



**Centre for
Human Rights**
UNIVERSITY OF PRETORIA

**ACCESS TO TERTIARY EDUCATION FOR PERSONS WITH DISABILITIES IN
SIERRA LEONE: THE IMPLICATIONS OF POLICY AND PRACTICE**

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Philosophy in Human Rights and Democratisation in Africa at the Faculty
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DEDICATION

I dedicate this work to my father (Jonathan Joseph Greene), my sisters (Josephine B Greene and Juliette B Greene), and my beloved daughter (Lynette F Kamara), for their unconditional love and unwavering support. You have taught me to dream without limits and believe in myself– I am eternally grateful.

IN MEMORY OF MY BELOVED MOTHER

LATE MRS LYNETTE THEODORA BABY-ANNE GREENE

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ACRONYMS AND ABBREVIATIONS

ACRWC	African Charter on the Rights and Welfare of the Child
AU	African Union
ACHPR	African Commission on Human and Peoples' Rights
Committee	African Committee of Experts on the Rights and Welfare of the Child
CRC	United Nations Convention on the Rights of the Child
CRPD	United Nations Convention on the Rights of Persons with Disabilities
CRPD Committee	Committee on the Rights of Persons with Disabilities
CSO	Civil Society Organisation
COMAHS	College of Medicine and Allied Health Sciences
ESCR	Economic Social Cultural Rights
ESP	Education Sector Plan
FBC	Fourah Bay College
GDP	Gross Domestic Product
GEM	Global Education Monitoring
HEI	Higher Education Institution
IPAM	Institute of Public Administration and Management
ICT	Information, Communication and Technology
IEC	Information Education Communication
INDS	Integrated National Disability Strategy
JSS	Junior Secondary School
KICD	Kenya Institute of Curriculum Development
LURITS	Learner Unit Record Information and Tracking System
MoE	Ministry of Education
MDA	Ministries Department Agencies
MBSSE	Ministry of Basic and Senior Secondary Education
MTNDP	Medium Term National Development Plan
NCESS	National Committee for Education Support Service
NCSNET	National Commission on Special Needs in Education and Training
NDP	National Development Plan

NGO	Non-governmental organisation
PWD	Persons with Disabilities
SDG	Sustainable Development Goals
SSS	Senior Secondary School
SAC	Salvation Army Church
SIAS	Screening Identification Assessment and Support
SNE	Special Needs Education
SPIE	Sector Policy on Inclusive Education
SPLTD	Sector Policy for Learners and Trainees with Disabilities
TEC	Tertiary Education Commission
UP	University of Pretoria
UNESCO	United Nations Educational, Scientific and Cultural
UNESCO CADE	UNESCO Convention against Discrimination in Education
WASSCE	West African Senior School Certificate of Education

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1. INTRODUCTION

1.1 Background

In Sierra Leone, there has been an increase in the number of persons with disabilities due to eleven (11) years of civil war and one of the most salient effects was the high proportion of amputees due to the war, hacking off the limbs of civilians was the trademark of the rebel groups.¹ The 2015 Sierra Leone Population and Housing Census report provides analysis of the level of disability in the country.² Out of a total population of 7 076 119 people in the country, 93 129 are persons with disabilities, which represents 1.3 per cent of the country's total population. Sierra Leone was faced with the unpleasant circumstance of the civil war, making it a persistently underdeveloped country. More than 70% of the people are considered to be poor and are mostly concentrated in the rural, semi-rural areas outside of the capital, Freetown. The rural areas record 62 380 persons with disabilities which is 67 percent of the total number of persons with disabilities in the country.³

After the civil war, which officially ended in 2002 through the signing of the Lomé Peace Accords,⁴ there were also numerous negative effects on the education system. This includes the devastation of school infrastructure, severe teaching materials shortages, overcrowding in many schools in safer areas, the relocation of teachers, the delay in paying their salaries, regular school disruptions, children disorientation and psychological trauma, poor learning outcomes, and weakened institutional capacity to manage the system.⁵

Like other developing countries, Sierra Leone is struggling to address the needs, welfare, dignity, and rights of persons with disabilities, which has led to significant exclusion in the educational system. However, one of the recent improvements in increasing access to education for persons with disabilities is the newly enacted 'Basic & Senior Secondary Education Act of 2023', which emphasises that government schools and private schools

¹ B Maria; *Disability as embodied memory? Question of Identity for the Amputees of Sierra Leone* (2017).

² 'Sierra Leone 2015 Population and Housing Census 'Thematic Report on Disability'
<https://sierraleone.unfpa.org/sites/default/files/pub-pdf/Disability%20Report.pdf> (accessed 5 July 2023).

³ As above (n -1).

⁴ <https://peacemaker.un.org/sierraleone-lome-agreement99> (accessed 5 April 2023).

⁵ Right to Education Project 'Right to education in Sierra Leone: A brief fact sheet' (2016).

should be made inclusive by ensuring that all classrooms and facilities are accessible to all categories of learners.⁶

Furthermore, there have been considerable improvements made to the legislations governing basic and secondary school education to address the exclusion of individuals with disabilities through the radical inclusion policy and the enactment of the Basic Secondary School Act.⁷ If these changes are properly implemented, they will have a good impact on the development of an inclusive academic system. However, no recent changes have been made to improve the tertiary education legislation to adequately accommodate persons with disabilities.

As defined by the Education Act of 2004,⁸ one can only be admitted to higher or tertiary education in Sierra Leone after successfully completing their secondary school with a good West African Senior School Certificate of Education (WASSCE) with the minimum of five subjects as entry requirement. In accordance with the Universities Act of 2005, the University of Sierra Leone is made up of three colleges: Fourah Bay College (FBC), College of Medicine and Allied Health Sciences (COMAHS), and Institute of Public Administration and Management (IPAM).⁹

This study uses FBC as a case study to examine the institutional management policies, considering it is the leading tertiary educational institution in the country with the highest number of faculties, academic staff, and students. In terms of courses, as well as curriculum and institutional modifications, FBC has subsequently seen a significant amount of evolution. In 2000, FBC updated and improved its prior evaluation system, and introduced the Semester Scheme which gave birth to the modular system within the university structure.¹⁰ FBC comprises seven faculties: the Faculty of Arts, the Faculty of Engineering and Architecture, the Faculty of Pure and Applied Sciences, the Faculty of Social Sciences, the Faculty of Law, the Faculty of Economics & Development Studies, and the Faculty of Communication, Media & Information Studies.¹¹

⁶ 'Parliament Passes the Basic & Senior Secondary Education Act, 2023' <https://sierraloaded.sl/news/parliament-passes-basic-education-act-2023/> (accessed 26 April 2023).

⁷ MBSSE, 'National Policy on Radical Inclusion in Schools', 5 <https://mbsse.gov.sl/wpcontent/uploads/2021/04/RadicalInclusion-Policy.pdf> (accessed 13 October, 2023).

⁸ 'The Education Act, 2004' <http://www.sierra-leone.org/Laws/2004-2p.pdf> sec 10 (accessed 26 April 2023).

⁹ 'Republic of Sierra Leone Higher and Tertiary Education Sector Policy Note' <file:///C:/Users/User/Downloads/ACS43930PNT0P10x0379833B00PUBLIC00.pdf> 10 (accessed 16 July 2023).

¹⁰ 'University of Sierra Leone' <https://usl.edu.sl/about/> (accessed 16 July 2023).

¹¹ 'The Universities Act, 2021' <https://www.parliament.gov.sl/uploads/acts/THE%20UNIVERSITIE%20ACT,%202021.pdf> (accessed 16 July 2023).

It is against this background that this research will assess the higher educational policies, institutional management plan, teaching, and learning mechanisms for higher academic systems toward the realisation of the right to education for persons with disabilities in Sierra Leone. It will also examine the extent to which the policies have improved or hindered access to education for persons with disabilities at the tertiary level. The research highlights the challenges faced by persons with disabilities to enjoy access to the right to education in the country, and how these challenges could be addressed.

1.2 Problem Statement

In Sierra Leone, there is a low level of graduates and a high level of unemployment among persons with disabilities due to the fact that many of them are not educated up to the tertiary level. According to Sierra Leone's 2015 Population and Housing Census,¹² in terms of schooling, out of the 92 076 persons with disabilities over the age of three, 57 794 (63%) never attended school while 34 282 (37%) attended school.

The research study continues by displaying the percentage distribution of persons with disabilities by level of education. While 63% of persons with disabilities have never attended school, 24% have completed a basic education (16% in primary school and 8% in junior high school), 6.4% have finished senior high school, 1.9% have completed a technical or vocational programme, such as nursing or teaching degree, and 1.6% have completed Koranic course. Less than 1% of persons with disabilities attend all other educational levels, such as college and graduate school, and 2% of persons with disabilities were unclear about whether they attended school or not. This data demonstrates how difficult it is for persons with disabilities to continue their education beyond the basic level. From senior school to tertiary level of education, the enrollment process rapidly decreases.

In terms of work, the study shows that only 1.8% of persons with disabilities have jobs. Males with disabilities make up 58.6% of the employed population, a somewhat greater percentage than the female population (54%), which accounts for 54% of the disabled population. When it comes to employment, the majority of persons with disabilities work in the agricultural and fishing industries (70.3% of women and 66.8% of men); crop farming employs 37.8% of men and 28.4% of women with disabilities.

¹² Maria (n-1).

This reflects that there is a low level of formal employment among persons with disabilities in Sierra Leone as compared to the informal system of employment, due to the fact that most of them are not exposed to a formal system of education, and also because some of them did not pursue their studies up to the tertiary level which is the highest level of education to be employed into a formal system of employment in the country. Therefore, this research study seeks to address the problem of exclusion of students with disabilities in higher education within Sierra Leone.

1.3 Research Objectives

The main objective of this research is to critically analyse whether the policies of institutions of higher education cater for persons with disabilities in the educational system. I also seek to know whether the level of inclusivity meets the standards of the Convention of the Rights of Persons with Disability (CRPD) and other international instruments for the full enjoyment of their rights to education. This research leans towards flagging out the extent to which the National Persons with Disability Act 2011 has been implemented and also seeks to unpack whether tertiary education has accommodated persons with disabilities in achieving their essential right to education in Sierra Leone. Thus, the specific objectives of the proposed study include:

1. To critically assess whether the policies of tertiary education enable persons with disabilities to access their right to education at higher/ tertiary level.
2. To examine whether the level of inclusivity is according to the international standard of realising an inclusive education.
3. To provide recommendations that should be realised in enhancing inclusive education policies that can accommodate persons with disabilities in the higher academic system.

1.4 Research Questions

The main research question is: how can the right to education for learners with disabilities be realised at the tertiary level in Sierra Leone?

Complementing this leading question, there are other sub-questions to which this study would provide answers, and they include:

- a) To what extent do policy, institution management, teaching, and learning strategies affect or aid the development of inclusive higher education in Sierra Leone?
- b) Are the policies and Institutional strategic plans of higher institutions related to the international standard of realising inclusive education for persons with disabilities?
- c) What are the challenges and ways forward for the inclusion of students with disabilities in tertiary education in Sierra Leone?

1.5 Methodology

The study applies desktop-based research to gain a comprehensive understanding of the subject matter in order to develop an appropriate strategy and theoretical foundation. The research will examine existing qualitative literature such as journal articles, books, and reports that deal with inclusive higher education for persons with disabilities. The research will employ rich academic views through primary sources ranging from the African human rights system, international instruments, and national frameworks that protect the right to education for persons with disabilities.

Desktop research is considered appropriate because it is the fastest way to obtain data, with credible background insights. It also adds context and in-depth primary research findings to my research considering that the researcher will be analysing documents. Despite the fact that it might be hard to find the right information needed for the research, the researcher has already located possible sources where the data needed can be retrieved.

The study will focus on FBC as the case study, as it is one of the first established and leading Universities in Sierra Leone, and has the largest number of students, staff, and academic staff in order to provide a comprehensive analysis of the situation of students with disabilities. The study will use an analytical framework to understand inclusive higher education as a (i) National policy problem, (ii) Institutional management problem, and (iii) teaching and learning problem.

1.6 Literature Review

According to studies, students with various learning disabilities encounter numerous barriers to higher education. As a result, institutions view students' participation in higher education as a key concern. This study will categorise its literature review into the three analytical perspectives that would be used to evaluate the barriers to students with disabilities in Sierra Leone such as 1) National higher education policies as a challenge to inclusive higher education; 2) Institutional management issue as a problem to inclusive higher education; and 3) Teaching and learning method as a problem to inclusive higher education.

The first category of literature represents the experiences of students with disabilities in Norway that were identified in relation to inclusive policy objectives and the difficulties in putting them into practice.¹³ The study came to the conclusion that because an inclusive policy has greatly impacted students with disabilities, such efforts must be properly coordinated, and institutions should ensure to offer ongoing support to such students. In other words, an inclusive higher education strategy cannot be successful as a disconnected variable. Similar to this, in an effort to comprehend effective strategies for inclusive higher education policy, it was argued that despite policy interventions, students with disabilities still face a variety of obstacles to pursuing higher education.¹⁴ Furthermore, other research pointed to the necessity of a customised inclusive policy framework to direct higher education institutions to properly accommodate the needs of students with disabilities.¹⁵

The second category of literature highlights a number of barriers to participation and access for students with disabilities in higher education, such as lack of tuition waivers, additional services, dormitories, and transportation. M Fuller *et al* addressed how the higher education setting can use both structural and value-driven strategies to guarantee that students with disabilities are fully included.¹⁶ It ends by suggesting further research on institutional culture in order to advance inclusive higher education. In contrast to general physical access to higher education, there are unique emotional barriers faced by persons with disabilities in

¹³ S Brandt 'From Policy to Practice in Higher Education: The experiences of disabled students in Norway' (2011) 58(2) *International Journal of Disability, Development, and Education* 107–120 <https://doi.org/10.1080/1034912 X.2011.570494> (accessed 16 July 2023).

¹⁴ O Mutanga & M Walker 'Towards a Disability-inclusive Higher Education Policy through the Capabilities Approach' (2015) 16(4) *Journal of Human Development and Capabilities* 501–517. <https://doi.org/10.1080/194528 29.20 15.1101410> (accessed 16 July 2023).

¹⁵ M Ramaahlo; KM Tönsing & J Bornman 'Inclusive education policy provision in South African research universities' (2018) 33(3) *Disability & Society* 349–373. <https://doi.org/10.1080/09687599.2018.1423954> (accessed 16 July 2023).

