon declaration<sup>4</sup> and fifth by the 2019 Cali commitment.<sup>5</sup> In all these international policy documents, various states and international organizations expressed their commitments to implement inclusive education with the principle of education for all and by specifically dealing the need to propagate the inclusion of special needs children in the education system.

## **2. The Right to Education of Persons with Disabilities under the International Human Rights System**

Regarding the international human rights law, the right to education was recognized since the 1948 UDHR. Article 26 of the UDHR, article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and articles 28 and 29 of the Convention on the Rights of the Child (CRC) all recognize the right to education. The purpose of education stipulated in all of these instruments is to bring about the full development of the human personality and to strengthen the respect for human rights.<sup>6</sup> Also, regionally, article 17(1) of the African Charter on

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<sup>1</sup> See World Declaration on Education for All, Jomtien, Thailand (1990). Available at [https://bice.org/app/uploads/2014/10/unesco\\_world\\_declaration\\_on\\_education\\_for\\_all\\_jomtien\\_thailand.pdf](https://bice.org/app/uploads/2014/10/unesco_world_declaration_on_education_for_all_jomtien_thailand.pdf) accessed on 21/10/2021.

<sup>2</sup> See the Salamanca Statement and Framework for Action on Special Needs Education, UNESCO, (1994). Available at <https://unesdoc.unesco.org/ark:/48223/pf0000098427> accessed on 21/10/2021.

<sup>3</sup> See the Dakar Framework for Action, Dakar, Senegal, (2000). Available at <https://sustainabledevelopment.un.org/content/documents/1681Dakar%20Framework%20for%20Action.pdf> accessed on 21/10/2021.

<sup>4</sup> See UNESCO, Education 2030: Incheon Declaration and Framework for Action for the Implementation of Sustainable Development Goal 4: Ensure Inclusive and Equitable Quality Education and Promote Lifelong Learning Opportunities for All, (2016). Available at [http://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en\\_2.pdf](http://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf) Accessed on 21/10/2021.

<sup>5</sup> Cali Commitment to Equity and Inclusion in Education. Available at <https://unesdoc.unesco.org/ark:/48223/pf0000370910> Accessed on 21/10/2021.

<sup>6</sup> From the international human rights instruments, see Universal Declaration of Human Rights of 1948, article 26(1), International Covenant on Economic, Social and Cultural Rights of 1966, article 13(1) and Convention on the Rights of the Child of 1989, article 29(1)(a) and (b). A little bit unique of all, article 29(1)(a) of the CRC requires education of the child to be directed to “The development of the child's personality, talents and mental and physical abilities to their fullest potential.” Regionally, see African charter on the rights and welfare of the child of 1990, article 11(2)(a) and (b). In addition to the general purpose of education mentioned above, the charter also aspires African child to be directed towards the preservation of African morals, values and culture, assuming responsibilities to the community, the preservation of national independence and territorial integrity, promotion and achieving of African unity etc.

Human and Peoples' Rights (ACHPR) and article 11 of African Charter on the Rights and Welfare of the Child (ACRWC) affirm the right to education. On the other hand, though there are slight variations,<sup>7</sup> all the international and African human rights instruments enjoin States to establish compulsory and free primary education, introduce progressively free secondary education and create equally accessible higher education on the basis of merit. Nevertheless, particularly in the international human rights instruments, there was no explicit mention of students with disabilities in terms of their rights to education before the Convention on the Rights of Persons with Disabilities (CRPD). Moreover, except the CRC, no explicit mention of persons with disabilities as a status against which discrimination is prohibited was available in all prior CRPD international human rights instruments. Unique of the international human rights framework, however, the ACRWC takes cognizant of the rights to education of female, gifted and disadvantaged children, thereby calling States to take measures to ensure equal access to education for all sections of the community.<sup>8</sup>

In general, some authors argue that the right to education of persons with disabilities was first explicitly mentioned by the convention on the rights of the child (CRC).<sup>9</sup> However, in terms of having full-fledged binding documents, only the 2006 UNCRPD came up with a policy direction towards inclusive education specific to persons with disabilities.

Article 24 of the CRPD obliges States to take legislative and policy measures to respect the right to inclusive education of students with disabilities at all levels. Article 24(1), requiring States to ensure inclusive education on the basis of equality and non-discrimination, puts the purpose to be (a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity; (b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential; and (c) Enabling persons with disabilities to participate effectively in a free society.

