



# **EDUCATING CHILDREN WITH DISABILITIES IN AFRICA**

Towards a policy of inclusion

Shimelis Tsegaye Tesemma

## THE AFRICAN CHILD POLICY FORUM (ACPF)

ACPF is an independent, pan-African institution of policy research and dialogue on the African child.

ACPF was established with the conviction that putting children first on the public agenda is fundamental for the realisation of their rights and wellbeing and for bringing about lasting social and economic progress in Africa.

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## LIST OF ACRONYMS

ACPF	African Child Policy Forum (The)
ACRWC	African Charter on the Rights and Welfare of the Child
AU	African Union
CBR	Community-Based Rehabilitation
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
DoE	Department of Education
ECD	Early Childhood Development
EFA	Education For All
ESCR	Economic, Social and Cultural Rights
GDP	Gross Domestic Product
GER	Gross Enrolment Ratio
HMSO	Her Majesty's Stationery Office
ICCPR	International Covenant on Civil and Political Rights
ICEARD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IEP	Individualised Education Plan (programme)
MD	Medical Doctor
MOESS	Ministry of Education, Science and Sports
NCESS	National Committee on Education Support Services
NCSNET	National Commission on Special Needs in Education and Training
NGO	Non-Governmental Organisation
PRSP	Poverty Reduction Strategy Plan (Paper)
SNE	Special Needs Education
SSI	Sight Savers International
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
USD	United States Dollar
VC	Vice Chancellor



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## PREFACE

The world is becoming less tolerant of exclusionary and discriminatory practices, including discrimination against persons with disabilities, due to increasing knowledge as well as growing awareness of universal human rights. Increased global accountability and commitment to the rights of persons with disabilities was made manifest by the adoption in 2006 by the UN of a Convention and Optional Protocol on the Rights of Persons with Disabilities (UNCRPD). The UNCRPD is a comprehensive instrument which provides all necessary guidance for national law and policy to ensure non-discrimination, equality of opportunity, full participation and social inclusion of persons with disabilities in all countries.

By reformulating laws and policies accordingly, countries can provide access to mainstream services and development for persons with disabilities. An overhaul of legal and policy frameworks, based upon the UNCRPD, can ensure access to health, education, skills training and livelihood opportunities for all children, youth and adults, women and men with disabilities, regardless of type of impairment. Not because they require sympathy or charity, but because they have the same rights to public services and opportunities as other citizens. As James D. Wolfensohn, former President of the World Bank, stated:

*Addressing disability is a significant part of reducing poverty. Bringing disabled people out of*

*the corners and back alleys of society, and empowering them to thrive in the bustling center of national life, will do much to improve the lives of many from among the poorest around the world. Inclusion - that is what development is all about - to bring into society people that have never been a part of it.*

Where progressive laws and policies are in place and enforced, where attitudes and public discourse are positive and empowering, where services are available to all regardless of disability, and where persons with disabilities are participating actively in the life of their communities, then ALL will experience the benefits of inclusion.

Prof. Nora Groce, Director of the Leonard Cheshire Disability and Inclusive Development Centre in London, gives an account of the social climate of a place called Martha's Vineyard in the eastern USA during the 18<sup>th</sup> and 19<sup>th</sup> Centuries, when the island was inhabited by many people with hearing impairments. The non-hearing impaired residents of Martha's Vineyard were bilingual in English and sign language, which eliminated the communication barrier which usually separates deaf people from the rest of society. The world should aspire and work for no less than such an inclusive society.

Bob Ransom  
Executive Director,  
Ethiopian Center for Disability and  
Development (ECDD)



## FOREWORD

....Preach, my dear sir, a crusade against ignorance; establish and improve the law for educating the common people<sup>3</sup>.

Next to war and famine, the failure to provide education for all children can be considered an unforgivable scandal of the current socio-political order. This failure is particularly glaring in the case of persons with disabilities. People with disabilities have the fundamental human right to good quality education that will ensure their full involvement in social and economic activities.

Children with disabilities suffer an even more severe impact of the discrimination and attitudinal challenges generally faced by people with disabilities. As children, they are powerless, reflecting their limited access to economic resources, their exclusion from political participation, and the corresponding cultural image of childhood as a state of weakness, dependency and incompetence.

According to UNESCO, disability is one of the least visible but most potent factors in educational marginalisation. This is despite the fact that educational access, and subsequent success in education, is the gateway to change in many other areas of life for individuals with disabilities. Nothing will change society's attitudes to disability more than educational access. The way educational laws and policies are formulated and implemented determine the success or failure of the school system, and eventually of the children with disabilities learning within it; this means that these law and policy instruments have to be reviewed regularly and updated with new trends, knowledge and skills, lest they become obsolete and irresponsible. In the words of Derrida:

When the path is clear and given, when a certain knowledge opens up the way in advance, the decision is already made, it might as well be said that there is none to make; irresponsibly, and in good conscience, one simply applies or implements a programme... it makes of action the applied consequence, the simple application of a knowledge or know how. It makes of ethics and politics a technology. No longer of the order of practical reason or decision, it begins to be irresponsible<sup>4</sup>.

An overview of existing laws and policies identifies the gaps and opportunities therein, an effort that aims to contribute to the development of a more progressive law- and policy-making process that will ultimately contribute to eliminating irregularities. Such a review also helps to accommodate current trends and new thinking, and to take advantage of socio-cultural changes brought about by the rising disability-awareness initiatives of the world community. This review, of the laws and policies of selected countries in Africa, has been conceived with that need in mind. It has been further enriched by a discussion of the panoply of International and Regional Human Rights Instruments related to the education of children with disabilities, and their corresponding paedagogic principles.

We present this report for use in practice, advocacy, research, and any other end that furthers the rights of children with disabilities.

**David Mugawe,**  
Executive Director,  
The African Child Policy Forum (ACPF)

<sup>3</sup> From a letter written by Thomas Jefferson in 1786, cited in Volio 1979:22.

<sup>4</sup> Derrida 1992b, cited in Allan 2003:142.



## BACKGROUND TO AND PURPOSE OF THE STUDY

A preliminary investigation, carried out by The African Child Policy Forum prior to this review, revealed that most African countries lack a proper law and policy strategy for the schooling of children with disabilities that complies with the requirements recognised in International and Regional Human Rights Instruments, and which is in keeping with current trends and perspectives on the education of children with disabilities.

This study was thus conducted with the principal objective of providing governments with the necessary raw materials, in the form of human rights standards and educational principles, for potential use in their legislative and policy making processes related to the schooling of children with disabilities.

### **Specifically, the study purported:**

- To examine the provisions in International and African Human Rights Instruments dealing with the education of children with disabilities;
- To review current knowledge and perspectives on the education of children with disabilities, as reflected in recent educational and disability literature, with a view to complementing human rights principles with sound educational principles;
- To examine and compare national laws and policies that give effect to the right to education of children with disabilities and to modestly capture the school-level implementation of these laws and policies in selected African countries, namely Central African Republic, Ethiopia, Sierra Leone and Zambia.

## A NOTE ON THE RESEARCH METHODOLOGY

The study was approached via two methodological fronts: a desk-based study and a field research involving four countries. The desk review made an attempt to capture the overall picture in terms of the causes and extent of disability and the state of national policy and legislative frameworks on the education of disabled children in the various African countries where data is available. Greater emphasis was laid on the legislative and policy frameworks put in place in five countries, namely Central African Republic, Ethiopia, Sierra Leone, South Africa and Zambia. With the exception of South Africa, four of these countries were also the countries selected for the field research. The desk-based study also involved a state of the art review of the existing child rights and educational literature as they relate to the education of children with disabilities, with an eye on offering an international perspective.

Further, the review examined how internationally recognised requirements for the education of children with disabilities – such as inclusion, equal access, acceptability, accessibility, non-discrimination, and the availability of adequate funding, educational resources and appropriately trained teachers – are addressed in international and regional human rights instruments and the laws and policies of selected countries.

The second methodological front, just alluded to, was a field research conducted in the four countries mentioned above wherein semi-structured interviews and focus group discussions were held with selected school-

going and out-of-school children with disabilities, their parents, the non-disabled peers of school-going children with disabilities, teachers and principals in both regular (integrated) and special schools, students in their final year of special college education and policy makers. The field studies were aimed at soliciting primary information on issues related, among others, to physical and epistemic accessibility of schools, parental involvement, teacher capacity and variations in children's friendship patterns in special and integrated schools.

## ORGANISATION OF THE REPORT

In Part I, the report gives an overview of disability among children in Africa, and the state of laws and policies related to disabled children and their right to education. Such a holistic discussion is intended to provide insight into the overall level of awareness, and commitment among policy makers and professionals to taking up the issue of disability. This section also looks at the issues surrounding educational access of children with disabilities, as well as giving a general picture of teacher training for educational inclusion of children with disabilities in Africa.

Existing human rights principles and standards related to the right to education of children are conceived and developed predominately with an eye on children without disabilities. Though many of the generic education-related provisions in these instruments can be extended to apply to pupils with disabilities, there is still a need to refine and enrich these standards with knowledge derived from existing pedagogic and psychological literature, especially pertaining to issues of physical and epistemic accessibility.

This state of affairs calls for the need to synchronise human rights norms (standards and principles) on the education of children with disabilities with corresponding educational principles. Thus, Part II of this report contains a discussion of international and regional human rights instruments, with particular emphasis on the rights to education of children with disabilities, and corresponding educational principles. By so doing, it offers a generic legislative, policy, financing and educational strategy for the education of children with disabilities that is cognisant of the continent's economic and socio-cultural context. It is hoped that this will, eventually, contribute to improvements in educational access for children with disabilities across Africa.

Part III of the report contains an extended discussion of suggestions for governments, regional organs, advocacy groups and other relevant bodies.