¹⁶ M Fuller *et al* 'Incorporating disabled students within an inclusive higher education environment'(2004)19(5) *Disability & Society* 455–468. <https://doi.org/10.1080/0968759042000235307> (accessed 16 July 2023).

higher education that affect their education.¹⁷ They point out the lack of access in higher education increased the conceptualizations of students with special needs and so they advocate the necessity for a shared understanding. Additionally, there were investigations on how the needs of enrolled students with chronic illnesses are served and how this process might be enhanced in the broader context of higher education.¹⁸

The third category of literature deals with barriers. J Ryan & J Struhs looked out for students with physical or sensory disabilities and assessed their prospects in higher education generally and in particular fields of study.¹⁹ In addition, EJ Kochung also examined barriers to teaching and learning.²⁰ He said these barriers include the teachers' use of ineffective teaching methods, unfavourable attitudes from academic staff and other students, the compulsory assessment strategy of formal exams, and the promotion of content-based instruction. Furthermore, in a study done by Kioko and Makoelle (2014),²¹ they pointed to varied learning experiences of college students with exceptional needs. Their research underlined the necessity to stop using formal examination systems and restrictive curricula as they hinder inclusive teaching and learning.

According to Moria (2017),²² while ongoing attention to inclusion in higher education may have removed the immediate physical barriers, higher education institutions have been unable to address issues with the absence of inclusive curricula, formal teaching, learning, and assessment approaches, which prevents students with disabilities from participating fully. Additional research by Bunbury (2018),²³ emphasised the need of developing inclusive curricula to alter attitudes and foster sustainable inclusion in higher education.

¹⁷ J Hanafin; M Shevlin; M Kenny & EM Neela 'Including young people with disabilities: Assessment challenges in higher education' (2007) 54(3) *Higher Education Research & Development* 435–448. <https://doi.org/10.1007/s10734-006-9005-9> (accessed 16 July 2023).

¹⁸ K Hughes; T Corcoran & R Slee 'Health-inclusive higher education: Listening to students with disabilities or chronic illnesses' (2016) 35(3) *Higher Education Research & Development* 488–501 <https://doi.org/10.1080/07294360.2015.1107885> (accessed 16 July 2023).

¹⁹ J Ryan & J Struhs 'University education for all? Barriers to full inclusion of students with disabilities in Australian universities' (2004) 8(1) *International Journal of Inclusive Education* 73–90. <https://doi.org/10.1080/1360311032000139421> (accessed 17 July 2023).

²⁰ EJ Kochung 'Role of Higher Education in Promoting Inclusive Education: Kenyan Perspective' (2011) 2(3) *Journal of Emerging Trends in Educational Research and Policy Studies* 144–149. <https://www.semantic scholar.org/author/E.-Kochung/95218063> (accessed 17 July 2023).

²¹ VK Kioko & TM Makoelle 'Inclusion in Higher Education: Learning Experiences of Disabled Students at Winchester University' (2014) 7(6) *International Education Studies* 106–116 <https://www.ccsenet.org/journal/index.php/ies/article/view/37419> (accessed 17 July 2023).

²² A Moria 'Inclusive education in higher education: Challenges and opportunities' (2017) 32 *European Journal of Special Needs Education* 3–17. <https://www.tandfonline.com/doi/full/10.1080/08856257.2016.1254964> (accessed 17 July 2023).

²³ S Bunbury 'Disability in higher education – Do reasonable adjustments contribute to an inclusive curriculum?' (2018) 24(9) *International Journal of Inclusive Education* 964–979 <https://www.tandfonline.com/doi/full/10.1080/13603116.2018.1503347> (accessed 17 July 2023).

As was already mentioned, the literature affirms that students with disabilities face a variety of obstacles to pursuing higher education. These obstacles range from physical to those related to rigid curricula, inappropriate teaching and assessment practices, poor support or a lack of facilitation services within the university, to a lack of funding for additional support. However, according to Brandt (2011),²⁴ the material that is already available is dispersed, which prevents researchers from doing studies that can amply demonstrate and change the current circumstance for students with disabilities. In addition, Kioko and Makoelle (2014) contend that in order to address the inclusion of students with disabilities in higher education, the current literature strives to deal with complicated issues that move away from straightforward and context-based concerns.²⁵ A diversified, long-term strategy is necessary to achieve the goal of assuring the full inclusion of students with special needs in higher education as opposed to a 'quick fix'.²⁶

1.7 Significance of the Study

This study will fill a gap in the body of knowledge by using the three levels of approach mentioned above as an organising structure to explore the full range of prospects and challenges for including students with disabilities in higher education in Sierra Leone.

The study will also assess whether the inclusivity of persons with disabilities meets the standards of international treaties that seek to enforce the rights of persons with disabilities like the CRPD and the African Charter which Sierra Leone had ratified, it also outline recommendations on how they can fully realise the rights of persons with disabilities and create inclusive educational system.

The findings would be relevant to the people of Sierra Leone, Non-governmental Organisations, and the government, it will help provide information that will enhance the improvement of access to tertiary education for persons with disabilities in the country.

Most importantly, it will contribute to the body of knowledge by providing insight to policymakers into what needs to be done in the drafting of policies on the right to education with an inclusive environment for persons with disabilities in Sierra Leone. It is also significant because it informs.

²⁴ Maria (n-1).

²⁵ As above (n 20).

²⁶ Kioko & Makoelle (n-21).

1.8 Structure of the Study

Chapter One: This chapter will provide an overview of the background of the study, as well as the problem statement, research questions, methodology, literature review, and the limitations of the study.

Chapter Two: This chapter provides an in-depth analysis of international standards of realising inclusive education for persons with disabilities and what is expected to be enacted at national level.

Chapter Three: This chapter will explore the extent to which higher education policies, institution management, teaching, and learning strategy affect or aid the development of inclusive higher education in Sierra Leone as provided in the international standards.

Chapter Four: This chapter will contain a comparative analysis of best practices in implementing an inclusive education for students with disabilities at the tertiary level using South Africa and Kenya as examples.

Chapter Five: This chapter will provide the Summary of Findings, Recommendations, further Research, and Conclusion.

1.9 Limitations of the Study

There are limited recent materials on the topic especially focused on Sierra Leone which significantly increased the need to undertake this research. It is exceedingly difficult to find current materials concerning the subject matter that deals with the right to education for persons with disabilities. Another limitation is the unavailability of recent statistical data that can clearly reflect the situation.

One of the limitations of this study is that the researcher is unable to conduct empirical research, due to the long delay in acquiring an ethical clearance. However, the researcher can still proceed with the research, considering it is an analysis of policies and legislation.

2. INTERNATIONAL STANDARD OF INCLUSIVE EDUCATION FOR PERSONS WITH DISABILITIES AT TERTIARY LEVEL

2.1 Introduction

Education is a human right, so every child is expected to enjoy their right to access high-quality education, regardless of their gender, social standing, or physical or other disabilities. The Committee on ESCR in its General Comment No 13 states that:

Education is both a human right in itself and an indispensable means of realising other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.²⁷

This right is protected by a number of international laws and legal frameworks, such as the CRPD, which outline fundamental human rights concepts and the standards that must be met by the law in order to safeguard those principles. According to studies, countries that have ratified several international human rights treaties have more advanced human rights policies.²⁸ There is no doubt that those who are advocating for better services and policies for people with disabilities in their countries are using these legislative tools to effectively advance their cause. In fact, 91 percent of the nations had already passed national laws protecting the rights of persons with disabilities within the first four years after the CRPD's ratification, and 72 percent of those laws contained a definition of reasonable accommodation.²⁹

The majority of regional and international treaties that protect the right to education have been ratified by Sierra Leone; nonetheless, the country's current Constitution recognises education as an essential principle of state policy rather than as a human right.³⁰ The chapter will also discuss the most salient international policies and legal frameworks that guarantee inclusive education for disabilities such as the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the UNESCO Convention against

²⁷ UN Committee on Economic, Social, and Cultural Rights, General Comment No 13-The right to education, 1999 para 1.

²⁸ OA Hathaway 'Do human rights treaties make a difference' (2002) 111*The Yale Law Journal* 1935–2042.

²⁹ D Ruh 'The CRPD—Impact & opportunities'(2012) <http://www.ssbartgroup.com/blog/the-crpd-impact-opportunities/> (accessed 23 August 2023).

³⁰ 'Rights to education Country Factsheet' https://www.righttoeducation.org/sites/righttoeducation.org/files/reso_urceattachments/RTE_country_factsheet_Sierra_Leone_January_2016_0.pdf (accessed 23 August 2023).

Discrimination in Education, and other legislation, the Salamanca Statement and Framework for Action on Special Needs Education, Sustainable development goals, the African Charter on Human and Peoples' Rights, and the African Disability Protocol.

2.2 Reflection on the International Legal Framework

2.2.1 United Nations Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities (CRPD) prescribes the most comprehensive international legal framework for protecting the educational rights of children with disabilities. The CRPD demands that countries that have ratified this convention, are required to implement an inclusive education system at all levels and guarantee that disabled children have access to free primary and secondary education and are not subject to discrimination because of their disability.³¹ This makes Sierra Leone liable to comply with the CRPD because it has ratified this convention since October 2010.

Many States consider the Convention as both a threat and an opportunity for their nations, as being parties to the CRPD, obligate them to implement Article 24, which calls for the creation of an inclusive education system for all students.³² There have been a lot of drawbacks in order to achieve these rights from many countries because despite the fact it a progressive right, it takes lots of money to enforce these rights. More specifically, Article 24 covers a variety of topics related to education at various points in a person's life,³³ and Article 24(5) requires States Parties to make sure that persons with disabilities can access general tertiary education in an inclusive environment free from prejudice. To this end, States Parties shall see to it that persons with disabilities get adequate accommodations.

The primary objective of this convention is to promote education for students with disabilities to at all levels (para. 2(a). Article 24 also takes into consideration the education needs of ignorant or undereducated. This article also covers those who developed their disabilities as adults and who wish or require additional education such as university degree programs and vocational training in order to enhance their capacity for employment are included in this category.

³¹ United Nations Convention on the Rights of Persons with Disabilities. Article 24(1) <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> (accessed 12 August 2023).

³² Convention on the Rights of Persons with Disabilities, Article 24.

³³ As above.

The Convention clearly acknowledges the connection between inclusive education and the right to education of persons with disabilities. Its methodology is supported by an increasing amount of research that demonstrates inclusive education not exclusively offers the greatest learning environment, particularly for those with disabilities, but also helps remove obstacles and eliminate misconceptions. With inclusive education, children with and without disabilities can grow up together and learn side by side in the same school, developing a greater understanding and respect for one another. This convention promotes an approach that strives to develop an environment that is prepared to embrace and accept disability rather than fear it.³⁴

The UN Special Rapporteur on the Right to Education's 2007 report lays out the obligations of State parties that have ratified the CRPD to 'ensure an inclusive education system'.³⁵ The right to inclusive education must therefore be gradually realised because, in accordance with international law, the right to education is typically seen as an economic, social, and cultural right.³⁶ Despite this, the General Comment emphasises the necessity for state parties to 'expeditiously and effectively' ensure the full realisation of article 24 and adds that instead of having two educational systems, state parties should work toward progressive realisation.³⁷

One of the most unique elements of the General Comment 4 is the distinction made by the CRPD Committee between exclusion, segregation, integration, and inclusion.³⁸ Its affirms that exclusion is the direct or indirect denial of access to education, while Segregation is the isolation of students with disabilities in a separate schools because of their disabilities. Integration is a process of placing persons with disabilities in an existing mainstream educational institution in order for them to adjust to the standardised requirements. Inclusion involves a process of 'systemic reform embodying changes and modifications in teaching methods, approaches, structures, and strategies in education to accommodate all students with an equitable learning experience and environment'.

³⁴ A Byrnes *et al*; *Handbook for parliamentarians on the convention on the rights of persons with disabilities: Exclusion to equality, Realizing the rights of Persons with disabilities* (2007) 14 United Nations Geneva 17.

³⁵ V Munoz *The Right to Education for Persons with Disabilities: Report of the Special Rapporteur on the Right to Education* (2007) United Nations Human Rights Council.

³⁶ B Byrne 'How inclusive is the right to inclusive education? An assessment of the UN Convention on the Rights of Persons with Disabilities' (2019) *International Journal of Inclusive Education* 26(3) 304.

³⁷ CRPD Committee General Comment 4 on article 24: Right to inclusive education, para 2.

³⁸ As above, para 11.

2.2.2 UNESCO Convention against Discrimination in Education 1960

The United Nation Educational, Scientific and Cultural Organisation Convention against Discrimination in Education (UNESCO CADE) is the first legally binding international instrument that is entirely dedicated to advocate for the right to education without discrimination. In February 1967, Sierra Leone ratified these instruments to nationally address the issues of discrimination in the education system. The Convention is recognised as a foundation of the Education 2030 Agenda and is a powerful tool to advance inclusive and equitable quality education for all.³⁹

The UNESCO CADE's Article 1(1) explicitly forbids discrimination in any form in education. It defines discrimination in education as any kind of differentiation, exclusion, limitation, or preference that has the intention of undermining or compromising equality of treatment in education and is based on factors such as race, colour, sex, language, religion, political opinion, national or social origin, economic status, or place of birth.⁴⁰

Following this definition, Beiter has noted that the convention covers static and active discrimination.⁴¹ He indicated that active discrimination is emanating from actions of the State in the execution of a policy that leads to inequality. Static discrimination, he noted, does not flow from the State and is unequal conduct, disadvantageous to members of vulnerable groups.

It is noteworthy that Article 4 of the UNESCO obligates states to design and to implement national policy that promotes equality of opportunity and treatment in relation to education.⁴² In order to promote equality, it affirms that the policy that should be designed by the state must guarantee that the educational standards are uniform across the board for all public educational institutions of all levels of education and that the factors that should influence the standard of education should be uniform in order to promote equality.

This treaty reaffirms that access to quality education is a fundamental human right, not a luxury, thereby guaranteeing that higher education must be equally accessible to all on the basis of individual capacity. It emphasises that states have a responsibility to guarantee free

³⁹ UNESCO Preamble .

⁴⁰ UNESCO Convention against Discrimination in Education <https://www.unesco.org/en/righteducation/convention-against-discrimination> (accessed 13 August 2023).

⁴¹ KD Beiter 'The Protection of the Right to Education by International Law' *Research Gate Publication* 245 https://www.researchgate.net/publication/311909233_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_Martinus_Nijhoff_2006_I (accessed 13 August 2023).