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<sup>7</sup> Different from the UDHR and the ICESCR, article 28(1)(b) of CRC requires States to establish different forms of secondary education and to "make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need" instead of making them free progressively.

<sup>8</sup> African Charter on the Rights and Welfare of the Child, Art. 11(3)(e).

<sup>9</sup> Arlene S. Kanter Et al, The Right to Inclusive Education Under International Law: Following Italy's Lead, Journal of International Special Needs Education.

Then, the CRPD under article 24(2) and the following lists specific obligations imposed upon State parties related to the right to education of persons with disabilities. Article 24(2) has five educational measures imposing duties upon member States. The first one under article 24(2)(a) enjoins States to establish mainstream education instead of special education for students with disabilities and to avoid discriminations on the basis of disability in education. Moreover, article 24(2)(b) relates with the right of persons with disabilities to have access to inclusive and quality free primary education and secondary education on equal basis with others in the communities in which they live. On the other hand, measures specified under article 24(2)(c), (d) and (e) enjoin State parties to provide some sort of accommodations for students with disabilities. These include reasonable accommodation, general support measures and effective individualized support measures. Similarly, article 24(3) requires States to give attention for specific types of disabilities such as the blind, deaf and deaf-blind and to enable them learn life and social development skills to facilitate their full and equal participation in education and as members of the community. Article 24(4) of the CRPD also requires States to employ teachers, specially teachers with disabilities who would support students with disabilities. Finally, article 24(5) requires States to enable students with disabilities access tertiary education by fulfilling reasonable accommodations at higher education institutions. General comment no. 4 to article 24 of the CRPD expounds these measures.

### **3. The Concept of Inclusion in Education**

There is no an agreeable universal definition for the term inclusive education.<sup>10</sup> The CRPD by itself does not put any binding definition for the concept of inclusion in education. Nonetheless, the general comment No. 4 on article 24, made by the CRPD Committee, elaborates on the concept of inclusion in education. Different literatures also have tried to give definitions for the concept of inclusive education.

Furthermore, in one literature, for instance, inclusive education is understood to mean “the inclusion of persons with physical and mental impairments, such as sensory or mobility limitations, intellectual disabilities, learning disabilities, language disorders, behavior disorders and autism spectrum disorders.”<sup>11</sup> It is also understood to refer to an educational system designed

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<sup>10</sup> See for instance Suzanne R. Kirschner, *Inclusive Education*, (2015). Available at [https://www.researchgate.net/publication/293337563\\_Inclusive\\_Education](https://www.researchgate.net/publication/293337563_Inclusive_Education) Accessed on 27/07/2021.

<sup>11</sup> Ibid.

to ensure access for all groups that have been marginalized in society and in schools.<sup>12</sup> This understanding of the concept of inclusive education shows that inclusiveness comprises not only students with disabilities but also any disadvantaged section of the society owing to various factors. In this case, the purpose is to serve “as a means of achieving a more comprehensive form of social justice.”<sup>13</sup>

The general comment no. 4 on article 24 of the CRPD understands inclusive education, among others, as “A principle that values the well-being of all students, respects their inherent dignity and autonomy, and acknowledges individuals’ requirements and their ability to effectively be included in and contribute to society.”<sup>14</sup> The general comment on article 24 of the CRPD goes on to identify the differences of concepts such as exclusion, segregation, integration and inclusion and defines inclusion as it “involves a process of systemic reform embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and the environment that best corresponds to their requirements and preferences.”<sup>15</sup>

All the above definitions and elaborations on the concept of inclusive education reveal that the concept of inclusion leaves no one behind. It aims at including and addressing the needs of everyone who might otherwise be neglected by the existing educational setting. However, it must be noted that persons with disabilities are one of the major concerns of the concept of inclusive education as the CRPD that bolsters the enforcement of inclusive education policies and laws is meant for persons with disabilities. The CRPD is a binding international law while other declarations and conferences show the only political commitment of states towards inclusive education. Hence, inclusive education commitment addresses the needs of all who might be otherwise neglected by the education system but the inclusion of persons with disabilities within the education system is mandatorily required by the CRPD. To sum up, the right to education of persons with disabilities in the CRPD is anchored on the philosophy of inclusive education.

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<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> General Comment No. 4 on Article 24 of the CRPD, Para. 10(b).