The results of this study are expected primarily to benefit law and policy makers and people on the frontline of implementation of those laws and policies. The study might thus be a good starting point for legal and policy reform in many African countries. It might also provide ammunition for advocacy groups for spurring government action towards improving the educational access for the millions of children with disabilities who are currently denied such access.

At a regional level, the African Union (AU), the Secretariat of the African Decade of Persons with Disabilities, and other regional bodies and organs might find the findings and recommendations of this review useful for informing their work in providing guidelines and advice to national governments.

## SUMMARY

Eighty per cent of the estimated 140 million out-of-school children in the world, the majority of whom are girls and/or children with disabilities, live in Africa. Perhaps an important factor that distinguishes disability in Africa from disability in other contexts is the fact that a lot of disabilities can be traced to poverty, poor nutrition and restricted access to basic services. The other issue that is worrying is the large-scale exclusion of children with disabilities from education services. According to some estimates, one in every hundred children with a disability is denied access to education services. This is explained by a number of intertwined factors. Firstly, there is the generally limited appreciation of the right to education of children with disabilities, which is all the more important since it is easy to lose sight of it, especially at a time when public expenditure is increasingly governed by market forces, and the instrumental view of education is prevailing.

The right to education is enshrined in a host of international and regional human rights instruments, including the following:

- The Universal Declaration of Human Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- The Convention on the Rights of the Child and its General Comment No 9;
- The Standard Rules on the Equalisation of Opportunities for Persons with Disabilities;
- The Convention on the Rights of Persons with Disabilities and its Optional Protocol.

The ratification by many countries of the Convention on the Rights of Persons with Disabilities is a landmark achievement in the struggle against discrimination towards persons with disabilities and the gross denial of their rights – a prevalent problem further complicated by the marginal place given to children with disabilities in law and policy documents, health, education and social

development plans, and poverty reduction programmes. As a result, the economic, social, cultural, civil and political rights of such children are grossly neglected. Of these areas of neglect, education stands out particularly.

However, even though most African countries (with the unfortunate exception of certain nations) have ratified a host of human rights treaties that uphold the right to education of children with disabilities, limited attempts have been made to integrate these instruments into national laws, policies and education plans. A closer look at the content of existing laws and policies related to the rights of persons, and therefore children, with disabilities reveals that relevant legal provisions are often rudimentary or non-existent. Most laws and policies are not in keeping with the principles underlying the right to education enshrined in international and regional human rights instruments, and held up by current trends, perspectives and practices concerning the effective schooling of children with disabilities.

Most laws are embedded in the ‘deficit’ or biomedical model of disability, which considers disability a flaw within the child. There has been limited progress by countries towards making practical use of existing human rights instruments by adopting domestic laws and policies based on the principles enunciated in these instruments. Most national governments have not caught up with current thinking, and instead cling stubbornly to antiquated paradigms and policies. This is partly the result of a lack of awareness of the relevant human rights norms and existing schooling options.

Further, in the face of competing budgetary demands, children with disabilities and their educational and related needs are very often relegated to the bottom of the list of priorities for budgetary and other resource allocation and planning. Partly as a result, public and



school infrastructure is inaccessible for persons with disabilities in the majority of cases. Schools are badly equipped and badly staffed. On the curricular front, because of rigid curricula and inappropriate teaching strategies, most pupils with disabilities do not get proper and meaningful access to subject matter content. Teachers addressing the educational needs of children with disabilities are not only affected by generally poor career and remuneration structures – much more than their counterparts in regular schools – but are also actively discriminated against as a result of stigmatising public attitudes. This pervasively negative – but slowly improving – public attitude towards disability and persons with disabilities, and the associated dehumanising and devaluing discourses, pose a formidable barrier to the educational and socioeconomic participation of children with disabilities.

While conscious of the risk of applying an artificial and incorrect unity to such diverse subjects as those entertained in this document, including disability-related international and African human rights instruments and accompanying educational principles, we can draw the following lessons that we believe must be kept close to the heart of law and policy makers and educational practitioners:

- All children are equal and have the right to equal opportunity and equal treatment without discrimination;
- Every child with a disability is primarily a child, with the same rights to acceptance and education as any other child;
- Children with disabilities are different – there is no doubt that a disabled child is different from one who does not have a disability. In addition, however, one disabled child is as different from another as one non-disabled child is different from another. Caution must be exercised, therefore, when putting

children with disabilities into groups, such as – for example – “the mentally disabled”;

- Differences among children should be seen as both natural and enriching. It is not necessary or helpful to equate difference with deviance; rather, the ways in which we respond to differences reflect our own values concerning diversity. Further, the best interests of all people would be served by encouraging their interaction with broad range of other people;
- Prevention and early attention to learning problems arising from, or exacerbated by, nutritional deficiency or imbalance, chronic infection, and/or mild sensory impairment is more effective and less costly than later, remedial measures;
- The educational process is likely to be facilitated by collaboration based on mutual respect between educational establishments and structures and children’s families and homes;
- Instead of embarking upon ‘inclusion’-oriented reform with bandwagon fervour, a fruitful marriage can be fostered between special schools and ordinary schools. Special schools must develop an outward-looking stance and take on new roles, whereas ordinary schools have to revolutionise themselves at the levels of academic, organisational, curricular and staff development;
- In spite of the extremely complex nature of the content and approach for teaching disabled children, “trial and error education” should be avoided at all costs
- The teacher’s work is to devise and implement means by which each child learns and makes progress (rather than to appear before pupils and issue statements of knowledge);
- Development of the child’s general communication skills is vital to facilitating the interaction between child,

- teacher and curriculum – hence using communication media appropriate for a child’s particular needs is crucial;
- In testing and assessing the academic performance of disabled children, there has to be a shift away from standardised, mainly psychometric, tests, towards predominantly teacher-produced diagnostic testing that determines a child’s learning potential and identifies how it can be improved;
  - Children with disabilities should not be disciplined for being disabled, or because of a disciplinary problem related to their disability;
  - Language has to be used in a non-offensive manner, and the use of laboratory, medical, or other potentially exclusive language must be minimised;
  - For children who have appreciable difficulties, a carefully modified curriculum is usually required for progress to be made in earlier years;
  - Post-school goals have to be identified and incorporated into the curriculum, to prepare the young person with disability for post-school life.

Once such rights awareness is inculcated in the minds and hearts of law and policy makers, as well as in people on the frontline of the implementation of those laws and policies, it is important to take the following steps:

- Guarantee a deep level of political commitment for equality and non-discrimination;

- Ensure equitable and adequate funding;
- Supply qualified teachers who show compassion and commitment to their roles;
- Make individual schools as inclusive as possible;
- Foster a fruitful engagement between homes and schools.

Finally, it must be acknowledged that the progress already made on each of these fronts has been encouraging; and it can be said, with some level of confidence, that the world is indeed on the right track towards creating a future for persons with disabilities that ensures and respects their unfettered right to a dignified life, including the right to education.

The following words<sup>5</sup> tell of a growing optimism for the future of the rights of children with disabilities to education and other services:

This century has begun to challenge negative terminology as well as legislative and pedagogic practices. Convergence has occurred, across cultures and nations, toward an ideal of human societies in which, regardless of genetic endowment, children should have learning environments that enable them to develop a wide range of abilities, overcoming any obstacles they may encounter; societies that both value them individually and find valued roles for them. No society yet claims to have achieved this.

<sup>5</sup> Miles & Miles 1993:53.



# CHAPTER 1

## EDUCATION OF CHILDREN WITH DISABILITIES IN AFRICA: AN OVERVIEW

1

### 1.1 Causes and extent of disabilities

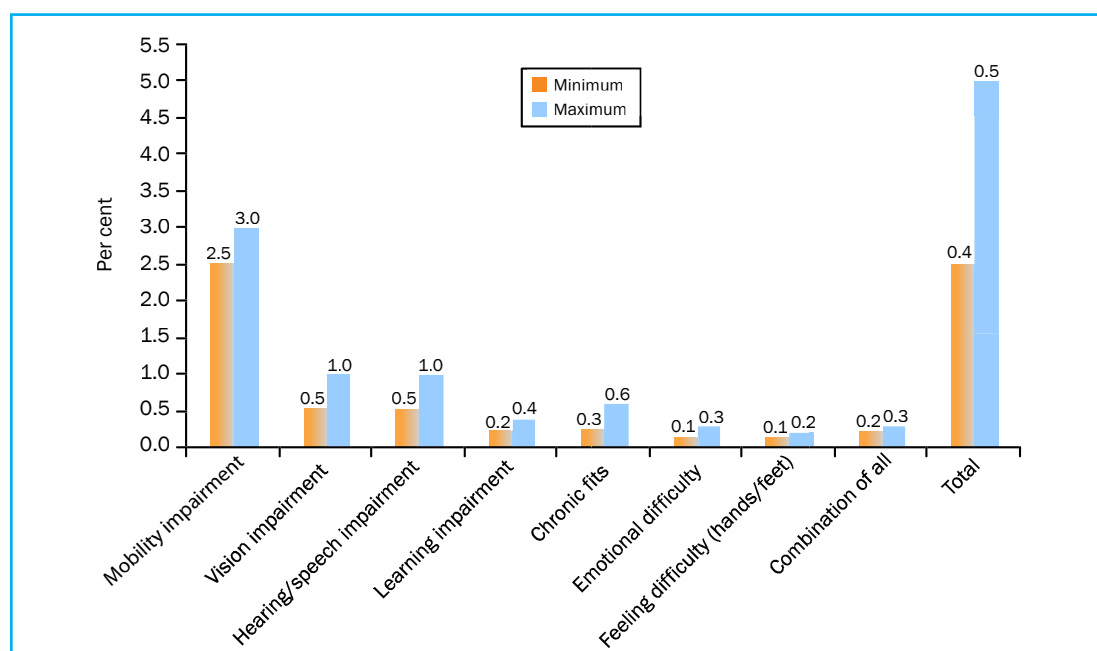
There are 500-650 million persons with disabilities in the world, approximately 10 per cent of the total population. Of these, about 150 million are children, of whom 80 per cent live in developing countries. It is estimated that 140 million of the world's children are out of school, of whom the majority are girls and children with disabilities. Eighty per cent of these live in Africa.