⁴² UNESCO CADE, (n-39) Article 4.

and compulsory education, prohibit all forms of discrimination, and advance equitable access to educational opportunities. In addition, this instrument did not clearly state that the opportunity for education should be limited to only primary education but advocates that students should be educated until they attain their full potential regardless of their differences which means that students with disabilities have the right to experience inclusive education at the tertiary level in order for them to attain their full potential as stated by the convention.

The Committee on ESCR in General Comment No 13, elaborated that for states to fully enhance the provision of education they must achieve the four interrelated features known as the 4-As Principles or Framework (Availability, Accessibility, Acceptability, and Adaptability). This framework was provided to explain the nature of quality and inclusion of education the government is supposed to provide.⁴³ In addition, the education system has to have the following four components: Availability: Individuals with disabilities must have access to education at all levels. Accessibility: All educational programs and facilities, including buildings, curriculum, instructional materials, assessment tools, teaching strategies, language support services, and information and communication tools, must be available to all students, without exception. A special emphasis should be placed on universal design. Acceptability: Education must respect the needs, cultures, languages, and viewpoints of people with disabilities, and its format and content must be acceptable to all. Adaptability: Persons with disabilities should be able to adjust to the educational environment. It should be possible for people with impairments to pursue post secondary education and attend universities. To ensure that they have equal access to education as everyone else, persons with disabilities must be given reasonable accommodations.

2.2.3 United Nations Convention on the Rights of the Child (CRC), 1989

The Convention on the Rights of the Child (CRC) is the first comprehensive, legally binding international agreement formed with the needs of children in mind.⁴⁴ Sierra Leone ratified the CRC in January 1990 which makes it obligated to fulfil the provisions provided for the CRC on the rights of children. Articles 28 and 29 of the CRC tackle issues which concern the right to education based on 'equal opportunity'.⁴⁵ Article 28(c) goes further to state that higher education must be accessible to all on the basis of capacity by every appropriate means. This

⁴³ Committee on ESCR GC 13 para 6.

⁴⁴ UN Convention on the Rights of the Child <https://www.cypcs.org.uk/rights/uncrc/full-uncrc/#28> (accessed 28 August 2023).

⁴⁵ As above.

indicates that education must be accessible or available to every child, which includes children with disabilities so that they will be also able to realise their full potential and at least become university graduates just as other children without disabilities.

2.2.4 Salamanca Framework for Action

During the World Conference on Special Needs Education in 1994, the Salamanca Statement and Framework for Action on Special Needs Education were approved. The Salamanca Framework for Action emphasises how important it is to include students with disabilities within the general education program.⁴⁶ In this statement, ‘unless there are compelling reasons for doing otherwise,’ governments and the global community are urged to support inclusive education as the best strategy for educating children with disabilities by enrolling all students in regular schools.⁴⁷

However, the framework did not clearly mention higher education as compared to how basic education was emphasised. It focused on guaranteeing the inclusiveness of schools with no highlight on tertiary education. The Salamanca statement and framework for action on disability education also urge the government to enact the highest policy and budgetary priority to improve the educational systems to enable them to include all children regardless of their individual differences and disabilities.

2.2.5 Sustainable Development Goals

Countries are required to strive toward a set of desirable targets known as the Sustainable Development Goals (SDGs) over the course of the next 15 years. Goal 4 pertains to education explicitly and incorporates disability in two of the education targets:⁴⁸

Target 4.5 asks for the abolition of gender disparities in academic achievement as well as the provision of equal access to all educational and occupational opportunities for the most disadvantaged groups, such as children in vulnerable circumstances, people with disabilities, and indigenous peoples.

Target 4.a. advocates for the building and upgrading of education facilities for children with disabilities, gender-sensitive and safety, non-violent, inclusive and effective learning environments for all.

⁴⁶ Salamanca Statement and Framework for Action on Special Needs Education (1994) para 3.

⁴⁷ As above.

⁴⁸ UN Division for Social Policy and Development: Disability, 2016.

This target also affirms that education must be inclusive, and equally accessible at all levels, thereby the government should also focus on capacitating universities to be accommodative by reforming the laws and policies to promote the needs and learning for students with disabilities. This target also speaks against the initiative of special schools, in Sierra Leone this kind of schools are only common at the primary level, however it is slowly changing. At the tertiary level there are no special universities which has led to the circumstance of a lot of students with disabilities dropping out of school when the universities in the country can not accommodate them.

2.3 Reflections on the Regional Legal Framework protecting the right to higher education

2.3.1 Protocol to the African Charter on Human and Peoples' rights on the rights of Persons with disabilities

Although Sierra Leone has not ratified the Protocol to the African Charter on Human and Peoples' rights on the rights of Persons with disabilities. The researcher would want to reflect on the provision made to guarantee higher education in the protocol. In accordance with the spirit of Article 16, there are sound reasons for any forward-thinking educational setting to create policies that support an inclusive society and uphold the rights of persons with disabilities. In addition to restating the rights to education established in the CRPD, the African Disability Protocol went further and specified the circumstances under which these rights should be protected in order to properly accommodate persons with disabilities.

The protocol takes into account the UNCRPD's general remarks and observations. It expands upon the principles of the UNCRPD and the Universal Declaration of Human Rights, but it takes a rights-based approach and is more specific and illustrative in capturing the particularities of the African environment. It is exclusive to the continent and takes African customs and issues into account to enhance the lives of those with disabilities. To ensure that everyone has equal access to education, it addresses the generalised issues of disabilities discrimination.

2.3.2 The African Charter on Human and Peoples' Rights (ACHPR), 1981

Article 17(1) of the African Charter on Human and Peoples' Rights (ACHPR) affirms that everyone has a guaranteed right to education, hence this is a must for everyone.⁴⁹ The ACHPR also requires States Parties in Article 1 to uphold the rights, obligations, and liberties it enshrines, Sierra Leone ratified the African Charter in September 1983, which makes it liable to uphold the obligations of the Charter.

Beiter stated that the ACHPR has failed to elaborate on this brief formulation of the right to education, leaving it in unqualified terms.⁵⁰ The requirement placed on States parties under Article 17 to respect the right to education was not expressly categorised, but it could be deduced from the general obligation States had to uphold rights under the Charter. The lack of descriptive formulation of the right to education in the ACHPR has led to many African states to be selective of the level of education they should prioritise and the level they would choose to ignore.

In the case of Sierra Leone, probably, it chose to prioritise the basic education level because it is the most emphasised by many of the international instruments. The government has invested heavily in providing learning and teaching materials in schools for persons with disabilities across the country at primary level. Consequently, neglecting the development of teaching and learning materials for persons with disabilities at university level. It is significant to note that teaching and learning materials are essential components in the realisation of the right to quality and inclusive education and it is rather unfortunate that students with disabilities are not beneficiaries of that opportunity.

However, Tomasevski emphasised the value of the right to education, that it extends far beyond academic achievement. As those who lack education are unable to exercise many individual rights, particularly those related to employment and social security. When the right to education is successfully secured, education acts as a multiplier, boosting the enjoyment of all individual rights and freedoms, while denying access to many rights and freedoms when the right to education is denied or abused.⁵¹

⁴⁹ African Charter on Human and Peoples' Rights (1981) Article 17.

⁵⁰ Beiter (n 34) 213.

⁵¹ K. Tomaševski 'Human rights obligations: making education available, accessible, acceptable, and adaptable' 3 Primers https://www.right-to-education.org/sites/right-toeducation.org/files/resourceattachments/Tomasevski_Primer%203.pdf (accessed 26 August 2023).

2.4 Conclusion

Sierra Leone is a signatory to several regional and international human rights treaties and it is expected to establish high standards for the promotion and protection of the rights of students with disabilities in both basic and secondary education as well as higher education. These legislation clarified the implementation strategy and standard in which the government of Sierra Leone is expected to actualise in order to ensure that students with disabilities in the country have access to inclusive education. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) is one of the international treaties that laid the groundwork for the protection and acknowledgement of the right to inclusive education. Its Article 24 and Article 24(5) require States Parties to ensure that tertiary education is accessible to people with disabilities in an inclusive and discrimination-free environment. Further progress was made in the Chapter's highlighting of the significance and assurance of the right to receive higher education in treaties pertaining to persons with disabilities. The study examined the appropriate regional treaties that safeguard and address the requirement to ensure that persons with disabilities access inclusive education.

3. THE ROLE OF POLICY, INSTITUTION MANAGEMENT, TEACHING, AND LEARNING STRATEGIES IN DEVELOPING INCLUSIVE HIGHER EDUCATION IN SIERRA LEONE

3.1 Introduction

Education is a fundamental human right, ensuring equal access to quality and inclusive education for all, regardless of social status, gender, or physical disability. Inclusion is a method of thinking and behaviour that exhibits universal acceptance and a sense of belonging for all students and children.⁵² Inclusive education entails encouraging each learner to participate in their daily academic activities and assisting each learner to get the most out of education. Inclusive education is adjusting the system to accommodate the needs of children rather than expecting children to 'fit' into the existing framework.⁵³ This chapter seeks to examine and analyse the extent to which the policies and strategic plan that govern the universities of Sierra Leone, to know whether they promote the right to education for persons with disabilities. It examines the national policies and sector plans for education in the country, reports, and assessments reports conducted on higher institutions.

The primary focus of the chapter is to evaluate whether the national and institutional policies in Sierra Leone act as barriers to inclusive education. It discusses the gaps in the policies, and how they affect inclusive education in the country. Finally, this chapter presents findings that convey important themes that are presented in three main clusters, namely (1) national higher education policies, (2) institutional management policies, and (3) teaching and learning policies, which will be assessed to induces whether inclusive education is accessible at tertiary education for persons with disabilities.

This chapter will analyse and assess whether the higher education policies and institutional policies align with the requirement of the international legislation in promoting and protecting the right of students with disabilities at the tertiary level of education. This chapter seeks to examine whether higher educational policies and Institutional strategic plans align with the international law perspective of realising inclusive education for persons with disabilities. In this context, the chapter explores whether these policies have achieved implementation within a state-party jurisdiction, with emphasis on quality, inclusion, availability, accessibility, and affordability, to adequately provide the right to education for all.

⁵² A Education *Principles of Inclusive Education* (2016).

⁵³ National Council for Special Education (2014). 'Children with Special Educational Needs Information Bookletfor Parents' <https://ncse.ie/wp-content/uploads/2014/10/ChildrenWithSpecialEdNeeds1.pdf> (accessed 23 July 2023).

3.2 National Policies as a Problem to tertiary inclusive education

According to General Comment 4, it calls for a more collaborative learning system which can help students learn effectively and improve communication.⁵⁴ This is essential because it will promote and enhance children's cognitive growth, increase their ability to support one another without a teacher, and ultimately assume control over their academic success.⁵⁵ This fosters a supportive learning atmosphere that motivates children to recognize their talents and, ideally, work toward reaching their full potential.⁵⁶

This section presents an analysis of three educational policies that are expected to provide inclusive higher education for students with disabilities. These documents are national policies that would be analysed to point out whether they promote or protect the implementation of inclusive higher education in order to accommodate students with disabilities as provided by the international standard.

3.2.1 The National Education Policy 2010

The national education policy does not create special facilities for students with disabilities, the only privilege provided for them is a grant-in-aid which is not enough to realise the standards of inclusive education. However, the government of Sierra Leone has been neglecting to obey the part of the provision that calls for inclusive education at the higher level of education.

The national educational policy was constituted based on Sierra Leone's Constitution and other supporting legal and policy texts, such as the Education Act of 2004.⁵⁷ This policy attempts to offer a solid foundation for coordinating the implementation of the national education system, which is the 6-3-4-4 form of education, that means six years in primary school, three years in Junior secondary school, three years in Senior Secondary school and four years at the university. It was hoped that this updated method will help the provision of fair access and chances for sustained learning accomplishment for all students including those with disabilities. In this policy framework, there is a gap of lack of proper inclusion of students with disabilities into the country's educational plan. Persons with disabilities were

⁵⁴ General Comment 4 on article 24: Right to inclusive education, CRPD Committee (25 November 2016) UNDoc CRPD /C/GC/4.

⁵⁵ J Ford 'educating students with learning disabilities in inclusive classrooms' (2013) Electronic Journal for Inclusive Education 3 (1) 9.

⁵⁶ As above.

⁵⁷ 'National Education Policy 2010' <https://mbsse.gov.sl/wp-content/uploads/2020/03/2010-National-Education-Policy.pdf> (accessed 27 July 2023).

just briefly listed as the last on a list of eleven objectives the government is going to address as the strategy seeks to integrate some areas of priorities envisaged in the educational system. The policy merely stated that educational opportunities would be provided for students with disabilities.⁵⁸

This clearly reflects the misunderstanding of exclusion, segregation, integration and inclusion that was defined by the CRPD Committee in the General Comment 4. The definition of these terms reveal how various strategies being used to promote inclusive education have been misrepresented for the very essence of inclusive education. In Sierra Leone, the tertiary education systems have been designed in such a way that it poses some barriers to effectively accessing tertiary education for persons with disabilities. These barriers are reinforced by exclusion, and integration which has led to the failure to reasonably accommodate students with disabilities. Therefore, it is incumbent that Sierra Leone should plan and develop their capacity in line with the CRPD because Inclusive education is not achieved by merely placing students with disabilities in a mainstream classroom. Instead, it is about transforming the entire education system to ensure that all students are accommodated from inception. The essence of inclusive education is to strengthen students' skills and abilities together with other students without disabilities and enable them to reach their full potential.

Under the formal education sector, there was no proper inclusion for students with disabilities at tertiary level as compared to how students with disabilities in preschool, basic education, and senior secondary education were inclusively catered for. In this regard, the radical inclusion policy was adopted by the Ministry of Basic and Senior Secondary Education (MBSSE) to safeguard and realise inclusive education for children with disabilities, pregnant girls, and children in disadvantaged communities in primary schools.⁵⁹ However, this policy does not cover tertiary education and there is no such policy to protect the inclusive right to education of students with disabilities at the tertiary level. The only national law that calls for the protection of the rights of persons with disabilities in general is the Persons with Disability Act of 2011. However, the only opportunity eligible for students with disabilities in the tertiary level is the student's grant-in-aid, while students also struggle with other needs to fit into the academic system.

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National Education Policy (n-58).

⁵⁹

Ministry of Basic and Senior Secondary Education <https://mbsse.gov.sl/wp-content/uploads/2021/04/Radical-Inclusion-Policy.pdf> (accessed 27 August 2023).

