# Sightsavers Submission to the Special Rapporteur on the Right to Education on the right to education, advances, and challenges (January 2023)

## About Sightsavers

Sightsavers works in more than 30 countries, across Africa and South Asia, to prevent avoidable blindness and fight for the rights of people with disabilities. Our vision is to reach a world where no one is blind from avoidable causes and where people with visual impairments and other disabilities participate equally in society. We work with governments and local, national, and international partners to carry out eye operations and distribute treatments where they’re needed. We also advocate for the rights of people with disabilities to help improve local health services, eliminate neglected tropical diseases, and promote of inclusive education and broader social inclusion for people with disabilities.

## Assessing the achievements made by the mandate of the Special Rapporteur on the right to education over the last 25 years

1. **The human right to education entails States’ obligations to respect, protect and fulfil the right to education in international human rights law. To what extent are these obligations clearly identified in your country’s legislation and in practice?**

International human rights frameworks clearly highlight the right of children with disabilities to access inclusive education.An inclusive education system, as set out in the [Convention on the Rights of Persons with Disabilities](https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx)[[1]](#footnote-2) (CRPD), gives all children quality formal and non-formal learning opportunities within a mainstream system that is adaptive to the needs of all learners. Article 24 of the CRPD and [General Comment 4](https://www.ohchr.org/Documents/HRBodies/CRPD/GC/RighttoEducation/CRPD-C-GC-4.doc) emphasise the right to inclusive education for children with disabilities, prohibits disability-based discrimination in education and commit states to provide both inclusive environments and individual reasonable accommodations. CRPD General Comment 4 makes clear that excluding or segregating people with disabilities from the general education system constitutes discrimination.

Countries are increasingly aligning their national policies and legislation to the CRPD, with many states legislating specific laws and policies on inclusive education. However quite often, these laws exist alongside conflicting legislation that proposes special education in separate settings, which are managed by different government departments, thus preventing a coherent approach to inclusion and making implementation difficult.

Whilst some low-and-middle income countries, like Senegal, have specific laws that emphasise that children and adolescents with disabilities should access free education in mainstream schools near their homes, many still maintain provisions for segregated schools for children with disabilities, infringing on their right to quality education.

In 2020, UNESCO found that segregation was still a reality in 25% of countries worldwide, particularly in Central and Southern Asia. Partial segregation was present in 48% of countries and only 17% of countries had legal provisions to educate students with disabilities in inclusive settings[[2]](#footnote-3). It also found that policy planning on inclusion was weak, often resulting in inconsistencies and weak implementation.

Moreover, even in countries with legal provisions for inclusive education, definitions and interpretation vary considerably, making it harder to monitor implementation and compliance against international standards.

The adoption of rights-based education laws and policies, aligned with CRPD provisions and definitions, is a very welcome first step in ensuring the inclusion of people with disabilities in education – one that must be taken by all countries. Inclusive legislation, policies and strategies also serve as a useful tool for civil society and Organisations of Persons with Disabilities to engage with governments to demand that all rights of people with disabilities are realised. Their impact on the lives of people with disabilities can, however, be limited by weak implementation. Challenges in implementation include the lack inclusive education budgets; lack of coordination between government ministries; as well as stigma and discrimination including from public workers, teachers, and other education professionals.

1. **How do you assess the 4 A’s framework of availability, accessibility, acceptability, and adaptability as conditions for realizing the right to education? Is such a framework integrated in legal and policy documents relating to education in your country, as well as used in practice? If not, what are the key obstacles? Should the framework be reviewed to include other dimensions? If so, which?**

The CRPD calls on countries to implement minimum standards of **accessibility** for public facilities and explicitly refers to schools. Governments should adopt Universal Design Principles and ensure that schools and education facilities are fully accessible, including water and sanitation facilities; and teaching materials should be available in diverse and accessible formats.

Although some countries have adopted accessibility standards, implementation is often weak and schools do not meet the expected criteria. This is the case in South Africa, where the Department of Basic Education issued legally binding norms and standards for all public schools in 2013. They include Universal Design principles on minimum space, toilets and parking spots for children with disabilities and are to be followed in all future construction work. However, the presence of standards is not enough as their implementation is not monitored by the National Education Infrastructure Management System[[3]](#footnote-4).