Accurate figures on the prevalence of disability are difficult to find for most developing countries, including those in Africa, partly due to the hidden nature of the problem, and partly because of the low levels of attention given to it by actors in various fields. The little statistical evidence that is available shows that it is a prevalent problem: according to World Programme

of Action Concerning Persons with Disabilities<sup>6</sup>, in most countries at least one person out of 10 is disabled by physical, mental or sensory impairment, and at least 25 per cent of any population is adversely affected by the presence of disability. Half a million children go blind every year, of whom 60 per cent die in childhood, leaving a total of about 1.5 million, of whom four-fifths live in the developing world<sup>7</sup>.

When broken down by disability type, as the following figure on developing countries shows, mobility impairments stand out as the most prevalent type of disability, followed by visual impairments<sup>8</sup>. The former can be partly attributed to the widespread incidence of war and armed conflicts in developing countries, while the latter can be traced to the extensive problems associated with river blindness, vitamin A deficiency, and lack of access to basic health services.

Figure 1.1: Global Estimates of Prevalence of Observed Ranges of Disability in Developing Countries



Source: Mittler 1993:4

<sup>6</sup> <http://www.un.org/disabilities/default.asp?id=23>.

<sup>7</sup> Wilson 1992, cited in Mittler 1993:6.

<sup>8</sup> Mittler 1993:4.

Major causes of disability in Africa are communicable diseases, war, accidents, and inadequate prenatal and neonatal health care services<sup>9</sup>. It is now established that many disabilities can be traced back to poverty, poor nutrition and restricted access to basic services.

Mines contribute to a large number of physical disabilities in Africa. For instance, one in 470 Angolans have had at least one limb amputated<sup>10</sup>. It is also estimated that between 350 and 500 people become amputees every day due to injuries caused by landmines. For every two people killed in war and related violence in Africa, two more are maimed<sup>11</sup>. On par with armed conflicts, poverty-induced illnesses and the lack of the resources needed to get proper nutrition and preventive and curative healthcare services have been a major cause of disability in Africa.

Sometimes, for the lack of the relatively small amount of resources required to prevent such plagues as river blindness (which has resulted in the loss of sight of approximately 17 million people in West and Central Africa), people make a conscious choice to remain poor rather than go blind<sup>12</sup>. Abandoned villages along valuable yet dangerously infective stretches of river bear silent testimony to the dilemma people face between having to eat and being able to see.

Inadequate prenatal, neonatal and other health care services also take their toll: for

instance, asphyxia during birth, often resulting from the absence of a skilled attendant, leaves an estimated 1 million children with impairments such as cerebral palsy and learning difficulties<sup>13</sup>, maternal iodine deficiency leads to 18 million babies being born with mental disabilities, and deficiency in vitamin A leaves about 350,000 children in developing countries blind<sup>14</sup>. About 70 per cent of cases of spina bifida – a disability that affects from 1,000 to 3,000 children per million in Africa – are preventable if folic acid supplements are taken by women before and after pregnancy and during the first trimester<sup>15</sup>.

According to the Department for International Cooperation, in Africa, on average, there is only one eye health worker for every million people. The Department cites research in Ghana that found that 40 per cent of children in schools for the blind had low vision rather than being totally blind:

...of the more than 2 million children in Africa considered blind, some attend schools for the blind but many simply need an eye exam and a pair of strongly powered glasses.

With a pair of glasses, these children were able to see for the first time. It is estimated that there are at least 70 million people in developing countries whose sight, movement or hearing could be restored at a unit cost of US \$15-40<sup>16</sup>.

<sup>9</sup> UN 2006a, Comments of UNCRC Committee, para. 53 & 54.

<sup>10</sup> World bank 2007:25.

<sup>11</sup> Masakhwe 2004:2.

<sup>12</sup> WHO 2006.

<sup>13</sup> UNICEF, 2008b.

<sup>14</sup> Micronutrient Initiative et al. 2009, cited in UNESCO 2010:181.

<sup>15</sup> Spina Bifida Association of America 2009.

<sup>16</sup> Mittler 1993:6.

## 1.2 National laws and policies related to children with disabilities in Africa

### 1.2.1 Introduction

Despite the large number of children with disabilities in Africa, these children are absent from, or referred to only marginally in, public law and policy documents, health, education and social development plans, and/or poverty reduction programmes. National Plans of Action for Children in African countries sometimes make reference to children with disabilities, but suggest little action to meet their needs<sup>17</sup>. This situation contributes to the neglect of these children's economic, social, cultural, civil and political rights – among which rights education stands out as particularly important.

A UNESCO review of countries' legislative baselines concerning education noted the difference in terms of each country's status, but identified two tentative trends none the less: a general acknowledgment of the need to sanction developments in provision with appropriate legislative action; and a tendency for the frameworks for special education and general education to move toward each other, albeit slowly<sup>18</sup>.

Given the fact that laws reflect the cultural, economic, and political traditions of particular countries, it is not surprising that laws and policies on the education of children with disabilities range from the highly detailed and 'legalistic' US model to the general laws of developing countries, which have not even begun to address this topic. As rightly noted by Combrinck:

...an examination of legislation and policies on the national level brings us one step closer to the question of whether children with disabilities are in practice enjoying the benefits of the rights guaranteed under the international and regional... frameworks<sup>19</sup>.

With that in mind, this section looks at the national laws and policies related to the education of children with disabilities in selected countries in Africa.

National legislation addressing public policy on social issues defines the parameters for social change, by legitimising and honouring the direction that change should take. The power of such legislation is great, as Vulliamy and Webb (1993) point out:

...legislation and the vested interests of various professional groups may contribute to the legitimisation of inequalities in the education of specific groups of children<sup>20</sup>.

Laws and policies concerning disability establish a rationale for different forms of provision, reduce overlap and wasteful diversity in services, define the various categories of persons with disabilities, and prescribe provision in family, community, school and vocational rehabilitation centre settings, classified in terms of age range, disability, curriculum content, assessment, personnel, equipment and material and referral procedures<sup>21</sup>. Legislation can also help to secure resources, or assist the appropriate channelling of resources.

Another interesting aspect to note is that legislation can help change attitudes, as Hegarty (1993) points out: "A country that

<sup>17</sup> Ransom 2008:10.

<sup>18</sup> Hegarty 1993:19.

<sup>19</sup> Combrinck 2008:313.

<sup>20</sup> Vulliamy & Webb 1993 cited in Vlachou 1997:17.

<sup>21</sup> UNESCO 1988 cited in Kisanji 1993:162-3.

legislates for special educational provision confers legitimacy in that provision and makes it more likely that professionals, parents and the public will view it in a positive way”<sup>22</sup>.

In many countries in Africa, legal provisions related to the education of children with disabilities are often rudimentary or non-existent<sup>23</sup>. Most laws are embedded in the ‘deficit’ or biomedical model of disability, which considers disability a flaw within the child, and is affected by the notion of charity and other discourses devaluing to the notion of the child as an independent entity. Further, the lack of a specific national policy on special education in most countries has resulted in the relegation of this sub-sector to the bottom of the list of priorities in budgetary and other resource allocation and planning.

In some countries there may still exist policies that provide the possibility for authorities to declare that some children, and especially those with severe intellectual disability, are ‘uneducable’. In other countries, the education of specific groups of learners is the responsibility of an authority other than the Ministry of Education, leading to a situation where these learners are not expected to participate at all in mainstream education provision<sup>24</sup>.

### 1.2.2 National constitutions

Many countries in sub-Saharan Africa primarily guarantee the rights of persons with disabilities as part of their constitutional norms concerning the fundamental human

rights of the individual, prior to their regulation in statutory instruments. Constitutional provisions either directly or indirectly address the basic human rights of persons with disabilities, or have general provisions that may be deemed applicable to people with disabilities<sup>25</sup>. For instance, article 15 of the Constitution of Botswana of 1966, as amended, prohibits discrimination against any person, and states furthermore that no law can contain any provision that is discriminatory either of itself or in its effect. Similarly, no person can use the law to justify such discriminatory practices<sup>26</sup>.

The Botswana Constitution gives a comprehensive definition of discrimination, as follows:

...affording different treatment to different persons, attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinion, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description<sup>27</sup>.

The 1996 Constitution of the Gambia is a good example of protection of the rights of minorities and people with disabilities. Article 28 secures and guarantees the rights of women, while the rights of children and the rights to education and to culture are secured and protected in articles 29 and 30, and Article 32, which deals with the rights of persons with disabilities and protection against discrimination. These articles jointly state that:

<sup>22</sup> Hegarty 1993:19.

<sup>23</sup> Herr 1993:39.

<sup>24</sup> UNESCO 2003:14.

<sup>25</sup> Mwalimu 2003:242.

<sup>26</sup> Larkin et al. 1989 cited in Mwalimu 2003:243.

<sup>27</sup> Flanz 1997, cited in Mwalimu 2003:243. Article 15(3).

The right of persons with disabilities and *handicapped* to respect and human dignity shall be recognised by the state and society. Persons with disabilities shall be entitled to protection against exploitation and to protection against discrimination, in particular as regards access to health services, education and employment. In any judicial proceedings in which a disabled person is a party, the procedure shall take his or her condition into account. All persons shall be equal before the law... No law shall make any provision that is discriminatory either of itself or in its effect... no person shall be treated in a discriminatory manner by any person acting by virtue of any law or in the performance of the functions of any public office or any public authority<sup>28</sup>.

Ghana's Constitution also contains explicit provisions on the protection of the rights of people with disabilities.