Persons with disabilities require accommodative initiatives to be inclusive and for them to better participate. Therefore, a mere granting aid is not enough to fully accommodate them into the university system. The failure to reasonably accommodate them has resulted in the segregation of students with disabilities into isolated settings such as special schools and even limited them from pursuing a university education.

This policy reflects a high level of exclusion mindset of persons with disabilities. The policy did not make any recommendations for reasonable accommodation for students with disabilities nor did it propose any inclusive institutional policy that should protect or promote the need of students with disabilities in the university system. As noted earlier, inclusive education has a great impact on students with disabilities, as well as lack of inclusion, subjects them to poverty and limits their rights to have a better education, better job, and a better future.

To ensure equal access and participation in Inclusive Education programs, a national policy framework and legal backing must be established. Internationally, Inclusive Education policies and legislation have provided necessary conditions to challenge exclusion, to parents, to organisations working with persons with disabilities and educational institutions.⁶⁰ However, In the case of Sierra Leone it shows that international laws have not been fully implemented and the enactment of legislation have not been reflected much at the tertiary level to protect and promote inclusive education.

3.2.2 The Sierra Leone Education Sector Plans

Over the years, Sierra Leone has produced two series of educational plans, these plans point out some of the challenges faced by students at the university level, highlighting girls as a significant group in the university that need to be catered for in addressing these problems, but failed to vividly reflect persons with disabilities as one of the priorities that also needs to be attended, neither did they capture the challenges faced by persons with disabilities.

The plan also shows that the government provides a more accessible form of education for children at the primary level, and to some extent at the secondary, while neglecting to improve the level of accessibility for students with disabilities at universities. This limitation contravenes Article 28(c) of CRC and has served as a barrier for students with disabilities to access their tertiary education because the university cannot properly accommodate them.

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SJ Peters *Inclusive Education: An EFA strategy for all children* (2004) 31195 World Bank 41.

In 2018-2022, the first educational Plan⁶¹ was created at a critical juncture in Sierra Leone's development, as the country moved beyond restoration from the terrible Ebola epidemic and severe economic collapse. In this light, there was a need to amend the preceding Education Sector Plan (ESP) which brought out development of this document. It is crucial to remember that this ESP was largely a transition document that served as the framework for the 2021-2025 ESP.

The ESP 2018-2022, strategic outcome 1.8 of the research captured the increased equitable access to higher education with focus on the enrollment growth of students in higher education with key preference for girls as a vulnerable group that is less represented in the enrollment rate into the universities.⁶² However, the data provided in the research failed to reflect the enrollment rate of persons with disabilities into the university system, which indicates that there was little or no attention paid to persons with disabilities within the academic system that needs to be recognized and intentionally accommodated as part of the educational system of universities.

In 2021, The Tertiary Education Commission (TEC) incharge of regulating laws and policies of universities and higher institutions conducted need assessment of the higher educational institutions in the country, capturing the challenges faced by the various demographics within the universities but failed to capture the benefits, gaps, and opportunities for students with disabilities within these various institutions.⁶³ This publication evaluated the resources available in accredited institutions to support teaching, learning, research, and community service. It also examined significant barriers to skill development and technology diffusion that are required for increased labor market integration and appreciated growth in the Sierra Leone economy. The study provides an accurate assessment of the current condition and what is required to modernise Sierra Leone's higher education institutions and has served as a resource material for stakeholders in the higher education industry over the years.

In addition, this highly accredited report has four clusters in which the general findings are interpreted ranging from Corporate Governance and Financial Stewardship, Academic Activities and Services, Institutional Infrastructure and Services, and Staff and student

⁶¹ 'Sierra Leone Education Sector Plan 2018-2022' <https://www.globalpartnership.org/sites/default/files/2018-10-sierra-leone-esp.pdf> (accessed 27 July 2023).

⁶² ESP 2018-2022 (n-61) 39.

⁶³ Tertiary Education Commission 'Needs Assessment on Higher Education Institutions in Sierra Leone' (2021) <https://tecsl.edu.sl/wp-content/uploads/2022/04/Needs-Assessment-on-Higher-Education-in-Sierra-Leone-full-version.pdf> (accessed 27 July 2023).

matters.⁶⁴ However, considering that the issues of students with disabilities were not captured specifically, this makes it difficult to properly navigate the actual number of students enrolled into the university and which university has the highest number of students with disabilities and what are their biggest challenges and how they can be reasonably accommodated.

The Educational Sector Plan of 2022-2026,⁶⁵ reflects issues faced by higher education institutions. It points out that presently the access to higher education has increased but the proportion of enrolment of females is still low compared to male. It reveals that according to the need assessment conducted most universities' curriculum and academic policies are not recent and do not correspond with labour market demand. It also attests that teaching and learning facilities are inadequate for the learning system even for students without disabilities. This distinctly shows that more needs to be done in realising a reasonable accommodation for students with disabilities within these universities.

As stated in the plan, the educational expenditures are below international standards. In 2020, public expenditure on education signified 2.8% of the Gross Domestic Product (GDP),⁶⁶ which is a significant decrease from the threshold of 4-6% of GDP range suggested by the Sustainable Development Goal 4 (SDG4) framework.

Although technical and higher education has the tendency to allow graduates to participate in worthwhile, economically beneficial activities and is also a crucial enabler to capacitate students to attain their professional career, it has always received limited attention from the government. Pre-primary and elementary schools receive 32% of the budget, whereas secondary schools (JSS and SSS) receive 37% of the budget, whilst higher education receives only 20% which is the lowest percentage in the budget.⁶⁷

The low percentage from the educational budget has largely contributed to the financial constraints of the universities to adequately address the challenges of students and it also affects the institutions capability to create a reasonable accommodation for persons with disabilities. As much as implementing the laws and policies of inclusive education takes a lot of resources, the government needs to increase the percentage of money given to tertiary institutions.

⁶⁴ As above.

⁶⁵ 'Sierra Leone Education Sector Plan 2022-2026' <https://www.unicef.org/sierraleone/media/1306/file/Sierra%20Leone%20Education%20Sector%20Plan%202022%20-%202026.pdf> (accessed 28 July 2023).

⁶⁶ As above, 12.

⁶⁷ As above (n-64) 13.

3.2.3 Medium-Term National Development Plan 2019–2023

This Medium-Term National Development Plan (MTNDP)⁶⁸ is a compendium of the numerous components of the development agenda that was devised by the country for the short and long-term goals of the development objectives. The gap in this plan is the implementation process, which shows that the government has failed to extend the opportunity provided in the plan for students with disabilities at the tertiary level.

This Medium-Term Plan is organised around eight policy clusters ranging from; development of human capital, economic diversification, growth, infrastructure, and competitiveness; accountability and governance for outcomes; empowering females, children, teenagers, and persons with disabilities; work, sports, and migration among young people; addressing vulnerabilities and fostering resilience; methods of carrying out.

The first policy cluster of the medium-term plan deals with strengthening tertiary and higher education.⁶⁹ This cluster's strategic goal is to improve education by expanding access to high-quality technical and higher education, which will enable graduates to participate in worthwhile, productive economic endeavours that will benefit the nation as a whole. The other four main goals of the cluster were to increase fair access to high-quality higher education that fosters entrepreneurship, innovation, and research for the sake of growth, stability, and national development. Despite these efforts, this plan failed to address the issues of inclusion of persons with disabilities at higher education, considering the increased rate of persons with disabilities in the country.

In addition, the fifth policy cluster of the medium-term plan dealt with the comprehensive narrative and programming for persons with disabilities, considering that they are among the poorest minority group in society.⁷⁰ In this cluster, the SDG4 was recognised, which implies that there is a need to ensure inclusive and equitable education for persons with disabilities that can increase their social and economic status in society by getting quality education so they can attain their full potential. In response to this, the government has made some strides at the primary level which has increased the proportion of children with disabilities enrolled in primary school from 0.48 percent in 2013 to 26.6 percent in recent times.

⁶⁸ 'Medium-term National Development Plan (2019–2023)' https://www.slurc.org/uploads/1/0/9/7/109761391/sierra_leone_national_development_plan.pdf (accessed 28 July 2023).

⁶⁹ As above, 45.

⁷⁰ As above, 141-142.

3.3 Reflections on Institutional Management Policies

This section provides an analysis of two institutional policies that are expected to guide the process and function of the universities. The university's strategic plan outlined the challenges faced by students in the university but failed to clearly reflect the challenges by students with disabilities and how the plan aims to address their challenges. The Academic and student policy captured students with disabilities as a demographic that should be given special focus in enacting the rules and regulations governing the staff and students but however nothing has been done to implement the mechanism that will be in charge to handle the issue of students with disabilities. This document flags out that there are still gaps in accommodating students with disabilities within the university.

3.3.1 University's Strategic Plan 2019-2023

The University's Strategic Plan 2019–2023 was developed to address the country's present educational concerns.⁷¹ This plan is commendable as it has improved the standards of education in the university. However, the plan did not specifically address the university challenges faced by persons with disabilities that should be addressed by the government. The University is accountable for reinventing itself to align with the current national goal of providing high-quality education and for putting in place the essential frameworks that will not only bring back the former glory of our educational system but also elevate it to even more impressive and commendable heights.

Moreover, the strategic plan has multiple objectives that speak to addressing the issue of infrastructure which includes creating a welcoming set up for students that contains amenities and services that support the learning process.⁷² As well as improving the delivery and utilisation of library services in accordance with contemporary standards, by providing the necessary physical environment and infrastructure so it can be accessible for students with disabilities.⁷³ Also, the university should upgrade, strengthen, and integrate online, open, and distance learning delivery methods into all faculties' teaching and learning processes to

⁷¹ 'Performance Audit Report on the Management of Examination by the University of Sierra Leone' <https://www.auditservice.gov.sl/wp-content/uploads/2022/07/Performance-Audit-Report-on-the-Management-of-examinations-by-the-University-of-Sierra-Leone.pdf> (accessed 26 August 2023).

⁷² 'University of Sierra Leone, Strategic Development Plan 2019-2023' 12.

⁷³ As above, 16.

enhance a more comfortable and accessible learning system where students with disabilities can also be beneficiaries.⁷⁴

One of the key provisions of the Sierra Leone Persons with Disabilities Act No. 3 of 2011 is Section 31,⁷⁵ which calls for the creation of a 'National Development Fund' for persons with disabilities. This fund should, among other things, cover the cost of assistive technology and services and projects for persons with disabilities. The intention of Section 31 makes it evident that the Act's authors intended for this money to be used towards the gradual realisation of persons with disabilities' rights as envisioned by the CRPD. Although the right to education is being gradually realised, persons with disabilities are yet to benefit from it at the tertiary level of education.

In the 2021 needs assessment of higher education institutions,⁷⁶ the research also pointed out that public tertiary education institutions in Sierra Leone are plagued by a slew of Institutional infrastructure and services issues that have contributed to students' severely poor academic performance. One of these major issues is a lack of physical infrastructure, including buildings, primitive laboratories and poorly equipped workplaces, computers, bad electricity, a lack of water supply, and inadequate sanitation facilities. Almost all of the institutions reviewed require a complete redesign of their physical infrastructure if quality education is to be realised in earnest and with inclusive reasonable accommodation of students with disabilities in the academic system.

However, the fact that students with disabilities make up 5% of the student population in these universities, clearly shows that persons with disabilities are not fully enjoying their fundamental rights to education, and are mostly vulnerable to institutional discrimination. Additionally, even in industrialised countries, a disproportionate number of households with poor incomes include children with disabilities.⁷⁷

Integrating the needs of persons with disabilities can not properly create the reasonable accommodation that needs to be achieved. The plan did not vividly highlight the challenges faced by persons with disabilities and how they are going to be catered for in the development process, this is because of the generalised approach of solving the challenges

⁷⁴ University's Strategic Plan (n-72) 7.

⁷⁵ The persons with disabilities Act No .3 of 2011 sec 31 <http://www.sierra-leone.org/Laws/2011-03.pdf> (accessed 26 August 2023).

⁷⁶ As above (n-63).

⁷⁷ 'United Nations' Millennium Goals Development Report 2006' <http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2006/> (accessed 23 August 2023).

faced by students. In addressing issues of infrastructure as a university problem can be an improvement, but can also serve as a barrier for persons with disabilities if they are not equally considered, so they have to be intentionally considered, and how they can also benefit from every development that is to be made by the university.

3.3.2 University of Sierra Leone Academic, Research and Student Policy

The Academic Integrity Policy is one of the instruments governing the conduct of faculties, staff and students of the University of Sierra Leone and it is upheld strictly in promoting and maintaining a high level of academic integrity.⁷⁸ The policy highlights that the rights of persons with disabilities is a right that should be protected with special focus but there has not been any effort made to enact any regulations that can protect and prioritise their interest, rather they are generalised like every other student within the university.

This policy protects the interest of the students and also holds each individual accountable for their actions or misbehaviour through a disciplinary committee. In an effort to address the challenges faced by students with disabilities at the Fourah Bay College, the University of Sierra Leone established a Special Resource Centre for Students with Disabilities at Fourah Bay College.⁷⁹ The establishment of this centre was to enhance the promotion and protection of the rights of persons with disabilities within the academic institution as stated in various international instruments. However, the establishment of this Centre has not created much impact because it is dormant due to lack of resources to adequately carry out its functions. Before the establishment of this centre there was only one university in the country with a 'Special Needs Department' to serve persons with disabilities within the academic system.⁸⁰

An inclusion education can not be achieved by merely mentioning things to be done in the law, it is about the implementation process of how the provisions in the laws are implemented to achieve its intended purpose. In the case of this policy, the implementation process is the problem as there has not been much effort to implement what is provided in the policy to promote and protect the needs of students with disabilities.

⁷⁸ The revised university of Sierra Leone Academic, Research and student policy.

⁷⁹ University of Sierra Leone <https://usl.edu.sl/resource-centre-for-students-with-disability-at-fourah-bay-college-mount-aureol/> (accessed 26 August 2023).

⁸⁰ JT Deen-Tarawally 'The Status Of The Rights Of Persons With Disabilities In Sierra Leone And The Need For A Paradigm Shift From Political Lip Service'(2010) *SierraLII* .