According to UNESCO, several governments are yet to still adopt regulations for schools to be accessible for learners with disabilities. They analyzed 71 education systems and concluded that less than 50% regulated the need for toilet and sink facilities for students with disabilities[[4]](#footnote-5). Schools in remote and rural areas are particularly inaccessible for children with disabilities – in 2005, just 18% of India’s schools were accessible with facilities such as ramps, appropriately designed classrooms and toilets, and transport[[5]](#footnote-6).

In addition to physical accessibility, students with disabilities should be provided with ‘reasonable accommodation’, assistive technology and individual support to ensure they can access education on an equal basis with others. In terms of learning, Individualised Education Plans should be provided for each student, setting out their required accommodations and support needs. Assessment systems should be flexible, accessible and accommodate students with diverse educational needs.

1. **To what extent are the non-discrimination and equality principles respected in implementing the right to education in your country? Have past recommendations made by the Special Rapporteur on the right to education of vulnerable and marginalized populations been taken into account? If so, can you list which ones?**

As mentioned above, many countries have provisions for inclusive education and reinforce the right to non-discrimination in their national constitutions and legislation. However, in practice, stigma, and discrimination against students with disabilities is still a reality in all countries worldwide.

Zambia’s National Education policy necessitates special education provision, ‘either in regular class or in special class or school’, and their recent [8th National Development Plan](https://www.sh.gov.zm/wp-content/uploads/2022/09/EIGHTH-NATIONAL-DEVELOPMENT-PLAN-2022-2026-05-07-2022.pdf) strives to provide education to Learners with Special Educational Needs (LSEN) at all levels, in line with the ‘Leave No One Behind’ agenda. However, the extent to which the curriculum currently supports inclusive education principles is weak in practice as many children with disabilities are encouraged to go to special schools, rather than integrated into mainstream learning environments. Even if there are special schools, these are limited as many provinces do not have special schools providing secondary education. Similarly, Malawi increasingly encourages learners with special needs to enrol in mainstream schools, yet lack of facilities forces many to transfer to special schools, e.g. learners with visual impairment moved to schools for the blind[[6]](#footnote-7). If the right support is not in place for children with disabilities in mainstream schools this cannot be seen to constitute inclusive education.

In many countries, stigma and discrimination is a key factor in exclusion of children with disabilities, with parents of children, especially those with intellectual disabilities finding it difficult to get schools that will accept their children.

Equity and inclusion strategies are needed in technical, vocational and tertiary education. Just 11% of 71 countries had formulated a comprehensive tertiary education equity strategy.2

1. **In countries where the Special Rapporteur has undertaken visits[[7]](#footnote-8), have recommendations been implemented? If so, please list recommendations acted upon.**

[Senegal](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/135/32/PDF/G1113532.pdf?OpenElement)

The Special Rapporteur’s 2011 report from Senegal noted the country’s progress in delivering universal access to primary education, gender parity and increased public funding. On disability inclusion, the report highlighted the challenges experienced by children with disabilities in accessing education, often due to lack of adequate teaching facilities, issues of transportation to schools, a lack of inclusive teacher training to address different types of disability and entrenched societal discrimination and prejudice towards disability in general. General sector recommendations included modernizing national legislation, redefining the concept for basic learning needs, increasing education financing and improving the teaching profession in line with international standards. Although there were no specific recommendations on disability inclusion, the report called for the government to ensure good quality basic education to be accessible to all children.

Senegal has made progress since then towards realizing the rights of people with disabilities, having ratified the CRPD in 2010 and extending the right for free education to all children, including those with disabilities. Senegal’s educational sector plan, Programme d’Amélioration de la Qualité, de l’Équité et de la Transparence, (PAQUET) (2012-2025) outlines the country’s national education priorities to achieve Agenda 2030 and their commitment to achieving inclusive and equitable quality education).

Since 2015, the Ministry of National Education has allocated a budget line of one hundred million (100,000,000) to inclusive and special education for the purchase of equipment and teaching materials. In 2018, [Sightsavers](https://research.sightsavers.org/wp-content/uploads/2018/05/Senegal-Costing-Study-English.pdf) conducted a study estimating the expenditure for inclusive education. Expenditure findings from the study could help to inform more accurate projections for resources required to scale up inclusive education, with a need to develop minimum standards for educational inclusion of children with disabilities[[8]](#footnote-9). It is imperative that inclusive education is fully embedded in future education planning, in the Plan for an Emerging Senegal 2035.