<sup>15</sup> General Comment No. 4 on article 24 of the CRPD, Para. 11.

Noting the need to make it binding rights with respect to students with disabilities, the CRPD committee also included in its various concluding observations, that states shall ensure the adoption of legally enforceable right to inclusive education.<sup>16</sup> In its concluding observations to Australia, the CRPD committee expressed its concern that “students with disabilities continue to be placed in special schools and many of those who are in regular schools are largely confined to special classes or units.”<sup>17</sup> To Croatia, the CRPD committee recommended to establish “the principle that exclusionary and segregated education is discriminatory.”<sup>18</sup>

Therefore, it continued to be the concern of every state to put efforts for the realization of inclusive education by letting students to the regular schools. Even 12 years later than the adoption of the CRPD, in the global disability summit held in 2018, 17 national governments including Ethiopia committed to creating and implementing inclusive education sector policy and plans.<sup>19</sup> As part of the inclusive education flagship initiative, the international disability alliance (IDA\_ in 2020 noted that “children and youth with disabilities have often been overlooked in education policy or have been given access to education settings and programmes that do not provide them with the necessary skills and knowledge for adulthood.”<sup>20</sup> In its report, international disability alliance (IDA) emphasized the persistent policy misunderstanding as well as persistence of failed models of special education and calls for “Equitable access for all learners to existing education systems” to ensure actual inclusion.<sup>21</sup> Hence, it is possible to conclude, it continued to be the concern of the international community to deal with the concept of inclusion in education and to deal with the different models that may result in true inclusion of students with disabilities in education.

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<sup>16</sup> See for instance CRPD Committee, Concluding Observations in Ethiopia, para. 52, (2016).

<sup>17</sup> Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Australia, United Nations CRPD/C/AUS/CO/1, (2013).

<sup>18</sup> Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Croatia, United Nations CRPD/C/HRV/CO/1, para. 36, (2015).

<sup>19</sup> International Disability Alliance, Global Disability Summit – Summary of Commitments. Available at [https://www.internationaldisabilityalliance.org/sites/default/files/global-disability-summit-summary-commitments\\_2.pdf](https://www.internationaldisabilityalliance.org/sites/default/files/global-disability-summit-summary-commitments_2.pdf) Accessed on 25/04/2021.

<sup>20</sup> IDA Inclusive Education Report, (2020). Available at <https://www.internationaldisabilityalliance.org/ida-inclusive-education-2020> accessed on 04/07/2021.

<sup>21</sup> Ibid.



#### **4. The Right to Education of Persons with Disabilities under the African Human Rights Jurisprudence**

At the African level, as one article aptly said, “In 1981 when the African Charter was adopted, the concept of inclusive education had yet to crystalize into a right recognized in international human rights law”<sup>22</sup> and it is still not fully developed. Few guidelines developed later by the African commission on human rights do however reflect essences of inclusive education. For instance, the guideline on matters to be considered during reporting on the right to education pursuant to article 17(1) of the African charter on human and peoples’ rights requests state parties to incorporate in their reports the specific provisions they have made for the compulsory and free primary education for children with physical and mental disabilities.<sup>23</sup> The Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights has also elaborated article 17 of the African charter on human and people’s rights on the right to education and made it clear that states have obligations to ensure that all children have the right to enjoy compulsory and free primary education including disadvantaged and vulnerable children.<sup>24</sup> At the same time with these principles, the African commission on human and people’s rights adopted the Tunis state reporting guidelines that calls them to report what steps have been taken to ensure disadvantaged and vulnerable children have equal access to educational system.<sup>25</sup> More importantly, again, the resolution adopted on education in Africa recalls the prime objective of goal 4 of sustainable development goals to establish inclusive quality education and requires states “to ensure inclusive quality education on an equal basis with other members of their communities consistent with the goal of full.”<sup>26</sup>

In another African human rights instrument, the African charter on welfare of the child, article 11 is not clear whether its normative elements incorporate the right to inclusive education. However, the African children’s committee “has indicated on several occasions that inclusive

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<sup>22</sup> Japhet Biegon, Inclusive Education in the African Human Rights System, in Gauthier de Beco et al (Ed.) *The Right to Inclusive Education in International Human Rights Law*, 481 (2019).

<sup>23</sup> African Commission on Human and Peoples' Rights, *Guidelines for National Periodic Reporting* (1989) paras. 47.