3.4 Reflections on Teaching and Learning Strategic Plan

In the national education policy, in the section dealing with learning assessment and examinations, there are no mechanisms of specific assessment methods mentioned for students with disabilities.⁸¹ Even the national laws are not accessible to the visually impaired since they have not been translated into braille; there are no ramps in most of the buildings, no lifts, or sign language services.⁸² The finding shows that the University is challenged with qualified staff that can meet the teaching and learning objective for students with disabilities. One of the courses in the inclusive education guidebook created by Kuyini *et al.* explicitly focuses on teaching methods and techniques for kids with learning difficulties.⁸³ Having a teacher who is effective and can adjust their methods to suit each student's needs is the best way to improve environmental barriers.

The concept of inclusive education refers to how teachers can teach and/or execute their lessons in a variety of ways to allow for the participation and involvement of all pupils. Inclusive education means different and diverse students learning side by side in the same classroom.⁸⁴ However, that is not the case for Sierra Leone as the government has failed to invest more finance into teaching and learning material for students with disabilities at tertiary education. In order to ensure a successful learning system for persons with disabilities in higher education institutions (HEIs) there is a need to diversify the teaching methods for students with different kinds of disabilities which are more effective in various situations and for various courses.

3.5 Conclusion

To conclude, The National Policies and Plans for Tertiary Education show that the reasonable accommodation of persons with disabilities are not given sufficient consideration to enable them to reach their full potential, as called for by the National Disability Act of 2011. The government's focus on basic and secondary school education over university development

⁸¹ National Education Policy (n-58).

⁸² The persons with disabilities Act No .3(n-75).

⁸³ R Kuyini *et al* 'Disability rights awareness and inclusive education training manual' (2015) *CEVS Ghana, GES Special Education Division & Pathfinders Australia* https://www.un.org/disabilities/documents/unvf/DisabilityRights_InclusiveEduTrainingManual (accessed 23 August 2023).

⁸⁴ 'The Open Society Initiative for Europe: Our Grantee 2015' <https://www.opensocietyfoundations.org/publications/open-society-initiative-europe-our-grantees-2015>(accessed 23 August 2023).

raises questions about the value of investing in basic education if students drop out after secondary school due to inadequate university accommodations. The importance of higher education in a country's development cannot be overstated since it produces the skilled labour required and fosters the growth of knowledge via teaching and research. It is imperative that the country guarantee high-quality higher education that is inclusive of persons with disabilities to reach their full potential and help Sierra Leone become a middle-income country.

Also the finding shows that the institutional management displays a passive attitude and acknowledgement to their responsibility to accommodate students with disabilities by ensuring accessibility and mobility with the university system. However, the institution failed to prioritise other aspects of inclusive higher education that go beyond access and mobility. The unavailability of the Statistics of the number of disabled students enrolled in the university need assessment reports, shows that the university is struggling to adapt to the system of inclusive education and also failing to recognise that students with disabilities are also a significant group that need to be intentional catered for, through accessibility and reasonable accommodation.

Lack of access to higher education has hindered students with disabilities from completing their education, leading to limited job opportunities and a lack of hope. This discourages other young students with disabilities, especially those with limited resources, from attending school. Inclusive education is needed to challenge exclusionary policies, improve academic standards, and change societal attitudinal bias, ultimately improving the lives of disabled students. Lack of access to higher education is a significant risk factor for poverty and marginalisation of children, particularly those with disabilities. Students with disabilities face higher poverty rates due to lack of educational opportunities, leading to dropping out of school and hindering their future personal development, vocational training, employment, income generation, and business growth, thus limiting their active participation in families and communities in making important contributions to their societies.

Furthermore, the participation of students with disabilities in higher education is associated with negative drawbacks from the teaching and learning approach. However, the majority of the staff lacks the knowledge and experience needed to interact with students with disabilities in a positive way in the classroom. As such, regardless of the establishment of the centre for disability at Fourah Bay College in order to enhance an inclusive higher education, as long as

academic staff have limited expertise and resources, they will not be able to accomplish inclusive teaching and learning objectives.

Finally, it is asserted that these policies are not adequate enough to protect and promote the rights of persons with disabilities, as there are lots of gaps and exclusion through the generalisation of accommodation which does not favour students with disabilities.

4. COMPARATIVE ANALYSIS FOR BEST PRACTICE ON INCLUSIVE EDUCATION FOR PERSONS WITH DISABILITIES: SOUTH AFRICA AND KENYA

4.1 Introduction

This chapter examines how countries like South Africa and Kenya have implemented article 24 of the CRPD, which deals with inclusive education for students with disabilities. In this section, the study compared the inclusive educational strategies used in both nations. The chapter begins by narrating national legal and policy frameworks and evaluating the suitability of institutional management policies in ensuring inclusive education. It will also analyse the implementation strategies used by the States to carry out their responsibilities under the CRPD to guarantee the right to inclusive education. These parts taken as a whole will help readers comprehend how state parties are required by the CRPD to uphold, protect, and advance the rights to education for learners with disabilities.

4.2 South Africa

South Africa has been working on the implementation of WP6 for over 20 years. Although they had not achieved their envisioned progress yet, though certain goals have been met, there is still more work to be done to support inclusive education systems in South Africa. The Department of Basic Education stated that a significant proportion of children with disabilities were still not attending school (estimated at roughly 590 000 in 2015) in the Report on the Implementation of Education White Paper 6 on Inclusive Education.⁸⁵

According to the National Education Policy Act of 1996,⁸⁶ it said that no one must be denied the chance to pursue their educational goals to the fullest extent possible due to a physical disability. The right to a fundamental education and equal access to educational institutions must be secured, and everyone must be shielded from unjust discrimination by educational departments or institutions or by those in charge of those departments or institutions on whatever grounds. Taking into account that inclusive education necessitates a total restructuring of educational systems, which calls for a strong commitment, careful planning, and substantial funding from state governments.

⁸⁵ 'Report on the Implementation of Education White Paper 6 on Inclusive Education (2015)' <https://static.pmg.org.za/160308overview.pdf> (accessed 26 September 2023).

⁸⁶ National Education Policy Act (NEPA) of 1996, article 4 (d).

Furthermore, the National Committee for Education Support Services (NCESS) and the National Commission on Special Needs in Education and Training (NCSNET) were tasked with conducting research and formulating recommendations for policy changes.⁸⁷ They recommended that policy reforms should integrate special needs and support services in a barrier-free physical environment and supportive, inclusive psycho-social learning environment.⁸⁸ They affirmed the need for a flexible curriculum, advocating for parents, educators, and students' rights to be recognised in the process, and called for efficient development programs as ways to achieve an inclusive education.

4.3 Kenya

Kenya is regarded as one of the most innovative States in Africa, in terms of encouraging and systematising the implementation of inclusive education for students with disabilities.⁸⁹ Prior to the ratification of international agreement of CRPD, the improvement of education for children with disabilities in Kenya can be dated way back to the end of World War II.⁹⁰ As a rehabilitation facility for blind persons, the Salvation Army Church (SAC), under the direction of missionaries, first built what is now known as the first educational facility for blind children in Kenya and East Africa.⁹¹ Later in 1960, SAC started a centre for children with physical disabilities, which eventually evolved into a school for children with physical disabilities in Kenya.⁹² These Missionaries' activities led the Kenyan government to start actively assisting children with disabilities.⁹³ However, physical, hearing, and visual impairments received the majority of attention. The standard for inclusive education for persons with disabilities, which was later defined by article 24 of CRPD, is not met by this, hence it is only seen as an effort toward inclusion for PWDs.

In 2003, the Persons with Disability Act was passed and provided for non-discrimination in admission to education institutions and provided for the accommodation of specific requirements of persons with disabilities under article 18. Article 19 also contains a provision

⁸⁷ 'Quality education for all:Overcoming barriers to learning and development' <https://www.education.gov.za/Portals/0/DoE%20Branches/GET/Inclusive%20Education/Overcoming%20barriers%20to%20learning%20and%20development.pdf> (Accessed 15 September 2023).

⁸⁸ As above.

⁸⁹ BR Ireri et al 'Policy strategies for effective implementation of inclusive education in Kenya' (2020) *International Journal of Educational Administration and Policy Studies* 12(1) 29.

⁹⁰ EW Kiru 'Special education in Kenya' (2019) *Intervention in School and Clinic* 54(3) 183.

⁹¹ The Republic of Kenya Ministry of Education 'Sector Policy for Learners and Trainees with Disabilities' https://planipolis.iiep.unesco.org/sites/default/files/ressources/kenya_sector_policy_learners_trainees_disabilities.pdf (accessed 6 September 2023).

⁹² As above, 26.

⁹³ The Republic of Kenya Ministry of Education (n 91) 7.

for an integrated system of formal education.⁹⁴ However, the CRPD Committee clarifies in General Comment 4 that ‘integration’ does not constitute inclusive education, hence these provisions were insufficient. Furthermore, the CRPD Committee asked the Kenyan government to alter the Act because it contained offensive language directed at people with disabilities and to guarantee compliance with the CRPD’s provisions.⁹⁵ There were concerns with the lack of a policy protecting children from being turned away because of a disability and from receiving reasonable accommodations.⁹⁶ However, The Act was updated in 2012 to comply with the 2010 Constitution as well as the requirements of the CRPD.

The national goal of inclusive education was not specifically advanced until 2009, when the MoE created a Special Needs Education (SNE) framework to protect and promote the right of students with disabilities to obtain equitable access to special education services.⁹⁷ The SNE framework aimed to ‘assess and intervene, advocate and raise awareness, build capacity and develop capacity, conduct research and documentation, and use specialised facilities and technology’.⁹⁸ Sadly, this did not reflect the situation faced by students with disabilities in the learning environment. Due to a variety of reasons, including the absence of implementation guidelines, they did not benefit from it.⁹⁹ According to the expanding national legislation, there has been a significant change in Kenya’s inclusive education scene since 2009.

4.4 Reflection of best practices from South Africa and Kenya

1. National Legislation and Policies

Sierra Leone has only one legislation that protects the right to education for persons with disabilities which is the Persons with Disability Act, 2011. This Act guarantees free education for persons with disabilities at tertiary level but does not provide a detailed implementation strategy for reasonable accommodation of students with disabilities within the academic system.

In South Africa, there had been tremendous strides toward establishing a legal and legislative framework to facilitate the development of an inclusive educational system. Inclusive

⁹⁴ The Republic of Kenya, Persons with Disabilities Act 14 of 2003 <https://www.treasury.go.ke/WpContent/uploads/2020/11/Persons-With-Disabilities-Act.Pdf> (accessed 6 September 2023).

⁹⁵ Concluding observations on the initial report of Kenya, CRPD Committee (30 September 2013) UN Doc CRPD/C/KEN/CO/1 para 6.

⁹⁶ As above, para 44.

⁹⁷ The Republic of Kenya Ministry of Education (n 91) 183.

⁹⁸ The Republic of Kenya Ministry of Education (n 91) 27.

⁹⁹ As above, 2.

education in South Africa aims to increase equitable rights and access to education, transforming the social and economic structures inherited from apartheid and contributing to a democratic society.¹⁰⁰ Consequently, the National Development Plan (NDP) highlighted that persons with disabilities encounter a variety of discriminatory obstacles, and disability frequently caused by poverty because mostly persons with disabilities are incapacitated to level above poverty.¹⁰¹

In 1997, the first White Paper on the Integrated National Disability Strategy (INDS) pointed out that persons with disabilities are mostly marginalised by society, and they find it difficult to exercise their fundamental rights.¹⁰² It laid the foundation for addressing various forms of discrimination experienced by persons with disabilities and ensuring their equitable access to human rights. However, the objective of the INDS was to incorporate disability concerns into all government development strategies, plans, and programs, as well as to improve public awareness of these issues and build capacity.¹⁰³

In 2015, the White Paper on the Rights of Persons with Disabilities was expedited to transform and address the problems relating to full inclusion, integration and equality for persons with disabilities.¹⁰⁴ It was meant to guide the realisation of the human rights of persons with disabilities considering the state's duties under the CRPD. According to White Paper 6, the Department of Education has a 'special responsibility to ensure that all learners, with or without disabilities, pursue their learning potential to the fullest'. It further described inclusive education as understanding and respecting the fact that every learner differs in some way and has unique learning requirements, all of which are equally important and are a normal part of our human experience.¹⁰⁵ The paper also affirms that inclusive education is about creating structures, processes, and teaching strategies that accommodate the needs of all students while recognising and respecting the differences among children, whether due to age, gender, ethnicity, language, class, disability, and HIV status.

This White Paper for Post- School Education and Training was designed to speed up the transformation and redress process with regard to complete inclusion, integration, and

100 P Engelbrecht 'Inclusive education: Developments and challenges in South Africa' (2020) 49 *Prospects* 219–232 <https://doi.org/10.1007/s11125-020-09499-6> (accessed 14 September 2023).

101 'South Africa National Development Plan 2030' <https://www.gov.za/issues/national-development-plan-2030> (accessed 15 September 2023).

102 'White Paper Integrated National Disability Strategy (INDS) 1997' <https://www.gov.za/documents/integrated-national-disability-strategy-white-paper> (Accessed 15 September 2023).

103 As above.

104 'White Paper on the Rights of Persons with Disabilities' https://www.gov.za/sites/default/files/gcis_document/201603/39792gon230.pdf (Accessed 25 September 2023).

105 As above, 11.

equality for persons with disabilities.¹⁰⁶ The text calls for a strategic policy framework to improve post-school education and training for persons with disabilities, addressing institutional exclusion and disability-related issues. It emphasises the need for a framework in higher institutions to integrate students and staff with disabilities in all aspects of university life, including academic life, culture, sports, and accommodation, using a strategic policy framework. In 2011, 5 807 students with disabilities enrolled in 22 public universities, accounting for only 1% of the total enrollment, indicating that barriers persist for those with disabilities in higher education.¹⁰⁷

This National Plan for Higher Education outlines the framework and processes for reorganising the higher education system to fulfil the vision and goals for the transformation of the higher education system as stated in Education White Paper 3: A Programme for the Transformation of Higher Education (July 1997). In addition to outlining the strategic interventions and levers required for the reform of the higher education system, it also offers an implementation structure. It presents an opportunity and a challenge to map out a course that places the higher education system as a major force behind and contributing to the rebuilding and growth of South African society.