However, despite several government initiatives, children with disabilities have continued to experience challenges in accessing basic education. One of the major challenges is the lack of accurate and reliable data. The last census in 2013 failed to collect data on disabilities together with age, making it difficult to ascertain the number of school-aged children with disabilities, both in and out-of-school. However, in 2022, **the government of Senegal** signed the [Inclusive Data Charter](https://www.data4sdgs.org/blog/civil-society-advocacy-mobilizes-government-action-inclusive-data-senegal), and launched an action plan to collect inclusive data that accurately represents **People with Disabilities** and other marginalised groups. The plan will strengthen policies at a local and national level and improve data disaggregation, to inform the government’s planning and monitoring, including in education.

## Main challenges and crucial issues for the future

1. **In your view, what are the main challenges in your country in implementing the right to education?**

To achieve the human right of inclusive education for all, a specific effort to reach the most marginalised children and those most at risk of experiencing discrimination must be made by all countries. This is especially relevant for children with disabilities, particularly girls. Before the pandemic, 240 million children with disabilities[[9]](#footnote-10) were already most likely to be excluded from quality education.[[10]](#footnote-11) They were not only less likely to attend or complete school, but also more likely to be illiterate than children without disabilities7. Recent UNICEF data shows that children with disabilities were 49% more likely to have never attended school and 42% less likely to have foundational reading and numeracy skills when compared to their peers without a disability6.

Globally, barriers to learning for people with disabilities are compounded by several factors including poverty (both a cause and consequence of disability[[11]](#footnote-12)); deeply entrenched social stigma even among educators and policymakers; inadequate and inaccessible learning facilities; a lack of reasonable accommodations, a lack of support services for equitable access to education; and policy environments that do not align with the CRPD. These inequalities are worsened in situations of emergencies and protracted crises where the right to inclusive quality education for children with disabilities is yet to be realised.

**Impact of covid**

The pandemic led to many months of school closures and worsened an existing learning crisis. It also increased exclusion, marginalisation, and levels of poverty.[[12]](#footnote-13) As stressed by the Special Rapporteur’s [report on the impacts of COVID in the right to education](https://www.ohchr.org/en/documents/thematic-reports/ahrc4439-right-education-impact-coronavirus-disease-crisis-right), during school closures many governments did not provide support for children with disabilities and remote learning was frequently not tailored to, or appropriate for, diverse educational needs. This lack of support has increased the likelihood that children with disabilities, particularly those with intellectual disabilities, will never return to school. In a survey conducted by IDA (2021), 17% of respondents with disabilities had dropped out of education during the pandemic.[[13]](#footnote-14)

Pandemic related school closures have had a disproportionate impact on the most marginalised, therefore recovery plans require a full assessment of its impacts on different population groups. Additionally, global education actors must redouble efforts and resources to identify those left behind, bring them back to school and compensate for lost learning at appropriate levels and with adequate support.

**Lack of disability disaggregated data**

As aforementioned, one of the main obstacles for inclusion in education is the lack of data on children and youth with disabilities. Data is essential to flag gaps in education opportunities and outcomes, identify those most at risk of being left behind and the intersecting characteristics that increase people’s exposure to risk. With this information, governments can adopt appropriate policies and strategies to remove barriers to education.

Education policy and practice should therefore be based on reliable evidence. This requires governments to improve data collection and analysis so the most marginalised are not invisible to policy makers. In 2020, Sightsavers surveyed education ministries in 11 sub-Saharan African countries on children with visual impairments. Cameroon and Nigeria were unable to provide enrolment data, while Ghana, Kenya and Zambia had data available for children in special and integrated schools, but not mainstream. Some ministers also flagged the potential lack of data reliability[[14]](#footnote-15).

Governments must therefore strengthen national data systems, surveys, and administrative systems, including integrating into existing Education Management Information Systems (EMIS), by employing standard disability identification tools, such as those developed by the Washington Group on Disability Statistics. EMIS should at a minimum collect data on enrolment, retention and transition. Countries should also monitor children with disabilities who are out of school. Education data, from early childhood through to tertiary and vocational education and training, should be fully disaggregated by gender and disability. Disaggregated data must also inform the equitable allocation of resources.

