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**Day of General Discussion – Right to education for people with disabilities**

***Interactive panel on support for inclusion in the general education system and individualized support measures***

*Talking points only – please check against delivery*

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Human Rights Watch has focused on the right to education and the rights of persons with disabilities for many years. We have so far conducted a number of investigations on the right to education for people with disabilities, including in China, Nepal, Russia and most recently, in South Africa and the Central African Republic. But our findings are emblematic of the situation in many countries, as you heard today.

Following global trends, some of these countries have claimed near universal enrolment of all children in primary education, but our research has shown that children with disabilities face very significant barriers and discrimination when accessing and staying in schools and represent the largest group of out of school children.

In fact, we should interrogate whether governments can claim universality in cases where hundreds of thousands of children remain out of school.

Many children drop out of school before completing compulsory education because of the lack of reasonable accommodation and discrimination within schools. The quality of education provided in schools they attend is also a determining factor and a big push factor.

It is not just in early childhood, pre-school and primary education where many of the barriers and discrimination affect children with disabilities. By the time children reach secondary education, those barriers are fully cemented. We have found that children with disabilities who attend secondary education, as well as young adults with disabilities who access higher education or vocational training barely get visibility within education systems. Resources needed to ensure there is full inclusion throughout the entire education system are often absent or simply not considered a priority despite the fact that all children have the right to progress into further levels of education.

To add to what other colleagues have presented today, my presentation will highlight two key groups of children that need far more government attention if governments want to ensure that they do guarantee full, meaningful inclusion in the general education system:

* Firstly, children with disabilities who suffer through the ‘progressive realization’ card: intellectual and multiple disabilities, who often enter the system late because of the multiple barriers and discrimination they face, with limited exposure to education, and with higher chances of dropping-out of the system;
* Secondly, adolescents and young adults with disabilities, who may be in or out of primary or secondary education but whose right to education has not been fully realized because they have not received quality education on an equal basis with other students, or they have dropped out because of the lack of reasonable accommodation when proceeding on to other levels of education.

Often, governments justify taking a much longer time to accommodate children with various intellectual and multiple disabilities because, they argue, it takes more financial resources, more support and more time to provide education for these children.

In Human Rights Watch’s experience, these are the children who are placed in special schools without any due consideration or assessment of individual special measures that would ensure they learn alongside other students in inclusive settings in schools attended by all children. By doing so, governments have not only segregated children, but they have placed a significant limitation on what children will do later in life.

In Nepal, China or South Africa Human Right Watch interviewed many children who had not accessed education because ordinary schools had told them they could not be educated in “mainstream” settings. Some had attended schools for a short period of time but teachers and school officials had called parents up to let them know their children could not stay in their schools. Schools said they could simply not deal with them, despite having the obligation to find ways to accommodate children.

In Russia, for example, Human Rights Watch found that over one third of children with disabilities are placed in state institutions and once there, they have almost no access to “mainstream” schools and study in special schools or separate special needs classrooms with a very limited curriculum.

In South Africa, for example, long waiting lists continue to keep many children with intellectual disabilities and autism spectrum disorder out of school –some special schools continue to discriminate against many children with particular disabilities, despite being set-up specifically to ensure children with high levels of support do access education. Yet, there are very few to no efforts to incentivise ordinary schools to enrol these children, for example, by increasing the number of fully trained teachers or teacher assistants trained in inclusive education.

Human Rights Watch has generally found that many children with disabilities are exposed to education which does not guarantee any quality. In the worst cases, this means children with disabilities may be enrolled in schools but they sit or lie in classrooms with no stimulation and no actual learning. The education they receive does not uphold the aims of education envisioned by various human rights treaties.

During a recent research mission in South Africa, I encountered many adolescents and young adults who were out of school and had not completed compulsory basic education; and many who passed through the doors of special schools without getting a *quality* education.

In one case, I visited a skills centre for adults with intellectual disabilities, which in the current context, is the next obvious step for many people with intellectual disabilities. When I asked how many people registered in the centre had completed basic education, I was told that none of the students had finished compulsory education, not even the younger ones who would have had a legally guaranteed right to access schools since the end of apartheid.

The skills centre is the next step for many people with disabilities once they become adults. It is not a centre for empowerment and skills strengthening. For many it is a way to remain in a protective environment. Even when some of the centre’s students finish a course, many go back; nothing awaits them in their communities.