<sup>24</sup> Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights, adopted at the forty-ninth ordinary session of the African Commission on Human and Peoples' Rights, Banjul, The Gambia, April 28-May 11, 2011, Para. 71(a).

<sup>25</sup> See State Party Reporting Guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (Tunis Reporting Guidelines), adopted at the at the forty-ninth ordinary session of the African Commission on Human and Peoples' Rights, Banjul, The Gambia, April 28-May 11, 2011.

<sup>26</sup> See Resolution on the Right to Education in Africa, ACHPR/Res. 346 (LVIII) 2016 (adopted at the fifty-eighth ordinary session of the African Commission on Human and Peoples' Rights, Banjul, The Gambia, April 6-20, 2016) the preamble and (i).

education is an ideal to which all African states should aspire.”<sup>27</sup> In the 2012 strategy for the promotion and protection of rights of the child, the African children committee emphasized the need for inclusive education. It calls for the transformation of mainstream schools to be more inclusive by providing properly trained and sensitized teachers, educational materials in accessible formats, assistive technologies and by making infrastructural adjustments; taking measures for regular attendance of children; to provide reasonable accommodations to enable equality of learning opportunities and early detection of disabilities.<sup>28</sup>

Whatever the case, the worth considering African human rights instrument, if secures the required signatures for entering into force, that will address the right to education of persons with disabilities is the African disability protocol (ADP) which is adopted January 31, 2019. Article 14 of the ADP recognizes the right to education of persons with disabilities and calls states to realize inclusive and quality education and training for persons with disabilities.<sup>29</sup> It also requires states to ensure inclusive and quality education for persons with disabilities by “providing reasonable, progressive and effective individualized support measures in environments that maximize academic and social development, consistent with the goal of full inclusion.”<sup>30</sup> The confusion is however that it is not clear what the position of the ADP is towards inclusive education and special education systems. On the one hand, as mentioned above, it calls for the realization of inclusive education. On the other hand, it also calls state parties to realize quality education for persons with disabilities by, among others, “ensuring appropriate schooling choices are available to persons with disabilities who may prefer to learn in particular environments.”<sup>31</sup> This denotes that the ADP is to the opinion that states shall also establish and make the special education system readily available for persons with disabilities if they choose.

## **5. The Right to Education in Ethiopia**

The response to the right to education of persons with disabilities with the advent of modern education in Ethiopia was through the special education setting. Literatures indicate that the

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<sup>27</sup> See Japhet Biegon above at 484.

<sup>28</sup> See in general African Committee of Experts on the Rights and Welfare of the Child, Strategy for Promoting and Protecting the Rights of Children with Disabilities in Africa (2012) para 6.4.

<sup>29</sup> Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disabilities in Africa Art. 14(3). Available at Accessed on 23/06/2021.

<sup>30</sup> Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disabilities in Africa Art. 14(3)(d). Available at Accessed on 23/06/2021.

<sup>31</sup> Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disabilities in Africa Art. 14(3)(e). Available at Accessed on 23/06/2021.

special education for students with disabilities began in 1925 with the opening of a school for the visually impaired at Dembidolo, Wellega by the foreign missionaries called the united Presbyterian mission of North America.<sup>32</sup> The united Presbyterian mission of North America also brought braille to teach the blind which takes the introduction of braille to Ethiopia as old as the 1925 the date for the opening of the school for the blind at Dembidolo.<sup>33</sup> Again, in 1956 and 1959, special schools for the deaf were established by the American and other missionaries.<sup>34</sup> In those days, the special schools for persons with disabilities were not only set up and controlled by philanthropic organizations but also had a separate curriculum from the regular public schools.<sup>35</sup> The emphasis of those special schools for the blind and for the deaf was vocational skills.<sup>36</sup>

Then, in terms of public policy response for the right to education of persons with disabilities, for the first time in history, only the 1994 education and training policy of Ethiopia put one of its objectives to enable both the handicapped and gifted learn in accordance with their potential and needs.<sup>37</sup> Thereafter, Ethiopia adopted the 2006 special needs education strategy for the first time to mention the need for inclusion in education of persons with disabilities. This strategy was revised in 2012 and again Ethiopia adopted the 2016-2025 master plan of special needs/inclusive education.<sup>38</sup> Since then, Ethiopia had undertaken several measures to practically ensure the right to education of persons with disabilities.