1. **What are the crucial issues to address, nationally as well as internationally, to ensure the realization of the right to education?**

For the right to education to be realized by all children, including those with disabilities, education systems need to be transformed to be more inclusive. Approaches to support inclusive education, focusing on the wellbeing and success of learners with disabilities, help support achieve high-quality education for all learners1**.**

This requires a number of elements, recently flagged by the Transforming Education Summit Thematic Action Track 1 ‘*Inclusive, equitable, safe and healthy schools*’ and five key actions to advance inclusion and equity.[[15]](#footnote-16) As highlighted in a [discussion paper](https://transformingeducationsummit.sdg4education2030.org/AT1DiscussionPaper), political leadership, sufficient financing, legislation, institutional frameworks and capacity, and a steady focus on making systems equitable and inclusive will be needed for these actions to be advanced in practice. We would also like to highlight some other essential steps below:

**Twin Track Approach**: disability inclusion should be implemented in mainstream education, alongside the provision of targeted support to those at highest risk of exclusion. This includes strong school-based support systems which provide reasonable accommodation and support learners with a diverse range of learning needs.

**Address institutional barriers**: Governments must dismantle structures of discrimination and marginalisation, including phasing out segregated and/or special education settings and ensuring the provision of inclusive public education systems. Inclusion and equity are cross-cutting principles that must be applied across all areas of education systems, promoting learning environments that remove barriers to learning for all and recognise intersecting characteristics such as gender, disability, poverty which may inhibit access to education.

Governments must ensure inclusiveness in the right to education for people with disabilities by strengthening legal, policy and accountability frameworks in coherence with the CRPD, including commitments to establish mechanisms for coordination, independent monitoring, enforcement, compliant and reparation. This is valid across the education spectrum, from early childhood development to higher education and technical and vocational education and training.

Governments should also take a multi-sectoral approach to education planning. The links between education and other sectors, such as health, economic development, welfare, and social protection, should be maximised and considered in planning and delivery. There should be mechanisms for early identification, assessment, and referral of children with disabilities through multisectoral collaboration. The earlier impairments are identified, the better for children and their families.

**Equitable and sufficient education financing:** Globally there is a significant financing gap for education.This requires national governments and donors to increase their spending on education to universally agreed benchmarks and ensure that spending is equitably distributed to ensure the realisation of SDG4. National education budgets should be protected and increased to universally agreed benchmarks, with consideration of the costs required when budgeting for inclusion. Governments should progressively increase budgetary allocations for disability inclusive education towards at least 5% of education budgets. Targeted and equitable allocation of education funding is key for equity**[[16]](#footnote-17)**.

**Investments in inclusive teacher training and adoption of flexible curricula:** Inclusive education requires investments in pre- and in-service teacher training in disability inclusive pedagogy to ensure staff identify and adapt practices to meet diverse learning needs. To improve preparedness to crises like the COVID-19 pandemic, training for teachers and school staff needs to include disability- inclusive approaches to distance-learning, using various channels and high-, low-, and no- tech solutions. Staff need to be supported in developing skills to effectively use digital technology in teaching. Additionally, governments should build evidence around the effectiveness of teaching by improving data collection and analysis on recruitment and retention of teachers, especially teachers from minority groups, female teachers and teachers with disabilities.

**Tackle digital divide:** Education technology should include quality, accessible and affordable modes of digital and remote technologies and avoid over-reliance on single-technology solutions. The pandemic exacerbated existing digital inequalities – whilst more than 90% of countries offered some form of distance learning, at least 31% of children were unable to benefit from this due to limited access to internet and technology, inaccessible tools, or lack of access to tools.[[17]](#footnote-18) In one survey 64% of respondents with disabilities said that at least one of the platforms used for online education was inaccessible.[[18]](#footnote-19) Transforming education must also address gendered and ableist differences in access to digital learning through a disability-inclusive and gender-responsive approach to ICT development to reduce the digital divide.[[19]](#footnote-20)

**Participation**: Children and adolescents with disabilities, parents, youth groups and OPDs should be meaningfully engaged in the development and implementation of education policies and plans at all levels. Governments should adopt disability awareness activities to help dismantle prejudice, stigma and stereotyping of people with disabilities and foster an inclusive environment for children with disabilities to attend school. Promote participatory budgeting and budget transparency that meaningfully engages learners with disabilities, organisations of and for persons with disabilities, and the teachers, parents, and carers of learners with disabilities.