In Kenya, the enactment of the 2010 Constitution provided an expansion of the rights of persons with disabilities in Kenya, and the recognition of disability rights.¹⁰⁸ The 2010 Constitution clearly recognized, under Article 54, the right to education for all PWDs, including the ability to access facilities and educational institutions that are incorporated into society to the extent that it is compatible with their interests and the ability to access resources and tools to help them overcome limitations resulting from their disability.¹⁰⁹

In particular, Articles 54(b) and (e) of the 2010 constitution demands that the education system be appropriate for realising this right and that PWDs' interests be taken into account. In the end, it can be concluded that the government is committed to a comprehensive educational system that will guarantee that all PWDs realise their full potential and can

¹⁰⁶ 'White Paper for post-school education and training building an expanded, effective and integrated post-school system' <https://www.gov.za/documents/white-paper-post-school-education-and-training-building-expanded-effective-and-integrated> (accessed 27 september 2023).

¹⁰⁷ As above.

¹⁰⁸ 'The 2010 Constitution of Kenya' <http://kenyalaw.org/lex/actview.xql?actid=Const2010> (accessed 29 September 2023).

¹⁰⁹ C Glinz 'Kenya's new constitution: A transforming document or less than meets the eye?'(2011) *Law and Politics in Africa, Asia and Latin America* 44(1) 62.

advance from one level of school to another with the aid of the appropriate resources.¹¹⁰ Given that they meet this requirement, students with disabilities are likewise covered by this clause. In order to ensure that students with disabilities are taken care of, the Kenyan government adopted the 2018 Sector Policy for Learners and Trainees with Disabilities (SPLTD), which goes into further detail about how to develop an inclusive education system. In 2015, the proposed Persons with Disabilities Bill included a concept of inclusive education, which was a good step in ensuring that students with disabilities received specialised instruction established by their individualised education programs within the context of the core curriculum and general class activities regardless of types or levels of their disabilities.¹¹¹

Additionally, Article 21 guarantees the full, inclusive, and accessible education of all young persons with disabilities.¹¹² Section 18 of the PWD Act of 2003 was planned to be amended in the Persons with Disabilities Amendment Bill, which was introduced later in 2019. The amendment bill added a subsection to this clause that reads, 'The national and county governments shall promote inclusive education for all learners with disabilities in all schools and institutions'.¹¹³ Both of these measures have not been passed by the legislature, therefore the effect is only hypothetical at this point. However, in light of the mentioned provisions, this Act may work in conjunction with other pieces of legislation to protect students with disabilities' right to inclusive education.

In 2016, the government released the National Plan of Action to execute the CRPD Committee's recommendations, outlining concrete actions to realise inclusive education with time-frames.¹¹⁴ For instance, the first activity specifies that laws and regulations will be changed to properly support inclusive education, and the deadline for completion was 2017.¹¹⁵

¹¹⁰ K Koech 'Has the ten years of the 2010 constitution improved the lives of persons with disability?' *The Youth Café* <https://www.theyouthcafe.com/perspectives/has-the-ten-years-of-the-%202010-constitution-improved-the-lives-of-persons-with-disability> (accessed 6 September 2023).

¹¹¹ The Republic of Kenya Persons with Disabilities Bill 2015.

¹¹² As above, 16.

¹¹³ The Republic of Kenya 'The Persons with Disabilities (Amendment) Bill 2019' <http://www.parliament.go.ke/sites/default/files/201902/The%20Persons%20with%20Disabilities%20%28Amendment%29%20Bill%2C%202019.pdf> (accessed 6 september 2023).

¹¹⁴ The Republic of Kenya Ministry of Gender Children and Social Development 'Kenya National Social Protection Policy' (2011) <https://nsps.socialprotection.go.ke/images/downloads/kenya-national-social-protection-policy.pdf> (accessed 6 september 2023).

¹¹⁵ As above, 2.

The 2018 SPLTD emphasises that students with disabilities have a right to be enrolled in regular classes, recognising the necessity for a transition toward inclusive education. The policy applies to all levels of education, from early childhood development to university education, therefore it is not just for children.¹¹⁶ It is admirable that the policy designates autism as a separate category and learning difficulties as a separate category as these students are protected when learning problems are acknowledged.

The National Education Sector Plan of 2014 affirmed the need for capacity building of ‘teachers, trainers, caregivers, parents, educational managers, learning support assistants, and technical disability-related personnel physiotherapists, occupational therapists, counsellors, orientation and mobility trainers, and ICT experts’ in all phases of education for children with disabilities. In addition the policy expands on the requirement of MoE to set a universal minimum level for the provision of per-service and in-service capacity-building training for staff members who teach students with disabilities.¹¹⁷ In order to guarantee that students with disabilities are appropriately accommodated in the classroom, this will guarantee that teachers receive ongoing training and that approaches are continually improved.¹¹⁸ As learning problems are occasionally not immediately diagnosed, this will also help teachers recognise students who may need further support. The ‘recruitment and redeployment of human resources in schools’ is another technique recommended to ensure that instructors’ talents are properly matched to the needs of students with disabilities.¹¹⁹

The SPLTD also highlights the obstacles that students with disabilities experience in the learning environment when trying to participate in the educational process, including language, physical, and social hurdles as well as views that view these kids as less capable.¹²⁰ The strategy specifies tactics for the MoE to pursue after outlining problems that relate to the Kenyan context of inclusive education for students with disabilities;¹²¹ These tactics include; Promote inclusion of students with disabilities and their families in student councils, clubs, and groups as well as their representation and involvement in all institutions; Establish proper channels for communication in all educational institutions; Plan extracurricular and recreational activities for students and trainees with and without disabilities that are inclusive, pertinent, and needs-based.

¹¹⁶ UNESCO ‘Kenya Inclusion’ <https://educationprofiles.org/subsaharanafrika/kenya/~inclusion#Laws.%20Plans.%20Policies%20and%20Programmes> (accessed 6 september 2023).

¹¹⁷ The Republic of Kenya Ministry of Education (n 91) 21.

¹¹⁸ As above.

¹¹⁹ The Republic of Kenya Ministry of Education (n 91).

¹²⁰ As above, 22.

¹²¹ As above.

To fulfil the goal of providing an appropriate curriculum that supports inclusive education. The Kenya Institute of Curriculum Development (KICD) has made an effort to adjust the standard curriculum to fit the needs of a few categories of disabled children. To support kids with 'severe' difficulties,¹²² the KICD has created a unique curriculum. The SPLTD emphasises that in order to ensure the practice of inclusive education, a flexible curriculum that attends to the needs of all students should be designed.¹²³ As a result, the policy mandates that MoE do regular research, comprehend the learning system demands of learners with disabilities, and promote parent education for all parties involved in education, including parents, teachers, and counsellors.¹²⁴

Considering the objectives of the SPLTD, it shows that the policy is implemented in a multidimensional approach to achieve inclusive education in Kenya as compared to Sierra Leone. Kenya has provided a justiciable avenue for inclusive education for students with disabilities with an inclusive framework that includes higher education. The SPLTD aligns with Article 54 of the 2010 Constitution, that advocates for the fulfilling and protection element of realising the right to inclusive education.

2. Institutional Policy Development:

Institutional policy is an important governance instrument that enables higher education institutions to articulate principles regarding academic and administrative operations and matters. However, the Universities of Sierra Leone is yet to institute disability policies that guide in addressing the challenges of persons with disabilities in these academic institutions.

In Kenya, the University of Nairobi which is recognised as the first and largest institution of higher learning as well as the largest in all of Eastern and Central Africa.¹²⁵ Over the years, it has maintained a dominant position in the higher education market and is regarded as a knowledge hub and a source of reference for important development concerns. In order to ensure that students with disabilities have equal access to and opportunities to participate in all parts of university life and activities, a policy and administrative measures were put in place.

¹²² The Republic of Kenya Ministry of Education (n 91) 27.

¹²³ As above.

¹²⁴ The Republic of Kenya Ministry of Education (n 91) 28.

¹²⁵ 'University of Nairobi Disability Policy 2020' <https://edustudies.uonbi.ac.ke/sites/edustudies.uonbi.ac.ke/files/202104/UON%20DISABILITY%20POLICY%20%20OCTOBER%209%20EDITION%20VERSION.pdf> (accessed 30 September 2023).

The goal of this policy is to ensure that all students, staff, attitudes, policies, procedure, regulations and practice. This is carried out to guarantee the support of employees with disabilities and to assure their welfare in the workplace. In order for the university to offer support services to staff and students with disabilities under this policy, they must first register with the National Council for Persons with Disabilities, collect the necessary documentation, and submit it to the university.

Therefore, the university made deliberate, strategic steps to close this gap by developing a policy on issues related to disabilities. In accordance with their legal requirements and duty of care, the policy promotes helping students, staff, and stakeholders with disabilities.¹²⁶ The Policy encourages, defends, and ensures that all PWDs are able to fully and equally enjoy all human rights and basic freedoms. It offers the institutional support and steps needed to integrate disability concerns into all university operations and activities. In addition to excellent governance, integrity, openness, accountability, and sustainable development, the national values explicitly state the necessity of promoting and upholding human dignity, equity, inclusion, equality, non-discrimination, and the protection of the marginalised. The university is committed to mainstreaming disability in all of its operations, processes, and procedures with the goal of leaving no one behind in achieving world-class academic achievement

In order to lessen the difficulties, the policy advocated for the construction of a centre for persons with disabilities that will be an industry leader in providing services. The Center promotes the idea of an inclusive society that helps PWDs achieve their educational, professional, and personal objectives in accordance with the requirements of the Constitution and the established standards for disability mainstreaming as set forth by the National Council for Persons with Disabilities (NCPWD). To fulfil its goal of providing PWDs with dignity in the University, the Disability Center collaborates with all University units and other local and international stakeholders.¹²⁷

The policy commits to ensuring that all university policies are aligned to be inclusive of persons with disabilities. To help it carry out its mission, the University has created a wide range of policies to direct its operations. To ensure that disability issues are effectively addressed and mainstreamed in all policy interventions, the University will align all of its policies and procedures with this policy. Additionally, it will make sure that all future university strategic plans will be mainstreaming of persons with disabilities.

¹²⁶

As above.

¹²⁷

University of Nairobi Disability Policy (n 125) 15.

While in South Africa, the University of Pretoria (UP) is among the universities dedicated to making sure that there is an effective recruitment, participation, and progression of students with disabilities throughout their university educational experience.¹²⁸ The policy's design ensures that students with impairments are included at the university. The policy provides a broad framework for encouraging all students, including those with disabilities, to have access to education. This is accomplished by setting up the proper processes, structures, and guidelines that direct the inclusion of students with disabilities at UP.

Additionally, the policy's goal is to ensure that all appropriately qualified students with disabilities may fully and equally enjoy their right to education. The policy aims to prevent unjust discrimination against any student, especially towards students with disabilities in the UP learning environment. All other UP policies and procedures that apply to students with disabilities are being guided by the application of this policy. Furthermore, there is a Disability Unit that has a crucial responsibility to ensure that the rules outlined in the policy are followed and put into practice.

3. Building Infrastructure:

Infrastructural accessibility is one of the challenges faced by students with disabilities in Sierra Leone, In Fourah Bay College most of the buildings and classrooms where classes are organised do not have ramps or elevators, for easy access for students with disabilities. In South Africa, the government has made investments in infrastructure that meets the needs of all students. For instance, accessible restrooms, ramps, and elevators ensure that students with physical disabilities can move about the school without running into obstacles. In Kenya, the University of Nairobi has erected elevators in some buildings, supplied ramps, accessible parking lots, signage, accessible restrooms, customer service stations, furniture and fittings, and accessible surrounds to improve accessibility to facilities and the built environment.

4. Teachers training and development:

The lack of trained teachers has negative implications for students with disabilities in receiving inclusive education. Students with disabilities struggle to keep up with lecturers because teachers are not trained on how to accommodate them together with other students,

¹²⁸

'University of Pretoria disability policy' https://www.up.ac.za/media/shared/1/ZP_Files/rt320_19-policy-on-students-with-disabilities.zp179826.pdf (accessed 25 September 2023).

so accessing lecturer notes is solely the responsibility of the student to figure a way to catch up with other colleagues.

In South Africa, the government has created initiatives to improve teachers' ability to deal with a variety of students. The Inclusive Education Flagship Program is one illustration; it offers teachers training and tools to help them develop inclusive learning environments and better fulfil the various needs of their students. In Kenya, teachers are trained in sign language and other educational activities are organised at the university to discuss disability issues for all staff members and students. Additionally, these training has increased the understanding and knowledge of students and staff on how to offer services that are accessible to persons with disabilities.

5. Curriculum adaptation:

Curriculum development is one of the inclusive approaches that Sierra Leone needs to learn from South Africa in order to actualise an inclusive curriculum. The government of South Africa has taken steps to modify the curriculum to meet the needs of various types of students. For instance, the Curriculum Differentiation Program strives to give teachers methods for modifying curriculum material, instruction, and assessment procedures to accommodate students with diverse abilities,¹²⁹ and also the development of the National Curriculum Statement Grade R–5 for Learners with Severe Intellectual Disability.¹³⁰ This is currently being incrementally introduced in 177 special schools.

6. Access to assistive technology and support services:

To ensure that students with disabilities are included in regular education, the South African government has made an effort to provide assistive technology and support services. For example, the Department of Basic Education established the National School Dietary Program to ensure that students with disabilities have access to dietary support in the classroom,¹³¹ thereby enhancing their general well-being and engagement in the learning process. Additionally, the availability of assistive technology such as customised software,

¹²⁹ Curriculum Assessment Policy Statement [https://www.education.gov.za/Curriculum/CurriculumAssessmentPolicyStatements\(CAPS\).aspx](https://www.education.gov.za/Curriculum/CurriculumAssessmentPolicyStatements(CAPS).aspx) (accessed 27 September 2023).

¹³⁰ National Curriculum Statement Grade <https://www.education.gov.za/Curriculum/NationalCurriculumStatementsGradesR-12.aspx> (accessed 28 September 2023).

¹³¹ National School Nutrition Programme <https://www.education.gov.za/Programmes/NationalSchoolNutritionProgramme.aspx> (accessed 28 September 2023).

braille materials, and hearing aids allows students with disabilities to fully participate in the learning process.

7. Allocation of Funds:

Allocation of funding for students with disabilities has been one of the challenges faced by many universities in Africa, including universities in Sierra Leone in order to achieve an inclusive education. In South Africa, the University of Pretoria has made some efforts towards allocating a special budget for the implementation of support services for students with disabilities controlled by the Disability Management Committee. This budget caters for resourcing the Disability Unit, followed by a constantly monitored mechanism to guarantee collective accountability.¹³² However, with this policy in place, there is an efficient system established to receive any grievances, concerns, disputes, or requests for assistance from students with disabilities, allowing them to participate equally in all facets of university life. This policy is being revisited at least every four years.

