**Attention: Office of the United Nations High Commissioner for Human Rights**

Geneva

13th September 2013

**Submission based on the request for information from member states to prepare a study on the right of persons with disabilities to education arising out of: Human Rights Council Resolution 22/3 – “The work and employment of persons with disabilities”**

The R2E CWD Campaign, is a South African civil society advocacy campaign which promotes the right to education for children with disabilities. Below please find our collective response to your request for information on the policy and practical status of education in South Africa in so far as it relates to learners with disabilities.

1. Whilst South African policy and legislation does protect the rights to education for learners with disabilities, it does not adequately promote the inclusion of learners with disabilities in regular schools due to our reliance on and continuation with a special education system.

Where policy does to some extent make provision for learners with disabilities to be included in mainstream schools, mainstream schools remain reluctant to include learners with even mild or moderate level support needs and by far the majority of disabled learners are still accommodated with in the special education system. Special schools are few and far between and have extensive waiting lists. This has also resulted in approximately 467 000[[1]](#footnote-1) children with disabilities in South Africa being out-of-school. (This number has risen from the estimated 280 000 in 2001)

Implementation of policy is constrained by systemic, historical, attitudinal and other barriers. Large classes, few resources, inadequate skills and capacity of educators have all contributed to the poor progress made in terms of promoting inclusive education in South Africa.

1. In 2001 South Africa adopted the *“Education White Paper 6, Special needs education: Building an inclusive education and training system”* policy document. There was extensive consultation with Disability Based Organisations and civil society prior to the adoption of this policy. However, the final White Paper did differ significantly from the preceding document which was based on the broad consultation.

White Paper 6 outlines a 20year plan to move towards an inclusive education system in South Africa. It envisages that ordinary public schools will over time become inclusive schools accommodating all learners in their catchment area regardless of their disability, level of support need or other barriers to learning they may be experiencing.

Existing special schools will become resource centres which provide learning opportunities only for learners requiring high level support needs and also to act as a resource centre providing support to surrounding full service / inclusive schools

1. There is a commitment from government to promote inter departmental collaboration. In so far as education is concerned there is some involvement with other departments including:
   1. The Department of Health – Mainly involved in providing support in terms of professional therapists working with children with severe disabilities in special care centres. Collaboration is encouraged between schools and local health clinics.
   2. Department of Social Development – primarily responsible for the provision of early childhood development (ECD) services, which includes subsidisation for children attending ECD Centres of learning and development
   3. Department of Public Works – deals with school infrastructure
   4. Department of Transport – is jointly responsible for the provision of learner transport to school.
   5. Local government (municipalities) are also involved to a lesser extent in supporting education in the schools in their municipal areas.
2. Litigation is available for redress however it is costly and time consuming. South Africa does have a strong civil society and non-governmental organisation sector which does provide support to families of children with disabilities to gain access to mainstream education. For example Inclusive Education Western Cape, SAALED, specific DBOs respond to the needs of families they work closely with. The Education Department’s Inclusive education directorate is supposed to provide assistance with regards to school placement but its efficacy is limited and in some provinces virtually non-existent.
3. South Africa has some collaboration with international organisations and governments to share good inclusive practice. Stronger links and collaboration have occurred within the countries in the SADC region. The Southern African Association of learning education differences (SAALED) has recently concluded a Ministerial Conference with SADC Ministries of education to develop a regional inclusive education strategy. This is a follow up from previous engagements around inclusive education. The *“Care and support for teaching and learning (CSTL)”* programme in South Africa is also a response to SADC initiatives to respond to diverse learning needs in the region. Specific disability organisations are also involved in collaborative engagements with their international counterparts for example, Down Syndrome South Africa.

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1. Statistics taken from the 2010 National Household Survey. [↑](#footnote-ref-1)