1. UN (2006) [Convention on the Rights of Persons with Disabilities](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities) [↑](#footnote-ref-2)
2. Global education monitoring report (2020) Inclusion and education: all means all <https://unesdoc.unesco.org/ark:/48223/pf0000373718> [↑](#footnote-ref-3)
3. Global Education Monitoring Report (2016) [Education for people and planet: creating sustainable futures for all](https://unesdoc.unesco.org/ark:/48223/pf0000245752) [↑](#footnote-ref-4)
4. Global Education Monitoring Report (2018) [Accountability in Education: meeting our commitments](https://unesdoc.unesco.org/ark:/48223/pf0000259338_eng). [↑](#footnote-ref-5)
5. EFA Global Monitoring Report (2010) [Reaching the marginalised](http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/efareport/reports/2010/)  [↑](#footnote-ref-6)
6. Global education monitoring report (2022) [Education Profiles: Malawi](https://education-profiles.org/sub-saharan-africa/malawi/~malawi) [↑](#footnote-ref-7)
7. Algeria, Bhutan, Bosnia and Herzegovina, Botswana, Chile, China, Colombia, Ecuador, Fiji, Germany, Guatemala, Indonesia, Ivory Coast, Kazakhstan, Malaysia, Mexico, Mongolia, Morocco, Paraguay, **Senegal**, Seychelles, Tunisia, Türkiye, **Uganda**, United Kingdom and Northern Ireland, United States, Qatar. [↑](#footnote-ref-8)
8. Sightsavers (2018) [Inclusive education expenditure in Senegal: evidence from a pilot project](https://research.sightsavers.org/wp-content/uploads/2018/05/Senegal-Costing-Study-English.pdf) [↑](#footnote-ref-9)
9. United Nations Children’s Fund (2021) [Seen, Counted, Included: Using data to shed light on the well-being of children with disabilities](https://data.unicef.org/resources/children-with-disabilities-report-2021/) [↑](#footnote-ref-10)
10. The Education Commission, (2016) [The Learning Generation: investing in education for a changing world](https://report.educationcommission.org/report/). [↑](#footnote-ref-11)
11. UNESCO (2021). [**Futures of Education report: A New Social Contract for Education**](https://unesdoc.unesco.org/ark:/48223/pf0000379707) [↑](#footnote-ref-12)
12. Humanity & Inclusion (2020) [**Let’s break silos now! Achieving disability-inclusive education in a post-COVID world.**](https://hi.org/sn_uploads/document/Study2020_Inclusive-Educ_Lets-Break-Silos_EN_FINAL.pdf) [↑](#footnote-ref-13)
13. IDA (2021) [Survey on the Experience of Persons with Disabilities Adapting to the COVID-19 Global Pandemic](https://www.internationaldisabilityalliance.org/sites/default/files/covid-19_survey_report_final.pdf) [↑](#footnote-ref-14)
14. Sightsavers (2020) (internal paper) Background paper prepared for the 2020 Global education monitoring report: Inclusion and education [↑](#footnote-ref-15)
15. Transforming Education Summit (2022) [Action Track 1 on Inclusive, equitable, safe and healthy schools Discussion paper (3rd June 2022)](https://transformingeducationsummit.sdg4education2030.org/system/files/2022-06/AT1%20discussion%20paper%202%20June%202022.pdf) [↑](#footnote-ref-16)
16. Action Aid, Light for the World, Global Campaign for Education (2022) [Gender-Responsive and Disability Inclusive Education Budgeting](https://campaignforeducation.org/images/downloads/f1/1800/genderresponsiveanddisabilityinclusiveeducationbudgetingfinal.pdf) [↑](#footnote-ref-17)
17. UNICEF (2020) [Covid-19: Are children able to continue learning during school closures? A global analysis of the potential reach of remote learning policies using data from 100 countries](https://data.unicef.org/wp-content/uploads/2020/08/COVID-19-Remote-Learning-Factsheet_English_2020.pdf) [↑](#footnote-ref-18)
18. IDA (2021) [Survey on the Experience of Persons with Disabilities Adapting to the COVID-19 Global Pandemic](https://www.internationaldisabilityalliance.org/sites/default/files/covid-19_survey_report_final.pdf) [↑](#footnote-ref-19)
19. Humanity & Inclusion (2021) [Information and Communication Technology (ICTs) and Inclusive Education](https://www.hi.org/sn_uploads/document/Inclusive-ICT-report_1.pdf) [↑](#footnote-ref-20)