Currently, in Ethiopia, there are three types of schools to accommodate persons with disabilities in education. These are special schools, special units within regular schools and inclusive schools.<sup>39</sup> Special schools are of two type, day time and boarding schools. These special schools teach up to grade 8 and students with disabilities are expected to join the regular schools from grade 9-12. Special units are attached to regular schools and students within these units are expected to meet other students with disabilities during break times. Finally, inclusive schools

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<sup>32</sup> Zelalem Temesgen, The Journey of Special Needs Education in Ethiopia: An overview, Journal of Education and Practice, Vol. 5 No. 27 (2014) p. 83-84.

<sup>33</sup> Id. p. 84

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> The Federal Democratic Republic of Ethiopia, Education and Training Policy, para. 2.2.3 (1994).

<sup>38</sup> See UNESCO, Ethiopia Inclusion Education Profile. Available at <https://education-profiles.org/sub-saharan-africa/ethiopia/~inclusion> Accessed on 24/10/2021.

<sup>39</sup> Ibid.

teach students with disabilities together with students without disabilities in regular schools. Under this type, 7,532 schools are categorized in clusters for the sake of sharing resources to teach students with disabilities. But, among them, only 213 (2.9%) have established inclusive education resource centers where inclusive education seems to be better practiced.<sup>40</sup>

The overall assessment on the efforts of the Ethiopian government towards inclusive education is however characterized by absence of laws for the enforcement of inclusive education, poor accessible infrastructure, unidentified budget, under resourced of educational materials, curriculum rigidity (lack of curriculum adaptation), small number of experts assigned and low enrollment rate of students with disabilities.<sup>41</sup> Ethiopia has only policy, strategies, programs and guidelines instead of regulations that cater for judicial enforcement.<sup>42</sup> These strategies and guidelines specific to special needs/inclusive education include the 2012 special needs/inclusive education strategy, the 2016-2025 master plan, guideline for curriculum differentiation and individual educational program, guideline for establishing and managing inclusive education resource support centers, the guideline of special needs/inclusive education communication activities implementation, and the guideline for curriculum adaptation.<sup>43</sup> However, as the special needs education department at the ministry of education has no mandates to take measures and to ensure the uniform application of these policy documents, their effective implementation is not yet secured. Despite these guidelines, the practice of the implementation of inclusive education seems thus far below the expectation.

### **5.1. Gaps on the Right to Education of Persons with Disabilities in Ethiopia**

As discussed above, it has been already around 15 years since the first special needs education/inclusive education strategy started implementation in Ethiopia. However, various empirical assessments on the subject matter and desk reviews of the policy and legal measures by the Ethiopian government reveal the following gaps:

- Absence of clear policy coverage on inclusive education: the 1994 education and training policy puts one objective that considers the educational needs of persons with disabilities.

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<sup>40</sup> Ibid.

<sup>41</sup> See *ibid.*

<sup>42</sup> See *Ibid.*

<sup>43</sup> See the Ministry of Education Ethiopia, Publication Documents. Available at <http://www.moe.gov.et/Publication> Accessed on 23/10/2021.

Nonetheless, it is in line with special education philosophy which is against the spirit of the CRPD. It does not give full attention to all educational rights of persons with disabilities and cannot be labeled as effective policy measure towards the right to education of persons with disabilities.

- Absence of binding inclusive education laws: - One of the pillars of the 2016-2025 master plan on special needs education/inclusive education was to adopt inclusive education proclamation. So far, Ethiopia do not have either general education law that properly mainstreams the rights to education of persons with disabilities or special inclusive education law to that effect. Though the ministry of education had prepared draft general education proclamation, the special needs education department, let alone associations of persons with disabilities, was not consulted on how to include concerns of students with disabilities. The draft general education law incorporates a chapter on special needs education.<sup>44</sup> Students with special needs education, pursuant to the draft proclamation, include students with learning difficulties, physical impairment, hearing impairment, visual impairment, communication barriers, autistic students, those with multiple disabilities and gifted students.<sup>45</sup> However, the draft proclamation does not put reasonable accommodations, complaint procedures and redress mechanisms other than sweepingly prohibiting discriminations based on disability in education and vowing that the government extends appropriate support for students with special needs of any general educational level.<sup>46</sup> The draft proclamation leaves substantive rights of inclusive education of students with disabilities such as the determination of reasonable accommodations in education, curriculum adaptation, and access to quality education aside to be determined by the minister of education through regulations and directives.<sup>47</sup> Hence, currently, the only existing laws are related to the administration of the higher education institutions and vocational and technical education and training institutions. Though these proclamations do contain few provisions concerning disability, they do not follow a human right-based approach and are not that much enforceable before the judiciary.