A disabled person shall not be subjected to differential treatment in respect of his residence other than that required by his condition or by the improvement that he may derive from the treatment. If the stay of a disabled person in a special establishment is indispensable, the environment and living conditions shall be as close as possible to those of the normal life of a person of his age. Persons with disabilities shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature. In any judicial proceeding in which a disabled person is a party the legal procedure applied shall take his physical and mental condition into account. As far as practicable, every place to which the public have access shall have appropriate facilities for persons with disabilities. Special incentives shall be given to persons with disabilities engaged in business organisations that employ persons with disabilities in significant numbers. Parliament shall enact such laws as are necessary to ensure the enforcement of the provisions of this article<sup>29</sup>.

Similarly, the 1994 Constitution of Malawi, as amended, states that:

The State shall actively promote the welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at achieving the following goals... to support persons with disabilities through (i) greater access to public places; (ii) fair opportunities in employment; and (iii) the fullest possible participation in all spheres of Malawi society<sup>30</sup>.

According to article 53(1) of Zambia's draft Constitution, persons with disabilities are entitled to enjoy all the rights and freedoms set out in this Bill of Rights on an equal basis with others:

- (2) Any law, practice, custom or tradition that undermines the dignity, welfare, interest or status of persons with disabilities is prohibited.
- (3) The State shall recognise, protect and promote the rights, dignity, welfare and interests of persons with disabilities.
- (4) Parliament shall enact legislation to provide for:
  - (a) the promotion and protection of the rights of persons with disabilities;
  - (b) effective access by persons with disabilities to the physical environment, facilities and services open or provided to the public;
  - (c) the education and health needs of persons with disabilities, including early identification and intervention;
  - (d) the use of sign language, Braille or other appropriate means of communication;
  - (e) access to assistive devices and technologies, support services and facilities to enable persons with

<sup>28</sup> Flanz 1997 cited in Mwalimu 2003:243-245.

<sup>29</sup> Govt. of the Rep. of Ghana 1992; Article 29.

<sup>30</sup> Flanz 1997 cited in Mwalimu 2003:247.



- disabilities live independently and participate fully in all aspects of life; and
- (f) the establishment of a social security scheme for persons who are totally impaired.

The 1995 Constitution of Uganda has specific provisions recognising and protecting the dignity of persons with disabilities as part of state policy, but also as part of the Constitution in its provisions on enforceable fundamental human rights<sup>31</sup>. Some articles on fundamental human rights deal with the rights to education, the right to the family, affirmative action in favour of marginalised groups, the rights of women, the rights of children, the rights of minorities to participate in decision-making processes, the rights to culture, and the rights to a clean and healthy environment. Articles 32 and 35 on fundamental human rights directly impact the rights of persons with disabilities.

Notwithstanding anything in this Constitution, the state shall take affirmative action in favour of groups, marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purposes of redressing imbalances which exist against them. Parliament shall make relevant laws, including laws for the establishment of an equal opportunities commission, for the purpose of giving full effect to this article. Persons with disabilities have a right to respect and human dignity and the state and society shall take appropriate measures to ensure that they realise their full mental and physical potential. Parliament shall enact laws appropriate for the protection of persons with disabilities<sup>32</sup>.

It is evident from the examples above that provisions of law under the various Constitutions

of these countries, directly or indirectly, might be utilised to regulate the rights of persons with disabilities. It is also evident that there is an important dichotomy between the fundamental principles of state policy, which cannot be enforced in a court of law, and the fundamental human rights provisions that are enforceable. Benin, Burundi, Côte D'Ivoire, Gabon, the Gambia, Ghana, Madagascar, Mozambique, Niger, Seychelles, and Uganda all have direct enforceable rights under their Constitutions that guarantee and secure the protection of the rights of persons with disabilities<sup>33</sup>.

In Lesotho, Malawi, and Sierra Leone, the rights of persons with disabilities as contained in the constitutional instruments constitute part of state policy, but are not enforceable in any court of law. Tanzania and Uganda have hybrid systems that address the rights of persons with disabilities as part of their state policies and as an integral component of enforceable fundamental human rights<sup>34</sup>.

### 1.2.3 Specific legislation

Many countries have also put in place specific legislation regarding persons with disabilities. For example, Lesotho's Human Rights Act of 1983 states that:

The state shall ensure the elimination of every discrimination against the woman and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions. The aged and persons with disabilities shall have the right to special measures of protection in keeping with their physical or moral needs<sup>35</sup>.

<sup>31</sup> Republic of Uganda 1995; Articles 32 and 33.

<sup>32</sup> Ruchti 1996 cited in Mwalimu 2003:251; Articles 30-39.

<sup>33</sup> Center for International Rehabilitation 2003:252.

<sup>34</sup> Mwalimu 2003:252.

<sup>35</sup> Cited in Mwalimu 2003:252; Section 16(4) and (5).

In Malawi, the Handicapped Persons Act of 1972 contains provisions to improve the care, assistance and education of persons with disabilities in the country<sup>36</sup>.

The 1987 Education Act of Zimbabwe states that:

...every child in Zimbabwe shall have the right to school education.

The Act also places responsibility on every local authority of providing education to all children under its jurisdiction. The Zimbabwe Secretary of Education has pointed to the need for integration of pupils with special educational needs into mainstream schools, the need for resource rooms in regular schools to cater for the needs of pupils with special needs, and the need for special schools for those with severe disabilities. The country's Ministry of Education, Sport and Culture also managed to complete its first Sign Language Dictionary in 1999<sup>37</sup>.

The country's Persons with Disabilities Act of 1992, as amended, is dubbed as an "illustrative example of a country with a national law protecting the rights of persons with disabilities"<sup>38</sup>. The Act establishes the office of Director for Persons with Disabilities Affairs and constitutes a National Disability Board. The latter develops measures and policies that concern people with disabilities in the country. The Board is also entrusted with the following responsibilities:

...to achieve equal opportunities for persons with disabilities by ensuring, so far as possible, that they obtain education and employment, participate fully in sporting, recreation and cultural activities and are afforded full access to community and social services... to prevent discrimination against persons with disabilities resulting from or

arising out of their disability; to encourage and put into operation schemes and projects for the employment of or generation of income by persons with disabilities who are unable to secure employment elsewhere; to encourage and secure the rehabilitation of persons with disabilities within their own communities and social environment; to encourage and secure the establishment of vocational rehabilitation centres, social employment centres and other institutions and services for the welfare and rehabilitation of persons with disabilities<sup>39</sup>.

Denying persons with disabilities access to public places, services, and other amenities is strictly prohibited under the Act:

No disabled person shall on the ground of his disability alone be denied (a) admission into any premises to which members of the public are ordinarily admitted; or (b) the provision of any service or amenity ordinarily provided to members of the public, unless such denial is motivated by a genuine concern for the safety of persons with disabilities concerned. The proprietors of premises referred to above shall not have the right on the ground of a person's disability alone to reserve the right of admission to his premises against such a person. A disabled person who is denied admission... shall be deemed to have suffered an injury and shall have the right to recover damages in any court of competent jurisdiction<sup>40</sup>.

The Act also provides an exemplary provision on enforcement. Section 7 of the Act is a bridge between formulation and enforcement of measures and activities pertaining to the protection of the rights of persons with disabilities. Under this section, if any premises to which members of the public are ordinarily admitted for a fee, or any places, services, or amenities that are ordinarily provided to the members of the public (including those that

<sup>36</sup> Mwalimu 2003:253.

<sup>37</sup> Hapanyengwi 2005.

<sup>38</sup> Mwalimu 2003:254.

<sup>39</sup> Mwalimu 2003:254.

<sup>40</sup> Mwalimu 2003:255.

are state-owned), are discovered by the Board to have barriers to, or be inaccessible for, persons with disabilities, the Board will require such entities to rectify the inaccessibility<sup>41</sup>.

The Act is intended as civil rights legislation by which to establish and protect, through legal enforcement, the individual rights of persons with disabilities. Through the National Disability Board, the government formulates and develops measures and policies that may relate to a wide range of subjects affecting the rights of persons with disabilities. The enforcement system is intended to guarantee compliance<sup>42</sup>.

The 1996 South African Schools Act provides that public schools must admit pupils and serve their educational needs without unfairly discriminating in any way (s. 5(1)). Sections 12(4) and (5) also deal with provision of education for pupils with “special education needs” at ordinary public schools and physical accessibility of public schools to pupils with disabilities respectively. Section 6(4) provides that a recognised Sign Language has the status of an official language for purposes of learning at a public school<sup>43</sup>.

The 1996 Children’s Statute in Uganda makes specific provision for the rights of children with disabilities, and guarantees them equal opportunities to education<sup>44</sup>. The country’s 1992 Education White Paper spelt out commitment to promoting integration in mainstream schools and making adequate provision for disabilities, including special units where necessary. Support to regular schools is provided through the general school cluster system.

The country’s Universal Primary Education (UPE) programme, introduced in 1997, drastically increased school enrolment, and has also benefited children with disabilities in two respects: firstly, specialised schools benefit from UPE funding; and secondly, children with disabilities are being enrolled in mainstream schools as a result of a shift towards a policy of inclusion<sup>45</sup>. However, teachers have found that they have insufficient teaching skills, and the model is largely one of integration, whereby children with disabilities are present in class, but curricula and examinations have not changed. Class sizes remain high, and there are insufficient specialist materials<sup>46</sup>.

Kenya’s Children Act of 2001 includes disability in its prohibition of discrimination. The Act provides that a disabled child has the right to be accorded education and training free of charge or at a reduced cost whenever possible<sup>47</sup>.

The Persons with Disabilities Act No. 33 of 1996 of Zambia defines discrimination to include those practices that discriminate against persons with disabilities, such as:

- a) treating a person with a disability less favourably from a person without a disability;
- b) treating a person with a disability less favourably from another person with a disability;
- c) requiring a person with a disability to comply with a requirement or condition which persons without a disability may have an advantage over; or

<sup>41</sup> Mwalimu 2003:254-255.