8. Undertaking research on inclusive education:

In South Africa, at national level the government has adopted policies to promote inclusive education and guarantee that all students have equal access to high-quality instruction. For instance, the Policy on Screening, Identification, Assessment, and Support (SIAS),¹³³ which was developed by the Department of Basic Education in 2001, aimed to identify and assist students who were experiencing learning difficulties. The policy has been implemented by 83,020 teachers from 23,840 schools in South Africa, with 4, 215 officials trained. Also, the establishment of the Learner Unit Record Information and Tracking System (LURITS) to facilitate the tracking and monitoring of children within the school and university system.

At institutional level, the University of Pretoria In order to advance disability equality at the University, it runs tracking systems to assess the effectiveness of accommodations for employees and students with disabilities, assess progress, and find areas for improvement. To increase the effectiveness of this policy, all aspects are being continuously reviewed and

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University of Pretoria disability policy, (n 128).
Policy on Screening, Identification, Assessment, and Support https://www.gov.za/sites/default/files/gcis_document/201409/sias-revised-final-comment.pdf (accessed 26 September 2023).

amended as necessary. This involves taking into account policies that will help the university address any under representation of staff and students with disabilities.¹³⁴

In Kenya, the university of Nairobi has a proper data collection unit for persons with disabilities, which is responsible for the coordination of disability research and other related services.¹³⁵ The idea behind this excellent data management is to build dependable and reliable information to make wise decisions regarding students with disabilities in the university. Therefore, it is essential to have a Disability Mainstreaming inside the institution where data on PWDs be collected and analysed thoroughly, it could be a data gathering unit, disability research coordination, and other related services.

4.5 Conclusion

In conclusion, the South African Constitution and White Paper 6 have played a significant role in creating the nation's legal framework for promoting inclusion and diversity. South Africa has used a dualist strategy for legislating inclusive education which is different from Kenya's. Even yet, there are still inconsistencies in law and policy. In South Africa, the White Paper 6 does not create any legally binding obligations, but it continues to be the principal strategy document for the implementation of inclusive education. Its objective is to illustrate the government's perspective on a particular topic. To this day, the government has not yet succeeded in making inclusive education a national priority by turning its policies into binding legal responsibilities.

Kenya has made great advancements in implementing inclusive education and can serve as a model for many other nations. Undoubtedly, a complete framework for achieving inclusive education for children with disabilities is provided by the 2010 Constitution and the 2018 SPLTD. SPLTD provides a multisectoral strategy for achieving inclusive education, together with implementation recommendations and a comprehensive overview of MoE techniques. Institutional administrators also took numerous steps to ensure that students with disabilities have access to education. Nevertheless, there are still several areas where the SPLTD framework might be enhanced. In order to strengthen the problem and successfully realise the right to education, the problem of overcrowded classrooms can be addressed through policy.

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As above, 8.

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University of Nairobi Disability Policy (n 125)14.

South Africa and Kenya utilised different strategies to achieve inclusive education, they have still made commendable efforts and can serve as an example for other African nations. Although the situation in these nations is not perfect, they have made a remarkable effort in implementing inclusive education as compared to other nations. One of the significant initiatives that was pointed out by both countries is how important the use of data collection can help in making progressive decisions in advancing inclusive education in Sierra Leone. They highlighted that conducting research can provide results that can inform policy and practice, leading to the development of more effective strategies for promoting inclusive education in the country.

5. SUMMARY OF FINDINGS, RECOMMENDATIONS, AND CONCLUSION

5.1 Introduction

This research assessed the ways in which Sierra Leone can make progress toward ensuring that persons with disabilities have access to higher education. The main research findings are covered in this chapter, along with recommendations on how we can promote inclusive education at the tertiary level for persons with disabilities in Sierra Leone.

5.2 Summary of Findings

The first chapter served primarily as a foundation, discussing the history of disability in Sierra Leone, defining dissertation terms, giving direction with regard to the aimed research questions and sub-questions addressed during the course of this research, and emphasising some important opposing views and opinions advanced by other authors in the literature review, among other things. One of the key findings in this chapter is that there is a low level of graduates and a high level of unemployment among persons with disabilities due to the fact that many of them are not educated up to the tertiary level, out of the 92,076 persons with disabilities, less than 1% of persons with disabilities completed their education to tertiary level.

Chapter two focused on a discussion reflecting on key international and regional instruments that Sierra Leone has ratified, which ensure that persons with disabilities have access to high-quality education. The study discovered that for persons with disabilities to receive the best possible education, the right to tertiary education is properly protected both internationally and regionally. The chapter makes clear that the right to education confers legal entitlement on the right holder, including persons with disabilities, and that the state has a duty to offer such education. As a result, it was determined that Sierra Leone is required by law, as a signatory to certain international treaties, to protect every learner under its jurisdiction by creating legislation and provision to enhance the right to an inclusive education up till tertiary level. The chapter also made it clear that practically all international legal treaties agree that basic education, such as primary or elementary education, should be free and made mandatory. However did not place much focus on university education which has led largely to the exclusion mindset of most the Africa countries including Sierra Leone to priorities Basic and Secondary education, neglecting tertiary education. The chapter also reveals that the

policies and institutional strategic plans of higher educational institutions in Sierra Leone do not meet the international standard in realising inclusive education for students with disabilities at the tertiary level.

Chapter three discussed the gaps in the national higher education policies and institutional management policies of tertiary level of education in failing to protect and promote the right to inclusive education for students with disabilities. The research unveils that the government has made some effort in investing lots of resources in ensuring inclusive education at the basic and secondary education level by establishing some laws and providing teaching materials but are yet to enhance inclusive education for students with disabilities at the tertiary level of education in the country. The research found out that the only privileges that persons with disabilities are benefiting from is the fact that they are eligible for granting aid at the university but there are not enough mechanisms to reasonably accommodate them in the academic process. The research finds that there is a high level of exclusion mindset from the policies assessed, as persons with disabilities were not adequately catered for, as most of the provisions were generalised. Another key finding is that the Fourah Bay College which is one of the reputable Universities of Sierra Leone does not have a disability policy that protects and promotes the rights of students with disabilities. However, they have established a centre for disability in the university but the Centre has been very dormant due to lack of resources to adequately function and be capable of helping students with disabilities in the University.

Chapter four unveiled how countries like South Africa and Kenya have embraced the initiative of inclusive education and their implementation strategies towards actualising the right to education at tertiary level. The research also found out that although the situations in these countries are not perfect, they have made a remarkable effort in implementing inclusive education as compared to other nations. The research disclosed that in 2018 Kenya have enacted a national policy called SPLTD that emphasises that students with disabilities have a right to be enrolled in regular classes, recognising the necessity for a transition toward inclusive education. This policy applies to all levels of education, from early childhood development to university education. The research also unwrapped that the state university also has disability policies that protect persons with disabilities at the tertiary level.

Further findings revealed that Sierra Leone has not made provisions for even our national laws to be accessible to the blind since they have not been translated into braille. Another challenge faced at the university is that there are no ramps and lifts in most of the buildings where classes are held, and lack of assistive technology or computers with little or no access

to internet connectivity in the university for learning pedagogy. Also, there are no sign language services. The finding shows that the University is challenged with qualified staff that can meet the teaching and learning objective for students with disabilities.

5.3 Recommendations

Despite the aforementioned lapse in the policies, legislation and strategic plans of the tertiary educational system to accommodate persons with disabilities, there is still hope for progress to be made in order to create an efficient and long-lasting accommodation for persons with disabilities as required by the international instruments Sierra Leone has ratified. The following recommendation are made in order to strengthen the required reforms:

A. To the Ministry of Higher Education:

√ **Ratification of the Africa Disability Protocol:** The Ministry should push for the ratification of the Africa Disability Protocol to strengthen the protection and promotion of children with learning disabilities in Sierra Leone. The Protocol elaborates on the rights protected by the CRPD and represents an African perspective. The Article 16(3) recognises the right to inclusive education and calls on states to fully implement 'inclusive quality education.' These guidelines provided in this Article 16 specifically describe inclusive teaching strategies appropriate for students with disabilities. For instance, 16(3)(c) specifies that reasonable accommodation of an individual's requirement is provided and that persons with disabilities receive the support required to facilitate their effective education.

√ **Enactment of laws and policies:** Appropriate legislation and regulations must be in place to facilitate inclusive education. Laws to end discrimination, ensure equal access to education, ensure inclusive education, offer support, grant children the right to be heard, ensure that all university facilities are accessible, and implement early identification and assessment of students with disabilities are a few examples of what this can include.

√ **Development of inclusive education plans:** In order to implement inclusive education, the Ministry must create a plan of action. For instance, it must specify the amount of cash that will be made available, the steps that will be taken to make it happen, and the deadlines for achieving the objectives in order to actualise acceptable accommodations for students with disabilities. The unique needs, learning objectives, placement, and related services of students with disabilities, as well as the suitable teaching methods and necessary classroom accommodations, can all be determined through this procedure.

√ **Data Collection and Measure progress:** The Ministry needs to know how many students with disabilities are there in various universities across the country and what are the problems they face in their various universities. They also need to find out what help they need to support their education. Only with this information can they properly plan on implementing an inclusive education. To guarantee that the proper support is given to students with disabilities in Sierra Leone, it is imperative that data gathering methods are built with the required administrative and technical capabilities. It is important that the Ministry sets itself goals and time frames so that it can measure if it is making progress. For example, a date by when 50% of university should have been made accessible, or when 50% of students with disabilities should be inclusive into the university.

√ **Making funding available:** governments must make sure to provide the learning materials and support needed by students with different disabilities. This can include assistive technologies that help with learning. And they need to make money available to universities to make sure the they are accessible to all students with disabilities.

√ **Provide teachers training programs:**The Ministry should work together with the Teaching Service Commission to ensure that the teacher training system should be holistically reformed, as teachers need to be trained how to work in an inclusive university with students with very different abilities. They should also show how to improve the curriculum at teacher's colleges where they could be taught how to accommodate an inclusive learning environment of students with or without disabilities during their college training.

√ **Introduce inclusive testing and assessment:** The Ministry should set up testing and assessment mechanisms for students with disabilities. They should be given extra time and guidance during exams compared to students without disabilities. They should be assessed on the progress they have made for themselves. They should not be judged simply on the basis of a standard set of exams or tests. It is appropriate to evaluate them based on the personal growth they have achieved. It is inappropriate to evaluate them solely based on a prescribed set of examinations or assessments.

√ **Enable complaints and redress mechanisms:** If they believe they are being discriminated against or that their right to an inclusive education is not being fulfilled, children with disabilities must have the ability to file a complaint. Additionally, the complaint procedure must be user-friendly and safe. If there is merit to the complaint, governments or other organisations need to act. In order to ensure that people with disabilities or their family

members are fully aware of the steps they need to take to file a complaint when full access to education is being denied, it is imperative that when developing domestic laws, workable structures, and channels for filing complaints, should be established and clearly stated.

B. To Institutional Managements:

√ **Institutional Reform and Structuring:** A more functional disability resource centre and desk should be located at the various University of Sierra Leone. These facilities will support the creation of academic programs, policies, and outreach initiatives, with a focus on pedagogy, extracurricular activities, infrastructure, and other support systems. This can be carried out in collaboration with the registrar, dean of students, and office of the deputy vice chancellor, who are in charge of managing academic programs and student welfare.

√ **Promoting disability awareness:** Providing teachers and staff members professional development programs that encourage disability awareness; more precisely, professional development that stresses practices, policies, and initiatives that highlight student involvement with disability awareness with the institution. Higher education institutions must provide staff and students with sensitization training in order to increase readiness. Additionally, the University of Sierra Leone can organise workshops, training sessions, and sensitisation campaigns in collaboration with others to mainstream the rights of students with disabilities in higher education.

√ **Campus accommodation facilities:** Prioritises them in having hostel facilities on campus and make sure they are well assisted. For example, planning so that hostel buildings are available and accessible for them, protection to make sure they are safe, and transportation facilities for them to go to campus and back to their houses, if there are no hostels available on campus.

√ **Extracurricular activities for persons with disabilities:** Empowering students with disabilities to take part in extracurricular activities by providing opportunities of meaningful involvement and physical access, organising extracurricular activities for them to take part. An institution that ensures its students with disabilities feel respected and catered for is demonstrating an empowered disability community that goes a long way within and outside of the classroom. It creates a sense of acceptance and bridges the myth and stereotype opinion about persons with disabilities.

5.4 Conclusion

In conclusion, Sierra Leone has made positive developments toward inclusive education, but there are still gaps that need to be addressed with respect to improving tertiary education for students with disabilities. This research affirmed that the government of Sierra Leone and the tertiary education commission should play a role in developing and implementing policies that promote inclusive education in Sierra Leone that aligns with the international standard. This includes policies that can provide equal opportunities for all students, with reference to the recommendations aforementioned and learn from the best practice of South Africa and Kenya in order to implement an inclusive education in the country.

Tertiary education has been identified as one of the most discriminatory institutions, both with regard to access for students without disabilities, as well as in the case of students with disabilities. The higher education institutions should focus their efforts towards initiatives that provide more than just assuring access and mobility to students with disabilities. Institutions should commit to executing inclusive policies and practices into action by making sure that resources are available and that students with disabilities receive specialised care. Moreover, higher education institutions are also responsible for restructuring study programs design and delivery.

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Bibliography

Book

Byrnes, A; Conte, A; Gonnot, JP; Larsson, L; Schindlmayr, T; Shepherd, N; Walker, S; Zarraluqui, A; *Handbook for parliamentarians on the convention on the rights of persons with disabilities: Exclusion to equality, Realizing the rights of Persons with disabilities* (2007) 14 United Nations Geneva 17.

Education, A (2016) *Principles of Inclusive Education*.

Munoz V *The Right to Education for Persons with Disabilities: Report of the Special Rapporteur on the Right to Education* (2007) United Nations Human Rights Council.

Peters, SJ (2004) *Inclusive Education: An EFA strategy for all children* 31195 World Bank 41

Journal Articles

Brandt, S 'From Policy to Practice in Higher Education: The experiences of disabled students in Norway' (2011) 58(2) *International Journal of Disability, Development and Education* 107–120 <https://doi.org/10.1080/1034912X.2011.570494> (accessed 16 July 2023)

Bunbury, S 'Disability in higher education – Do reasonable adjustments contribute to an inclusive curriculum?' (2018) 24(9) *International Journal of Inclusive Education* 964-979 <https://www.tandfonline.com/doi/full/10.1080/13603116.2018.1503347> (accessed 17 July 2023)

Beiter, KD The Protection of the Right to Education by International Law, 245, https://www.researchgate.net/publication/311909233_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_Martinus_Nijhoff_2006_I (accessed 13 August 2023)

Byrne, B 'How inclusive is the right to inclusive education? An assessment of the UN Convention on the Rights of Persons with Disabilities' (2019) *International Journal of Inclusive Education* 26(3) 304.