According to the director, the majority of students enrolled had not learnt basic skills and competencies to enable them to live an independent life. Because of the deficiencies of the education system and limitations imposed based on their disabilities, many of the students arrive without gaining any skills, sense of independence or self-worth. Had schools adopted, and education officials enforced, individual measures to support children to learn, and teachers been adequately trained to address their needs, many would have been able to follow a different education path and not arrive at that centre.

He specifically pointed out one student, whom he described as the best example of how the government fails its children when schools limit what children with disabilities can do. We met Francis, a 25 year old man who had epilepsy who told us how he could read, write, follow the daily news, and represent his peers in the centre’s governing body.

When we asked him about his education journey, he said he had been to three schools (a typical scenario for children with disabilities in South Africa). He attended a mainstream school for one year, and was then moved to a special school which did not follow the full curriculum but focused instead on skills training from an early stage. Because special schools are not free and transport costs are very high, he transferred to another, closer, special school. He then arrived at the skills centre without completing basic education. He currently attends the beads section of the centre, where he makes bracelets and other accessories.

In his case, he had epilepsy which, according to the centre’s director, could not be managed or accommodated in his previous schools – they called him naughty and hyperactive.

One of the greatest challenges is the fact that the centre cannot provide education catch-up opportunities for all the young adults who have not completed education: the centre itself cannot even teach basic numeracy and literacy skills because it falls under the government’s social development mandate. There is little synergy between governmental departments.

I chose this example, out of many documented by Human Rights Watch, to illustrate what happens when young children with disabilities are sent down one path, with limited opportunities to benefit from the type of education envisioned by the Convention on the Rights of Persons with Disabilities. This needs careful consideration.

Human Rights Watch has found that this is a challenge in many countries. Governments cease to provide free primary or compulsory education because of official age limits that are not always accommodating or inclusive of people with disabilities who start education at an older age. This can often translate into governments absolving their responsibility to ensure *all* children receive an education because a child is no longer of ‘school-going’ age. Yet, this is a significant systemic gap that runs contrary to government’s human rights obligations. By doing so, they deny people with disabilities the opportunity to continue gaining an education that is relevant to their needs and wishes.

For adolescents and young adults who proceed on to secondary or higher education, general education systems may also impose discriminatory barriers that automatically bar them from continuing education on an equal basis.

Firstly, in many countries, children are barred from accessing certain subjects, such as mathematics or science, because of limited availability of inclusive or accessible material. This means they cannot choose certain career options or access particular jobs. Secondly, entry into university is often compromised by access requirements. For example, in China, Human Rights Watch found that university entrance exams were set up in such a way that any prospective candidate with physical or sensory disabilities would be barred from taking a series of exams, not based on their learning capacity but on their ability to take an exam on an equal basis to other non-disabled students.

To ensure full compliance with government’s human rights obligations on the right to education we suggest a number of recommendations:

1. In countries where special schools continue to be resorted to to accommodate many children with disabilities, governments must fully monitor how children with disabilities are accommodated in the general education system and ensure school officials and education officials provide full accountability on decisions made regarding the placement of children in special or mainstream schools.
2. The burden to fight and find schools should not rest with parents or children. Governments must urgently address the limited enrolment of children with high levels of support and needs, including intellectual and multiple disabilities, as well as children with autism spectrum disorder, to ensure all children are guaranteed an equal right to education. Where schools discriminate against these children, governments have a fundamental obligation to redress the situation and ensure they are enrolled in the most suitable inclusive learning environment.
3. Governments should closely examine their policies related to the right of adolescents and young people with disabilities to continue education, particularly where they may have not finished compulsory education due to barriers in primary education. Providing further education opportunities should be at the forefront of many government’s policies, particularly where governments have failed to guarantee quality education for children with disabilities. Only then will they address the right to education of the current generation of young adults who have not had effective access to education.
4. Governments should also review the quality of education provided to children and young adults with disabilities where children are taught in specialized settings, but also, the levels of support and quality teaching provided to children with disabilities who learn in the general education system.
5. Governments should look at the entire general education system to assess whether inclusive education applies throughout all levels of education, from early childhood to tertiary education and vocational training. They must urgently address the barriers which stop many adolescents and young people with disabilities from proceeding on to the level of education that is most appropriate for them.