<sup>42</sup> Center for International Rehabilitation 2003:273.

<sup>43</sup> Government of South Africa 1996.

<sup>44</sup> Combrinck 2008:316; Sections 5, 10 and 12.

<sup>45</sup> Ugandan Ministry of Education and Sports 2004:11; UNESCO 2001:31.

<sup>46</sup> World Vision 2007:38.

<sup>47</sup> Combrinck 2008:315.

- d) not providing different services or conditions required for that disability (Government of Zambia 1996, section 19).

Under the Act the definition of disability includes persons with impairments that may or may not require supportive devices and auxiliary aids. Under Part I (2), the Act defines disability as:

...any restriction resulting from an impairment or inability to perform any activity in the manner or within the range considered normal for a human being, and would or would not entail the use of supportive or therapeutic devices and auxiliary aids, interpreters, white cane, reading assistants, hearing aids, guide dogs or any other trained animals trained for that purpose (Government of Zambia 1996).

The Persons with Disabilities Act 2007 of Sierra Leone, which is still a Bill and therefore not yet an active part of legislature, is the most comprehensive and most promising disability-related law the country has ever had. The Bill defines disability to mean:

...a physical, sensory, mental or other impairment which has a substantial long-term adverse effect on a person's ability to carry out normal day-to-day activities (Article (1))<sup>48</sup>.

- and discrimination as "to treat a person with a disability less favourably solely or mainly on the ground of that person's disability". Notably, the Bill's definition of discrimination encompasses using "words, gestures and caricatures that demean, scandalise or embarrass a person with disability".

Article (14) of the Act states:

1. Every person with disability shall have a right to free education in all Government educational institutions.

2. The Government shall ensure the structural adaptation of educational institutions to make them easily accessible to persons with disabilities.
3. The Government shall provide to educational institutions such auxiliary services as may be necessary to facilitate the learning process of persons with disabilities.

- and according to Article (15):

4. A person with Disability shall not be denied admission to or expelled from an educational institution by reason only of his disability.
5. Educational institutions shall take into account the special needs of persons with disabilities with respect to the use of school facilities, class schedules, physical education requirements and other similar considerations.
6. A person who contravenes subsection (1) commits an offence.

Under Article 16 (1), the Bill promises the introduction of courses on sign language and Braille in all government educational institutions. Article 16 (3) automatically entitles students in Government educational institutions who specialise in courses for instruction of persons with disabilities to Government scholarships or grants.

The Act proclaims sign language and Braille as the mediums of instruction for deaf and blind students respectively in all educational institutions, according to Article 16(4); while, under Article 39(1), every television station is required to "provide a sign language inset or sub-titles in all newscasts and educational programmes, and in all programmes covering events of national significance".

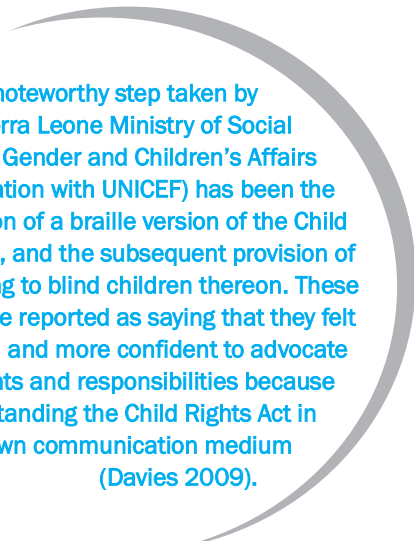
<sup>48</sup> Government of Sierra Leone 2007.

The Child Rights Act is one of the key pieces of legislation on children's issues that Sierra Leone has so far put in place. Article 23(1) of this Act accords every child the right to life, to survival and to development to the maximum extent possible. Additionally, Article 26(2) guarantees every child the rights to life, dignity, respect, leisure, liberty, health (including immunisation against diseases), education, and shelter (Government of Sierra Leone 2007).

According to Article 30(1), "...no person shall treat a child with a disability in an undignified manner"; and Article 30(2) states that "[a] child with a disability has a right to special care, education and training wherever possible to develop his maximum potential and be self-reliant" (Government of Sierra Leone 2007).

Every child is protected against torture or other cruel, inhuman or degrading treatment or punishment, including any cultural practice which dehumanises or is injurious to the physical and mental welfare of the child (Government of Sierra Leone 2007, article 33 (1)).

In Central African Republic, the 2000 *Loi Portant Statut, Protection et Promotion de la Personne Handicapée* (law for the protection and promotion of disabled persons) and the decree that regulates its implementation are important legislative milestones in the country as far as persons with disabilities are concerned. According to Title 1 (Article 3) of the law, the state is responsible for the prevention and screening of disability, as well as for the care, transport, education, training, professional orientation and employment of persons with disabilities. It is also the duty of the state to ensure that disabled persons get access to appropriate leisure, sport activities and public buildings (République Centrafricaine 2010).



A noteworthy step taken by the Sierra Leone Ministry of Social Welfare, Gender and Children's Affairs (in collaboration with UNICEF) has been the preparation of a braille version of the Child Rights Act, and the subsequent provision of training to blind children thereon. These children were reported as saying that they felt empowered and more confident to advocate for their rights and responsibilities because of understanding the Child Rights Act in their own communication medium (Davies 2009).

Title 1 (Article 6) entitles persons with disabilities or persons undertaking activities for the cause of disabled persons to certain acquittals, exemptions, discounts and subsidies. Article 8 (Title 3) requires that, depending on the severity of their disability, pupils with disabilities benefit from particular adaptations to assist their schooling, participation in examinations and competitions, access to scholarship grants, and integration into public services (République Centrafricaine 2010).

Perhaps one of the strongest provisions in this law is found in Article 9 (Title 3), where both public and private service providers are required to support the integration of children and pupils with disabilities into different educational establishments, universities and professional training programmes. The same article draws attention to the need for these service providers to create specialised structures to ensure the participation of disabled children in sport, leisure and cultural activities as part of their education, and ensure the ongoing operation of these structures (République Centrafricaine 2010).

Title 2 (chapter 3) (Article 22) of the decree of implementation of the *Loi Portant Statut, Protection et Promotion de la Personne Handicapée* requires architectural designs to envisage specialised facilities for accommodating the needs of persons with disabilities of limited mobility, or the needs of wheel-chair users.

Under (Chapter 1)(Article 26), the decree states that “the education of children and adolescents with disabilities is guaranteed in ordinary schools or in special education centres”.

Children with hearing, visual and mental impairments benefit from specialised education in a school for the purpose, allowing them to acquire the necessary autonomy before being enrolled in ordinary schools. Ordinary schools are, however, required to offer preparatory teaching for the purpose of equipping these children with the communication skills necessary for their integration into society (Article 27).

According to Article 28 (Title 3) (chapter 1), ordinary schools enrolling children with disabilities are, when necessary, provided with specialised personnel and instructional materials adapted to the demands of their pedagogic programme. The same article draws attention to the fact that ordinary schools have to facilitate the accessibility of classrooms to children with disabilities, by putting in place the necessary accommodations.

#### 1.2.4 Education policies and strategies for children with disabilities

Nigeria became the first country in sub-Saharan Africa with a comprehensive special education policy incorporated into its national education policy as early as 1988<sup>49</sup>. However, evaluations of the implementation of the policy carried out some time later revealed that the established mechanisms for policy implementation were not consistently enforced<sup>50</sup>.

Tanzania developed a National Policy on Disability in 2003, and has since furthered this with targets and strategies in its second Poverty Reduction Strategy Plan (PRSP). The country is committed to increasing the enrolment of children with disabilities from the current minimum level to 20 per cent in 2010. Although there is as yet no specific inclusive education policy, plans are underway to develop in-service teacher training, offer transportation to disabled students, and increase the range of assistive devices and instructional equipment and materials available to schools<sup>51</sup>.

The 1996 National Policy on Education of Zambia, *Educating our future*, declares education a right of every individual in Zambia”

...the development of education will...seek to promote equality of access, participation and benefit for all in accordance with individual needs and abilities.

<sup>49</sup> UNESCO 1988, cited in Kisanji 1993.

<sup>50</sup> Obiakor and Maltby, 1992, cited in Kisanji 1993:161.

<sup>51</sup> World Vision 2007:38.

The policy document goes on to list the measures the government will take to promote equality, including:

...allocating resources to those in greatest need, providing appropriate support systems, and changing the tangible and intangible qualities of the system itself to cater for the diverse educational needs and interests of the population<sup>52</sup>.

The policy makes an important statement that marks a departure from the individual 'deficit' model of disability, which focuses philosophically on changing the child, to the social model, which seeks to change the system, when it declares:

where access, participation and achievement in education are impeded by gender, physical, mental, economic, or social factors, the Government will seek to *eliminate sources of educational disadvantage* in order to enhance equality [emphasis added]<sup>53</sup>.

The country's educational policy document refers to pupils with special educational needs as exceptional, and defines the exceptional child or individual as:

...one who differs from others in mental, physical or social characteristics to such an extent that, for the full development of inherent potential, he or she needs a modification of school, college or university provision and practice, or special educational services<sup>54</sup>.

The educational perspective is that children are exceptional if their difference from others is such that it interferes with their development in normal school circumstances

and necessitates special educational provision, either in conjunction with the regular class or in a special class or school. According to the education policy document<sup>55</sup>, the terms *a child with special needs or an exceptional child* include children who have physical, hearing, speech or visual impairments; are significantly different from others mentally, whether by being very bright, being slow learners, or being severely impaired mentally; or are socially maladjusted or emotionally disturbed<sup>56</sup>.