Deen-Tarawally, JT 'The Status Of The Rights Of Persons With Disabilities In Sierra Leone And The Need For A Paradigm Shift From Political Lip Service'(2010) *SierraLII* .

Engelbrecht, P 'Inclusive education: Developments and challenges in South Africa' *Prospects* 49, 219–232 <https://doi.org/10.1007/s1125-020-09499-6> (accessed 14 September 2023).

Ford, J 'educating students with learning disabilities in inclusive classrooms' (2013) *Electronic Journal for Inclusive Education* 3 (1) 9.

- Fuller, M; Bradley A & Healey M 'Incorporating disabled students within an inclusive higher education environment' (2004) 19(5) *Disability & Society* 455–468. <https://doi.org/10.1080/0968759042000235307> (accessed 16 July 2023).
- Glinz, C 'Kenya's new constitution: A transforming document or less than meets the eye?' (2011) *Law and Politics in Africa, Asia and Latin America* 44(1) 62.
- Hanafin, J; Shevlin, M; Kenny, M & Neela EM 'Including young people with disabilities: Assessment challenges in higher education' (2007) 54(3) *Higher Education Research & Development* 435–448. <https://doi.org/10.1007/s10734-006-9005-9> (accessed 16 July 2023).
- Hughes, K; Corcoran, T & Slee, R 'Health-inclusive higher education: Listening to students with disabilities or chronic illnesses' (2016) 35(3) *Higher Education Research & Development* 488–501 <https://doi.org/10.1080/07294360.2015.1107885> (accessed 16 July 2023).
- Hathaway, O. A. (2002). Do human rights treaties make a difference? *The Yale Law Journal*, 111(8), 1935–2042.
- Ireri, BR; King'endo, M; Wangila, E; and Thuraniira, S 'Policy strategies for effective implementation of inclusive education in Kenya' (2020) *International Journal of Educational Administration and Policy Studies* 12(1) 29.
- Kochung, EJ 'Role of Higher Education in Promoting Inclusive Education: Kenyan Perspective' (2011) 2(3) *Journal of Emerging Trends in Educational Research and Policy Studies* 144–149. <https://www.semanticscholar.org/author/E.-Kochung/95218063> (accessed 17 July 2023).
- Kioko, VK & Makoelle, TM 'Inclusion in Higher Education: Learning Experiences of Disabled Students at Winchester University' (2014) 7(6) *International Education Studies* 106–116 <https://www.ccsenet.org/journal/index.php/ies/article/view/37419> (accessed 17 July 2023).
- Kiru, EW 'Special education in Kenya' (2019) *Intervention in School and Clinic* 54(3) 18
- Koech, K 'Has the ten years of the 2010 constitution improved the lives of persons with disabilities?' *The Youth Café* <https://www.theyouthcafe.com/perspectives/has-the-ten-years-of-the-%202010-constitution-improved-the-lives-of-persons-with-disability> (accessed 6 September 2023).
- Mutanga, O & Walker, M 'Towards a Disability-inclusive Higher Education Policy through the Capabilities Approach' (2015) 16(4) *Journal of Human Development and Capabilities* 501–517. <https://doi.org/10.1080/19452829.2015.1101410> (accessed 16 July 2023).
- Maria B Disability as embodied memory? Question of Identity for the Amputees of Sierra Leone (2017).
- Moriña, A 'Inclusive education in higher education: Challenges and opportunities' (2017) 32 *European Journal of Special Needs Education* 3–17. <https://www.tandfonline.com/doi/full/10.1080/08856257.2016.1254964> (accessed 17 July 2023).

Ramaahlo, M; Tönsing, KM & Bornman, J 'Inclusive education policy provision in South African research universities' (2018) 33(3) *Disability & Society* 349–373. <https://doi.org/10.1080/09687599.2018.1423954> (accessed 16 July 2023).

Ryan, J & J Struhs 'University education for all? Barriers to full inclusion of students with disabilities in Australian universities' (2004) 8(1) *International Journal of Inclusive Education* 73–90. <https://doi.org/10.1080/1360311032000139421> (accessed 17 July 2023).

Ruh, D. (2012). The CRPD—Impact & opportunities. <http://www.ssbartgroup.com/blog/the-crpd-impact-opportunities/> (accessed 23 August 2023).

Tomaševski, K 'Human rights obligations: making education available, accessible, acceptable, and adaptable, 12, Right to Education' 3 Primers https://www.right-to-education.org/sites/right-toeducation.org/files/resourceattachments/Tomasevski_Primer%203.pdf (accessed 26 August 2023).

Legislation and Policy

African Charter on Human and Peoples' Rights (1981) Article 17.

Concluding observations on the initial report of Kenya, CRPD Committee (30 September 2013) UN Doc CRPD /C/KEN/CO/1 para 6.

General Comment 4 on article 24: Right to inclusive education, CRPD Committee para 2.

General Comment 4 on article 24: Right to inclusive education, CRPD Committee (25 November 2016) UN Doc CRPD/C/GC/4

National Education Policy Act (NEPA) of 1996, article 4 (d).

Persons with Disabilities Act 14 of 2003 <https://www.treasury.go.ke/WpContent/Uploads/2020/11/Persons-With-Disabilities-Act.Pdf> (accessed 6 September 2023).

Republic of Sierra Leone Higher and Tertiary Education Sector Policy Note 10 <file:///C:/Users/User/Downloads/ACS43930PNT0P10x0379833B00PUBLIC00.pdf> (accessed 16 July 2023).

Salamanca Statement and Framework for Action on Special Needs Education (1994) section 20).

The Education Act, 2004 <http://www.sierra-leone.org/Laws/2004-2p.pdf> sec 10

The Universities Act, 2021 <https://www.parliament.gov.sl/uploads/acts/THE%20UNIVERSITIES%20ACT,%202021.pdf> (accessed 16 July 2023).

The persons with disabilities Act No .3 of 2011 sec 31 <http://www.sierra-leone.org/Laws/2011-03.pdf> (accessed 26 August 2023).

The 2010 Constitution of Kenya <http://kenyalaw.org/lex/actview.xql?actid=Const2010> (accessed 29 September 2023).

The Republic of Kenya Persons with Disabilities Bill 2015.

The Republic of Kenya 'The Persons with Disabilities (Amendment) Bill 2019' <http://www.parliament.go.ke/sites/default/files/201902/The%20Persons%20with%20Disabilities%20%28Amendment%29%20Bill%2C%202019.pdf> (accessed 6 september 2023).

The Republic of Kenya Ministry of Gender Children and Social Development 'Kenya National Social Protection Policy' (2011) <https://nsps.socialprotection.go.ke/images/downloads/kenya-national-social-protection-policy.pdf> (accessed 6 september 2023).

UNESCO 'Kenya Inclusion' <https://educationprofiles.org/subsaharanafrica/kenya/~inclusion#Laws,%20Plans,%20Policies%20and%20Programmes> (accessed 6 september 2023).

UN Committee on Economic, Social, and Cultural Rights (Committee on ESCR) General Comment No 13 (The right to education) (1999) para 1.

UN Convention on the Rights of the Child <https://www.cypcs.org.uk/rights/uncrc/full-uncrc/#28> (accessed 28 August 2023).

UN Office of the High Commissioner for Human Rights, 1989.

UN Office of the High Commissioner for Human Rights, 2007.

'UNESCO Convention against Discrimination in Education' <https://www.unesco.org/en/righteducation/convention-against-discrimination>

United Nations Convention on the Rights of Persons with Disabilities. Article 24(1) <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> (accessed 12 August 2023).

UN Division for Social Policy and Development: Disability, 2016.

Reports and Papers

'Implementation Guidelines for Sector Policy for Learners and Trainees with Disabilities' <https://www.education.go.ke/sites/default/files/2022-05/Implementation-guidelines-sector-policy-for-learners-and-trainees-with-disabilities.pdf> (accessed 27 September 2023).

Kuyini, R; Mashod, F; Alhassan Kuyini, R; Mahama, FK; Alhassan, Z; Brennan, A; Wallace, T; Kilbourne, R; Mohamed BM & Otaah, TP 'Disability rights awareness and inclusive education training manual' (2015) *CEVS Ghana, GES Special Education Division & Pathfinders Australia* <https://www.un.org/disabilities/documents/unvf/DisabilityRightsInclusiveEduTrainingManu> (accessed 23 August 2023).

'Medium-term National Development Plan (2019–2023)' https://www.slurc.org/uploads/1/0/9/7/109761391/sierra_leone_national_development_plan.pdf (accessed 28 July 2023).

National Council for Special Education (2014). 'Children with Special Educational Needs Information Booklet for Parents' <https://ncse.ie/wp-content/uploads/2014/10/Children-WithSpecialEdNeeds1.pdf> (accessed 23 July 2023).

'National Education Policy 2010' <https://mbsse.gov.sl/wp-content/uploads/2020/03/2010-National-Education-Policy.pdf> (accessed 27 July 2023).

'Performance Audit Report on the Management of Examination by the University of Sierra Leone' <https://www.auditservice.gov.sl/wp-content/uploads/2022/07/Performance-Audit-Report-on-the-Management-of-examinations-by-the-University-of-Sierra-Leone.pdf> (accessed 26 August 2023).

'Parliament Passes the Basic & Senior Secondary Education Act, 2023' <https://sierraload.ed.sl/news/parliament-passes-basic-education-act-2023/> (accessed 26 April 2023).
Right to Education Project 'Right to education in Sierra Leone: A brief fact sheet (2016).'

'Quality education for all:Overcoming barriers to learning and development' <https://www.education.gov.za/Portals/0/DoE%20Branches/GET/Inclusive%20Education/Overcoming%20barriers%20to%20learning%20and%20development.pdf> (accessed 15 September 2023).

'Rights to education Country Factsheet' https://www.right-to-education.org/sites/right-toeducation.org/files/resourcattachments/RTE_country_factsheet_Sierra_Leone_January_2016_0.pdf (accessed 23 August 2023).

'Report on the Implementation of Education White Paper 6 on Inclusive Education (2015)' <https://static.pmg.org.za/160308overview.pdf> (accessed 26 September 2023).

'South Africa National Development Plan 2030' <https://www.gov.za/issues/national-development-plan-2030> (accessed 15 September 2023).

Sierra Leone 2015 Population and Housing Census 'Thematic Report on Disability' <https://sierraleone.unfpa.org/sites/default/files/pub-pdf/Disability%20Report.pdf> (accessed 5 July 2023).

'Sierra Leone Education Sector Plan 2018-2022' <https://www.globalpartnership.org/sites/default/files/2018-10-sierra-leone-esp.pdf> (accessed 27 July 2023).

'Sierra Leone Education Sector Plan 2022-2026' <https://www.unicef.org/sierraleone/media/1306/file/Sierra%20Leone%20Education%20Sector%20Plan%202022%20-%202026.pdf> (accessed 28 July 2023).

Tertiary Education Commission 'Needs Assessment on Higher Education Institutions in Sierra Leone' (2021) <https://tecsl.edu.sl/wp-content/uploads/2022/04/Needs-Assessment-on-Higher-Education-in-Sierra-Leone-full-version.pdf> (accessed on 27 July 2023).

'The Open Society Initiative for Europe: Our Grantee 2015' <https://www.opensocietyfoundations.org/publications/open-society-initiative-europe-our-grantees-2015> (accessed 23 August 2023).

The Revised University of Sierra Leone Academic, Research and Students' Affairs Policy 2018.

The Republic of Kenya Ministry of Education 'Sector Policy for Learners and Trainees with Disabilities' https://planipolis.iiep.unesco.org/sites/default/files/ressources/kenya_sector_policy_learners_trainees_disabilities.pdf (accessed 6 September 2023).

'United Nations' Millennium Goals Development Report 2006' <http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2006/> (accessed on 23 August 2023).

'University of Sierra Leone, Strategic Development Plan 2019-2023' 12

'University of Pretoria disability policy' https://www.up.ac.za/media/shared/1/ZP_Files/rt320_19-policy-on-students-with-disabilities.zp179826.pdf (accessed 25 September 2023).

'University of Nairobi Disability Policy 2020' <https://edustudies.uonbi.ac.ke/sites/edustudies.uonbi.ac.ke/files/202104/UON%20DISABILITY%20POLICY%20%20OCTOBER%209%20DITED%20VERSION.pdf> (accessed 30 September 2023).

'White Paper Integrated National Disability Strategy (INDS) 1997' <https://www.gov.za/documents/integrated-national-disability-strategy-white-paper> (accessed 15 September 2023).

'White Paper on the Rights of Persons with Disabilities' https://www.gov.za/sites/default/files/gcis_document/201603/39792gon230.pdf (accessed 25 September 2023).

Websites

Curriculum Assessment Policy Statement [https://www.education.gov.za/Curriculum/CurriculumAssessmentPolicyStatements\(CAPS\).aspx](https://www.education.gov.za/Curriculum/CurriculumAssessmentPolicyStatements(CAPS).aspx) (accessed 28 September 2023).

Ministry of Basic and Senior Secondary Education <https://mbsse.gov.sl/wpcontent/uploads/2021/04/Radical-Inclusion-Policy.pdf> (accessed 27 August 2023).

National Curriculum Statement Grade <https://www.education.gov.za/Curriculum/NationalCurriculumStatementsGradesR-12.aspx> (accessed 28 September 2023).

National School Nutrition Programme <https://www.education.gov.za/Programmes/NationalSchoolNutritionProgramme.aspx> (accessed 28 September 2023).

Policy on Screening, Identification, Assessment, and Support <https://www.gov.za/sites/default/files/gcisdocument/201409/sias-revised-final-comment.pdf> (accessed 28 September 2023).

'University of Sierra Leone' <https://usl.edu.sl/about/> (accessed 16 July 2023).

University of Sierra Leone <https://usl.edu.sl/resource-centre-for-students-with-disability-at-fourah-bay-college-mount-aureol/> (Accessed 26 August 2023).

<https://peacemaker.un.org/sierraleone-lome-agreement99> (accessed 5 April 2023).