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<sup>44</sup> Federal Democratic Republic of Ethiopia, General Education Proclamation, Draft, Available with the writer.

<sup>45</sup> Ibid. Art. 76(3).

<sup>46</sup> See Ibid. Art. 76(4) and Art. 77(1).

<sup>47</sup> Ibid. Art. 77(2).

- Confusion between Special education and inclusive education: - It is clear from the policy documents of Ethiopia on education that it aligns itself with the policy direction of the UNCRPD in that it seeks to close special schools for persons with disabilities in the long run. Its direction is towards inclusive education setting. Based on the information the writer of this article found in an empirical assessment which this writer conducted, the special needs education team of the ministry of education opine that Ethiopia chose the moderate inclusive education model in contrast to the radicalisms, to use resources of special schools to support regular schools develop effective inclusive education. In addition, the team leader explained that Ethiopia adopted the inclusive education strategy to align its policies to the international instruments and not to let children with disabilities face psychological and other social problems by taking them away from their family. Nonetheless, the reading of the national plan of action on education and the 2026-2025 master plan on special needs education/inclusive education and information from the special needs education team of the ministry of education reveal that there are still special schools and special units within regular schools that are providing education for persons with disabilities. Whatever the case, the Ethiopian government, even though is not opening new one, is not closing special schools since the launch of the inclusive education strategy except one founded by the missionaries and closed by the Tigrian government for the reason that it is against the policy of Ethiopia. On the other hand, Opinion of associations of persons with disabilities in this regard looks that special schools are more beneficial for persons with disabilities given the practical context of Ethiopia. In the current inclusive education setting, the deaf are not getting sign language interpreters in the regular schools, the blind are not learning braille with the competent teachers, persons with intellectual disabilities are not even progressing from grade to grade etc. Thus, they prefer special schools that potentially fulfill all their needs. Practically, parents of children of these types of disabilities also prefer to send their children to the special schools. As a result, it would have been better had the special needs education team within the ministry of education conducted an assessment as to which model of inclusive education would have best addressed the needs of persons with disabilities in education given the context of Ethiopia. Unfortunately, however, though the national plan of action on disability affairs had promised to do so, it has not yet made

a research on the question. Moreover, even though the 2012 special needs education/inclusive education strategy shows that exceptionally children with severe physical, intellectual, autistic, deaf-blind etc. disabilities must be served in special schools and/or special classes, it does not have implementation guidelines.

- Lack of institutional structure and commitment on behalf of the top management of the Ministry of Education: Currently there are only 2 special needs education experts within the special needs education department of the ministry of education. These experts are expected to design inclusive education policies, follow up the implementation thereof, make researches, give advice etc. based on the information from the special needs education team in the ministry, though only 2 regions have assigned up to 5 special needs education experts in their educational bureaus, most regions even do not have special needs experts permanently assigned to follow up the special needs education implementation. Even the big regions have still only focal persons instead of organizing the special needs education department. It shows that the top management in the Ministry of Education did not give much attention to the rights of education of persons with disabilities.
- Absence of appropriate and sufficient special needs education teachers: - The current curriculum of the special needs education department in the universities produce man power that is presumably capable of teaching all types of disabilities. Hence, all graduates take courses appealing to each type of disability and on the general concepts. However, some types of disabilities such as the blind, the deaf, the deaf-blind and intellectual disabilities need experts who specialize on the deaf, on the blind, on intellectual disability and so on. Unfortunately, however, practical observations and outlets from associations of persons with disabilities that represent these types of disabilities reveal that special needs education experts are not even capable of teaching braille, communicating with the Ethiopian sign language, and communicating with children with intellectual disabilities. The special needs education team leader within the ministry of education agree that the quality of education is currently below standard. There is no an exception to the special needs education teachers. Hence, owing to different factors, let alone special needs education, the whole education system has fallen. Whatever the case, he opines that the curriculum of special needs education shall be

revised so that the system can produce different specializations to support specific types of disabilities.