Some strategies for ensuring equal opportunities for children with special educational needs that are put forth in the policy include the training of an adequate number of teachers in special education; designing appropriate curricula and teaching materials; prescribing specifications for special furniture, equipment, aids and infrastructure provision; developing appropriate support technology systems; and providing adequate supervision of special education programmes<sup>57</sup>.

In Ethiopia, the Ministry of Education launched the Special Needs Education Programme Strategy in 2006. The strategy aims at ensuring both access and quality of education for all children, including pupils with special educational needs. According to the SNE programme strategy document, the responsibility for providing primary education for all school age children, including pupils with special educational needs, rests with woreda (the lowest administrative structure in Ethiopia's federal government system) education offices<sup>58</sup>.

<sup>52</sup> MoE 1996:3.

<sup>53</sup> MoE 1996:4.

<sup>54</sup> MoE 1996:66.

<sup>55</sup> MoE 1996:66.

<sup>56</sup> MoE 1996:66-67.

<sup>57</sup> MoE 1996:69-70.

<sup>58</sup> MoE 1996.

Although the Programme Strategy does not mention learners with disabilities specifically in its strategic aims, it talks almost exclusively about learners with disabilities in its discussion of strategic priorities. The Programme Strategy<sup>59</sup> also outlines the following concerns:

- Including special needs education within national and regional education sector planning and reporting systems at early childhood, primary, secondary, technical, vocational and higher education levels;
- Developing guidelines and providing technical assistance to regions;
- Introducing a special needs education course into all major pre/in-service teacher education programmes, with extra in-service training relating to disability for teachers in special schools/classes and for other support teachers;
- Co-operation with community-based rehabilitation (CBR) programmes;
- Resource centres for secondary and higher education institutions to help identify barriers to learning and support students and teachers (e.g. with Braille and ICT for blind students, sign language interpreters for deaf students, etc.);
- Ensuring that alternative basic education programmes include children with special educational needs.

The strategy document illustrates the potential interactions between the three elements that characterise the proposed special needs education model, which are as follows: (1) mainstream schools; (2) cluster schools, itinerant teachers, and special units/classes; and (3) special schools. Accordingly, special schools will support cluster schools, which in turn will support mainstream schools. At the

centre of this model are cluster schools and itinerant teachers, both of which support staff working in both regular classes and special units/classes. The strategy states that only a minority of learners with special educational needs will be educated within special schools<sup>60</sup>.

Perhaps the most progressive and comprehensive policy document on the education of children with disabilities on the continent – unparalleled even in other parts of the world – is that of South Africa. Given the extensive nature of the lessons therein, it is worthwhile at this juncture to present the South African policy landscape as it relates to the education of children with disabilities.

In 1997, the *White Paper on an Integrated National Disability Strategy*, produced by the Disability Desk of the South African Deputy State President, offered a very clear direction as to the kind of disability model to be pursued:

An understanding of disability as a human rights and development issue leads to a recognition and acknowledgment that people with disabilities are equal citizens and should therefore enjoy equal rights and responsibilities. A human rights and development approach to disability focuses on the removal of barriers to equal participation and the elimination of discrimination based on disability<sup>61</sup>.

According to the *White Paper*:

Inclusion implies a change from an ‘individual change model’ to a ‘system change model’ that emphasises that society has to change to accommodate diversity, i.e. to accommodate all people. This involves a paradigm shift away from the ‘specialness’ of people to the nature of society and its ability to respond to a wide range of individual differences<sup>62</sup>.

<sup>59</sup> MoE 2006:12-14.

<sup>60</sup> MoE 2006:27.

<sup>61</sup> Office of the President, 1997:15.

<sup>62</sup> Office of the President 1997:97.



Inclusion is thus rightly understood in its broad sense of addressing and ultimately eliminating all forms of discrimination and disadvantage in the area of education, by bringing disadvantaged groups and those in danger of marginalisation and exclusion into the mainstream of educational opportunities. Therefore, in addition to children with disabilities, the aim is to bring into the educational fold orphans and vulnerable children, those infected or affected by HIV and AIDS and other serious diseases, those living in poverty, those in deprived rural and urban areas, adults who have missed out on educational opportunities, and schoolgirls who fall pregnant<sup>63</sup>.

In November 1997, the National Committee on Education Support Services (NCESS) and the National Commission on Special Needs in Education and Training (NCSNET) produced a report entitled *Quality education for all: overcoming barriers to learning and development*, which recognised the need for all pupils to gain access to a single education system, and thus to be able to participate in everyday mainstream economic and social life. In the recommendations, the report stated that:

...barriers can be located within the learner, with the centre of learning, within the education system and within the broader social, economic and political context. These barriers manifest themselves in different ways and only become obvious when learning breakdown occurs, when learners 'drop out' of the system or when the excluded become visible. Sometimes it is possible to identify permanent barriers in the learner or system, which can be addressed through enabling mechanisms and processes.

However, barriers may arise during the learning process and are seen as transitory in nature. These may require deferent interventions or strategies to prevent them from causing the learning breakdown or excluding learner from the system. The key to preventing barriers from occurring is the effective monitoring and meeting of the different needs among the learner population and within the system as a whole<sup>64</sup>.

The recommendations put forward by the NCSNET and NCESS resulted in the formulation of the *White Paper Six on Special Needs Education: Building on Inclusive Education and Training System*<sup>65</sup>. This paper was so detailed that it thoroughly covered issues related not only to strategies of achieving inclusion, but also to specific aspects of accessibility and details of curricula.

The *White Paper* adopted the *full-service schools*<sup>66</sup> model as a means by which to achieve educational inclusion. This model contains several very interesting elements<sup>67</sup>:

- Everyone in the site of learning is responsible for the education of each learner regardless of their learning needs;
- Everyone in the site of learning is focused on meeting the needs of all learners in a unified system of education;
- All educators have skills and knowledge that can and should be used to support the efforts of each educator to ensure the success of all learners and students;
- All learners benefit from participation in mainstream institutions, and should be shown respect for their unique, personal forms of growth and contribution.

<sup>63</sup> Department of Education 2008:3.

<sup>64</sup> Department of Education 1997:14.

<sup>65</sup> Department of Education 2001:42

<sup>66</sup> Full-service schools and colleges are schools and colleges that will be equipped and supported to provide for the full range of learning needs among all learners (DoE 2001:22).

<sup>67</sup> Department of Education 2005:9.

The twenty-year plan laid out in *the White Paper* includes short-term, medium-term and long-term steps. In the short term, government set out the following priorities<sup>68</sup>:

- Implement a national advocacy and education programme on inclusive education;
- Plan and implement targeted outreach programming, beginning in government rural and urban nodes to mobilise disabled out-of-school children and youth;
- Complete the audit of special schools and implement a programme to improve efficiency and quality;
- Designate, plan and implement the conversion of thirty special schools into resource centres in thirty districts;
- Designate, plan and implement the conversion of thirty primary schools to full-service schools in the same thirty districts above;
- Within all public education institutions, on a progressive basis, the general orientation and introduction of management, governing bodies and professional staff to the inclusion model;
- Within primary schooling, on a progressive basis, the establishment of systems and procedures for the early identification and addressing of barriers to learning in the Foundation Phase (Grades R-3).

The *White Paper 6* states that special schools will be strengthened rather than abolished, in order that pupils with severe disabilities can be

...accommodated in these vastly improved special schools, as part of an inclusive system<sup>69</sup>.

In other words, special schools are given new roles, including providing particular expertise and support – especially professional support in designing curricula, assessment and instruction – as part of the district support team to neighbourhood schools, with a particular focus on ‘full-service’ schools. This role also includes providing appropriate and quality educational provision for those pupils who are already in these settings, or who may require accommodation in settings requiring secure care or specialised programmes with high levels of support<sup>70</sup>.

The *White Paper* plans to put in place a public education programme to inform and educate the parents of these children and youth, and will collaborate with the Department of Social Development to develop a programme to support their special welfare needs, including via the provision of devices such as wheel chairs and hearing aids<sup>71</sup>.

As part of its information, advocacy and mobilisation campaign, the *White Paper* also envisages targeting the recruitment of those pupils of compulsory schoolgoing age who are not yet accommodated in schools<sup>72</sup>. According to this plan, advocacy focusing on inclusive education would be conducted within thirty districts, as well as system-wide, to ensure that there is sufficient common understanding of the government’s plan<sup>73</sup>. Advocacy materials would also be prepared in large print and Braille, for the benefit of visually impaired participants<sup>74</sup>.

<sup>68</sup> DoE 2001.

<sup>69</sup> DoE 2001:3.

<sup>70</sup> DoE 2001:21.

<sup>71</sup> DoE 2001:30, s(2.2.3.2).

<sup>72</sup> DoE 2001:34, s (2.2.7.4).

<sup>73</sup> Naicker 2005:243.

<sup>74</sup> Motala et al 2007:19.

The Department of Education has produced a series of Guidelines governing the various elements of the full-service School project, one of which is the *Guideline for Full service/Inclusive Schools 2009*. The *Guideline* envisages ensuring inclusion by making sure that reasonable accommodation is made in accordance with individual requirements, through:

...making provisions for individualised support measures that could include for example facilitating the learning of Braille, using alternative script, communicating through augmentative and alternative modes, means and formats of communication, the introduction of orientation and mobility skills, and facilitating peer support and mentoring, facilitating the learning of sign language and the promotion of the linguistic identity of the Deaf community<sup>75</sup>.

The *Guideline* spells out further accessibility requirements as follows:

When a school includes Deaf children, it makes use of South African Sign Language interpreter and trained educators and offers deaf children the chance to work with native signers. It also offers hearing children the chance to study sign language as part of the curriculum<sup>76</sup>.

Full-service schools must negotiate with District Offices to arrange accessible public or scholar transport for learners with disabilities who live within the catchment area of the school...The school must procure portable ramps or fitted seats for learners with mobility impairments and make arrangements with drivers to supervise the travelling arrangements of disabled learners<sup>77</sup>.

The *Guideline* invokes the applicability of the Employment Equity Act to employment in schools, and calls for an increase in the employment of disabled teaching and non-teaching staff, largely to emphasise the role-modelling influence that such staff would have on all children<sup>78</sup>.

The *Guideline* warns against the use of “disablist, sexist, racist and homophobic language usage”, and calls for development of:

...appropriate language through anti-bias and equality-sensitive opportunities in assemblies and classroom activities<sup>79</sup>.

On the curricular front, the *Guideline* requires the curriculum to be:

...made more flexible across all bands of education so that it is accessible to all pupils, irrespective of their learning needs<sup>80</sup>.

According to the *Guideline*, instruction in a full service school classroom is characterised by:

...learner engagement; self-determination and choice; individualisation; recognition that instruction is for the purpose of preparing pupils for post-school options; and multiple options for pupils to acquire, store and demonstrate learning<sup>81</sup>.

The education sector plans of Mauritania and Cameroon make no mention of disability, while the plans of Niger, Burkina Faso, Gambia, Guinea, Mali, Madagascar, Rwanda and

<sup>75</sup> DoBE 2009:5.

<sup>76</sup> DoBE 2009:30.

<sup>77</sup> DoBE 2009:39.

<sup>78</sup> DoBE 2009:15.

<sup>79</sup> DoBE 2009:16.

<sup>80</sup> DoBE 2009:29.

<sup>81</sup> DoBE 2009:33.

Senegal make just indicative or superficial mention of the subject. Countries such as Ethiopia, Kenya, Lesotho and Mozambique address disability in some detail in their plans<sup>82</sup>.

In 2004, Mauritius adopted both a National Policy for Children and a National Plan of Action<sup>83</sup>. The policy set out priorities, and the publication of a plan of action and cost estimates for implementation for an initial two-year period established how those policies would be enacted. The policy acknowledges that children with special educational needs should be included as far as possible within the general education environment. The following year, in 2005, Mauritius' budget for children with special needs more than quadrupled, and it was planned that additional resources would be allocated to develop special services to support those children with special needs who would be mainstreamed, as well as their teachers and parents. More specialised services would be created for those children unable to attend ordinary schools, or specialised classes on the sites of normal schools, because of serious disabilities.

A large number of countries have failed to lay down any strategies and targets for the schooling of children with disabilities, including Cameroon, Guinea, Madagascar, Mali, Mauritania and Senegal.

Burkina Faso, Ethiopia, Gambia, Ghana, Niger and Rwanda have identified at least one important aspect of their strategies for the delivery of inclusion, with sufficient detail of implementation in areas such as access to

school buildings, development of curricula and instructional materials, and/or support centres for schools<sup>84</sup>.

Kenya set a specific target for increasing enrolment of children with disabilities, at 10 per cent of Gross Enrolment Ratio (GER) by 2010, and also laid down training and provision targets<sup>85</sup>. In a report from 2004, it was stated that approximately 90 per cent of Kenyan children of schoolgoing age with disabilities were either at home or in regular schools, with little or no specialised assistance<sup>86</sup>. An assessment by UNESCO in 2006 confirmed that the implementation of special needs education in Kenya suffered from inadequate funding, lack of a clear policy framework, low progress in assessing and placing children with disabilities, an insufficient number of qualified teachers, and a lack of teaching and learning resources<sup>87</sup>.

Mauritius, interestingly, set 2015 as the target year for achieving total access, equity, and quality regarding the education of children with special needs<sup>88</sup>. Ghana has the target of enrolling all children with 'non-severe special educational needs' in mainstream schools by 2015, and Djibouti's plan adopts the strategy of offering fee exemption and other contributions to the costs of schooling for children with disabilities<sup>89</sup>.

The Education Policy and Strategy Plan of the Gambia (2004-2015) clearly state that supportive services will be provided to cater for the needs of children with disabilities in regular schools. The policy also points out the

<sup>82</sup> World Vision 2007:26 and 29.

<sup>83</sup> Ministry of Women's Rights, Child Development, and Family Welfare 2003a and b.

<sup>84</sup> World Vision 2007:26.

<sup>85</sup> World Vision 2007:27.

<sup>86</sup> Kenyan Ministry of Education, Science & Technology 2004:6.

<sup>87</sup> UNESCO 2006b:33.

<sup>88</sup> Chung & Dalais 2008:261.

<sup>89</sup> World Vision 2007: 27 and 29.

necessity of including children with mild to moderate disabilities in mainstream education. The provision of support and the adaptation of existing educational practices, curricula, and classroom structures to meet the needs of all learners are also highlighted. The strengthening of regional education centres with adequate resources, and the placement of trained teachers in mainstream schools, are outlined, with the goal of helping attain an effective mainstreaming programme. Teacher training, early identification, vocational training and skills training are also highlighted as crucial to successful inclusion programmes<sup>90</sup>.

The above overview shows limited progress by African countries in putting in place comprehensive laws, policies, strategies and plans for ensuring educational access for children with disabilities.

This situation has resulted in the gross denial of the right to education of children with disabilities.

## 1.3 Access to education services of children with disabilities

### 1.3.1 Cause and extent of educational exclusion of children with disabilities

Disability has been a major cause of educational exclusion. Children with disabilities are far less likely to go to school or to stay in school, for a variety of reasons including poverty, inaccessible school and public transport facilities, and public prejudice. In Malawi, Tanzania and Burkina Faso, children with disabilities run a risk of being out of school two or three times higher than that of their non-disabled counterparts<sup>91</sup>.

It is estimated that 76% of children with disabilities in Sierra Leone are out of school<sup>92</sup>. In Ethiopia, which counts about 30 million school-aged children, less than 1% of children with special needs have access to education<sup>93</sup>. Sixty-seven per cent of children with disabilities aged 6-14 years in Central African Republic are not attending any form of schooling<sup>94</sup>.

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<sup>90</sup> Mendy 2010:3.

<sup>91</sup> Kobiané and Bougma, 2009; Loeb and Eide, 2004; United Republic of Tanzania. Government, 2009, cited in UNESCO 2010:182).

<sup>92</sup> Leonard Cheshire Disability/UNECA 2008:113.

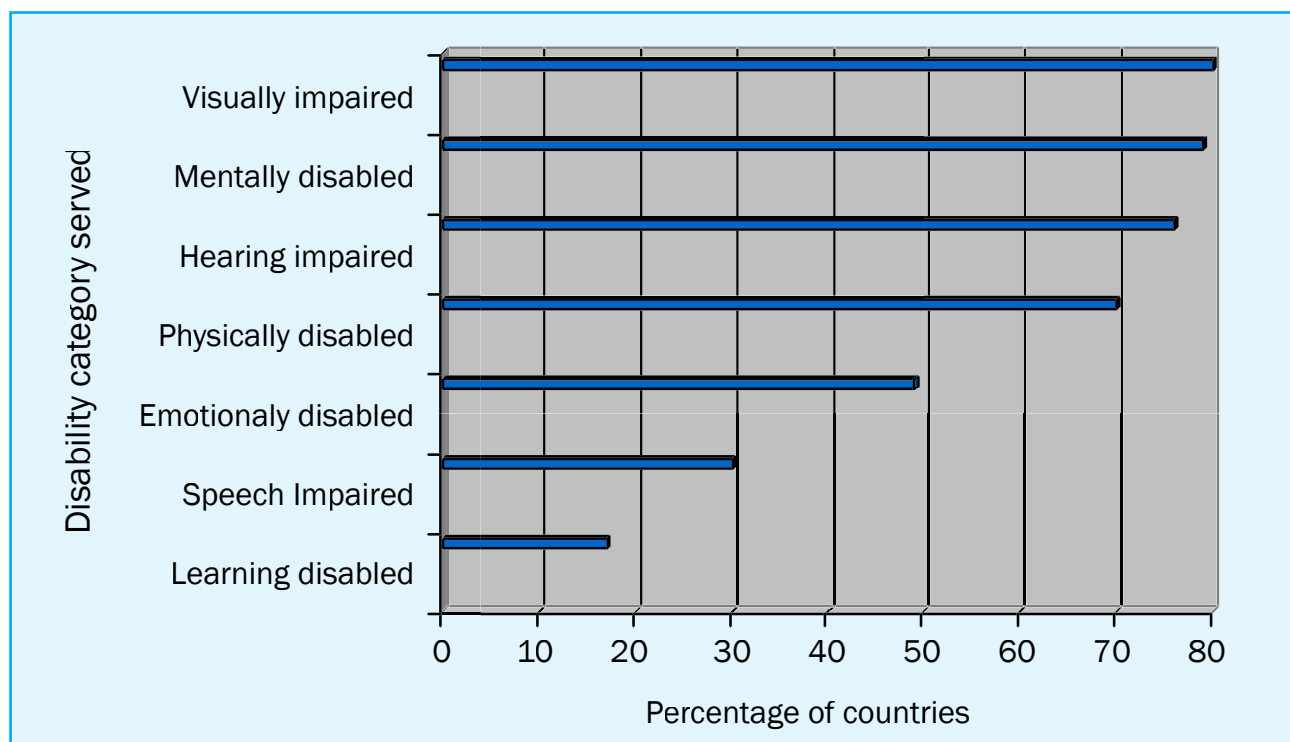
<sup>93</sup> UNESCO 2007:7.

<sup>94</sup> Ministre du Plan, de l'Economie et de la Coopération Internationale 2005:36.

In many instances, regular classes may contain up to 100 children and are staffed by teachers who have only just left school themselves. In such circumstances, it is not surprising that some schools are unwilling to include children with disabilities, or that some parents prefer to keep their children at home, working in the fields or looking after younger siblings. According to UNESCO, fewer than 10 per cent of children with disabilities in Africa receive primary education. Various official estimates even suggest that perhaps only one child with disability out of a hundred attends any form of schooling in most African and Asian countries. Schools admitting children with disabilities normally only exist in towns and cities, often organised by parent groups or voluntary organisations, and with access restricted to those that can pay<sup>95</sup>.