- Low enrollment rate: The 2020-2021 annual abstract on education statistics by the ministry of education has reported that the enrollment rate of persons with disabilities from pre-primary to secondary education levels is respectively 1.7%, 8.0% and 2.5%. This figure, except the case of pre-primary education, is by far lower than the previous 2019-2020 educational statistics. This tells that still significant number of school age persons with disabilities are out of schools or do not have access to education.
- Access to education: Some types of disabilities are totally denied access to some subjects and courses even if they are admitted to the school or university. This is the case mainly for the blind and the deaf. The blind is not allowed to be enrolled to mathematics related and natural science fields in the universities. The deaf usually enroll to Ethiopian sign language and the deaf culture department and the special needs education department for lack of sign language interpreters in all other fields whereas the blind usually join law, language studies and few social science fields such as history, sociology and social work.<sup>48</sup> Some types of disabilities like the deaf-blind and intellectual disabilities are not even allowed to have access to education as they do not pass from grade to grade and as there are no appropriate means of communication to teach them.
- Under resource of inclusive educational needs: - even though the policy documents on inclusive education list down materials that should be available in the resource centers, practically speaking, they are not equipped with the necessary educational materials that are relevant for students with different types of disabilities. Currently, based on the information from the special needs education department of the ministry of education, there are around 834 resource centers country wide to support students with disabilities 500 of which are established with the direct financial support of General Education Quality Improvement Program (GEQIP) while the remaining are supported by the government budget. However, practical assessment of these resource centers reveal that

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<sup>48</sup> See for instance Yilkal Hassabie and Aschalew Ashagre, Inclusion of Deaf and Blind Students at Addis Ababa University, Addis Ababa University Center for Human Rights, The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) Project (December, 2020) Unpublished.



most of them are empty of the required resources.<sup>49</sup> In addition, even to the existing resources, the policy documents are not clear enough on what basis and at what time they should be distributed for students with disabilities. Some of the resources are for personal use while some other are for the general use within the resource centers. Hence, there should exist a guideline on how to distribute resources for personal use and how to organize resources for general use by students with disabilities.

- Lack of sufficient and quality support persons in the schools: It is good that there are efforts to assign special needs education experts and Ethiopian sign language interpreters in schools. However, the information from an empirical research conducted show that there are serious challenges related to support persons to enable students with disabilities attend education properly. There are no tactile language interpreters in the schools. Most people confuse deafblind children with the deaf children or with blind children. Therefore, there are no measures to accommodate deafblind children at all. There are few efforts to assign Ethiopian sign language interpreters, however, they do not have knowhow on the subject matter they are translating so that they do not properly translate terms and jargons specific to that subject. Sign language interpreters shall have also expertise on the subject they are translating. On the other hand, special needs education teachers assigned to the classes of children with intellectual disabilities are not well trained on how to train such children. Hence, they are not progressing from grade to grade. Moreover, the teachers-students' ratio is currently around 1 to 35 which is too high to closely follow up the progress of each child with intellectual disability.<sup>50</sup>
- Lack of accessible infrastructure: Another challenge or gap related to the right to education of persons with disabilities is the inaccessibility of the infrastructure. Challenges that persons with physical disabilities face in education relates to the physical accessibility of school compound and buildings. Chairs and desks in the classrooms are not considerate of the needs of children with intellectual disabilities. However, various

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<sup>49</sup> See for instance Yilkal Hassabie and Belayneh Berhanu, *Inclusive Education at the Primary Education Level for Children with Disabilities, the Case of Anbo and Hawasa*, Addis Ababa University Center for Human Rights, Project Strace (August, 2020) unpublished.

<sup>50</sup> Ibid.

observations and researches identify that there are serious physical inaccessibility both within the schools/universities and on the way to them.<sup>51</sup>

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<sup>51</sup> Belay Tefera et al, "Education of Children with Special Needs in Ethiopia: Analysis of the Rhetoric of "Education for All" and the Reality on the Ground" (2015). Available at [https://www.researchgate.net/publication/320584887\\_Education\\_of\\_Children\\_with\\_Special\\_Needs\\_in\\_Ethiopia\\_An\\_alysis\\_of\\_the\\_Rhetoric\\_of\\_Education\\_For\\_All\\_and\\_the\\_Reality\\_on\\_the\\_Ground](https://www.researchgate.net/publication/320584887_Education_of_Children_with_Special_Needs_in_Ethiopia_An_alysis_of_the_Rhetoric_of_Education_For_All_and_the_Reality_on_the_Ground) accessed on July 08 2022.