Even among children with disabilities, certain groups are better served educationally than others, further complicating the situation of access. For instance, a survey conducted in the 1990s in 152 countries (Figure 1.2) showed that less than 20 per cent of the countries served children with learning disabilities, while less than 30 per cent of these countries offered educational services to children with speech impairments. According to the same survey, the visually impaired, the mentally disabled and the hearing impaired received the most education services. This can be partly explained by the fact that these disabilities are amenable to institutionalised educational service provision as the most widespread form of service, and partly by a focus on the part of NGOs and faith-based organisations on these kinds of visible disabilities<sup>96</sup>.

Figure 1.2: Summary of educationally served children with disabilities by category in 152 countries in the 1990s



Source: Brouillette (1993:30)

<sup>95</sup> Mittler 1993:8.

<sup>96</sup> Brouillette 1993:30.

Burkina Faso, however, seems to contradict this trend. Children in Burkina Faso reported as *deaf* or *mute*, living with a mental impairment or blind were far less likely to be enrolled in school than those with a physical impairment. In 2006, just 10% of children with hearing or speech impairments aged 7-12 were in school, while the attendance rate for children with a physical impairment was 40%, only slightly below that of those with no impairment<sup>97</sup>.

Children with disabilities aged 0-6 years are the least catered for educationally. Pre-school children with disabilities are not a common feature in sub-Saharan Africa. Most pre-schools found in the region form a section of an existing special primary school. This is partly due to the lack of assessment and screening services and expertise. There are, however, encouraging trends in some countries, including Botswana, Ghana, Kenya, Tanzania, Uganda and Zimbabwe, whereby screening and diagnostic tools are being adapted and developed for educational assessment as a multi-disciplinary activity<sup>98</sup>.

Lack of educational facilities is not the only reason for the limited access to education of

children with disabilities. Household deprivation and negative parental and community attitudes – which can go as far as causing parents to hide children from public view, or to think they are uneducable – play an equally important role in limiting access.

A recent study carried out by the African Child Policy Forum on the situation of children with disabilities in Ethiopia showed that many such children are not going to school because their parents cannot afford transportation and related costs. A number of physically disabled children are not going to school because they do not have wheelchairs and crutches. The study also revealed that household poverty affects schoolgoing children as much as it does out-of-school children: according to the study, most schoolgoing children with disabilities cannot afford a decent meal, and suck ‘gelatine’ (a very cheap candy-like mixture of frozen ice and sugar prepared under unsanitary conditions) or eat a slice of sugar cane for lunch. Similarly, in some schools, because of lack of sufficient money to cover personal expenses, some visually-impaired pupils were reported to have occasionally left campus to beg for alms<sup>99</sup>.

### Box 1.1: Where socio-economic barriers meet disability

She was born with a disability. She cannot walk; instead, she can only crawl. Her backbone is not level, and this has affected her hips, waist and legs. The lower part of her body is very weak and does not have the strength to carry the rest of her body. It is as if she is paralysed. She uses a walking ring with two wheels at the front to move around, and she sees a specialist doctor at the hospital for check-ups.

Her mother and father are not married, but they stay together with her. They are very fond of her and have accepted her disability. Her mother carries her on her back when she brings her to school, and takes her home again. The child is very confident and intelligent. She is intellectually competent, just physically challenged. She does everything by herself, without any help. If it is time to play, she climbs and swings on her own. She is very independent.

Continued to  
next page...

<sup>97</sup> Kobiané and Bougma (2009), cited in UNESCO 2010:182.

<sup>98</sup> Anson-Yevu, 1998, cited in Kianji 1993:167-8.

<sup>99</sup> ACPF 2010:41.

There are two types of barriers that this learner faces. The first is socioeconomic, and the second is an inaccessible and unsafe learning environment. The socio-economic barrier is because her parents are poor. They cannot afford to buy a wheelchair that can be used to bring her to school. The learning environment is inaccessible and unsafe because the school building does not have ramps to the classrooms, toilets or playground. There are no toilets for learners with disabilities. The pathways are also uneven. When she pushes her walking ring, the ground is uneven, and she has to put in extra effort for it to move (quoted in DoE 2002:46).

In addition to the issue of limited coverage of existing provisions, the type and quality of the provision also affects the range of opportunities available for disabled children. For children with disabilities to receive a quality education, they must be educated in environments that are welcoming and which promote healthy social, as well as academic, development – without which such children may decide not to go school, or to drop out of school<sup>100</sup>.

### 1.3.2 Types of education services for children with disabilities

Various education provision modalities have been used in Africa. Three types of educational arrangement for children with disabilities are currently in widespread use in the world:

- The one track system, or ***inclusive education*** (serving all pupils in one system);
- The ***dual track system*** (serving pupils with special educational needs in one system and all others in another, main, system);
- The multi-track system, or ***integration*** (serving various groups in different, parallel systems)<sup>101, 102</sup>.

Special classes and units are of three types. First, there are those located on ordinary school premises, with very little interaction, social or

otherwise, with the rest of the school. Special education staff may be involved in all the non-classroom activities of the school. Sometimes the special unit is a ‘school-within-a-school,’ with independence. Stubbs (2004:24-5) calls this kind of arrangement ‘segregation in closer proximity’.

In the second type of special unit, there is social interaction between children with and without disabilities in all non-classroom activities. In the third, special classes teach special needs children separately, but those who attain skill levels equivalent to those needed in mainstream classes are accordingly transferred to the latter, or attend some lessons in them.

Resource centres may be special education units at ordinary schools that provide assistance to special needs children in a resource room while children attend ordinary classes in the same schools. The special education staff at such centres prepare materials required by children with special education needs, and perform necessary repairs on their equipment. Such centres for visually impaired children exist mainly in Malawi, Kenya and Tanzania<sup>103</sup>.

The different forms of educational provision for children with disabilities, and the number of countries using each form, are shown in the Table below<sup>104</sup>.

<sup>100</sup> Magrab 2004:2.

<sup>101</sup> Mitchell 2005a:5.

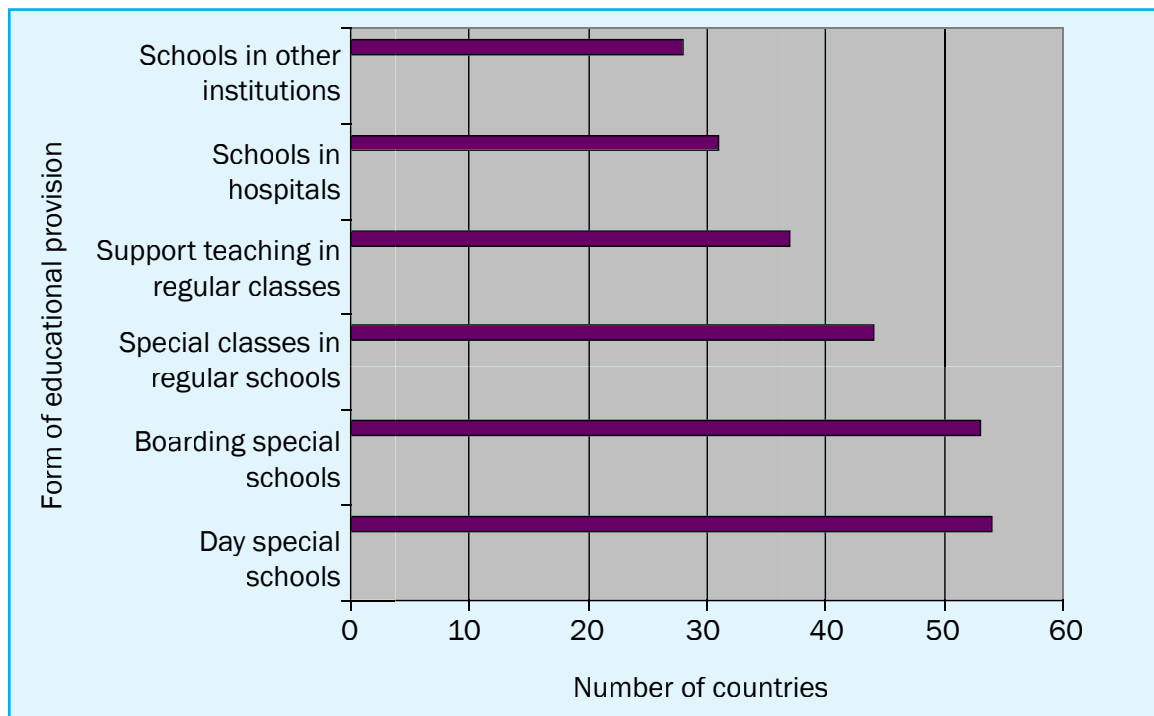
<sup>102</sup> UNESCO 2005.

<sup>103</sup> Kisanji 1993:165.

<sup>104</sup> Hegarty 1993:21.



**Figure 1.3: Number of countries in terms of forms of educational provision applied for educating children with disabilities**



Source: Hegarty 1993:21

Since its inception in the mid-1940s, special education has been characterised by special schools. Resource centres and units for children with special needs in Africa began in the late 1960s, with Malawi taking the lead in the area of provision for the visually impaired. Ghana established such units in 1976<sup>105</sup>.

In 1983, all countries in eastern and southern Africa using English as the language in schools, with the exception of Somalia, had at least one special school. Special schools for pupils with hearing impairments were most common (there were 40), although the number of such pupils enrolled was not significantly higher than that of pupils with mental disabilities, who had 30 schools; pupils with visual impairments, who had 29 schools; and pupils with physical disabilities, who had

24 schools. Since 1983, the number of special schools has grown steadily<sup>106</sup>.

Although there has been a definite increase in the number of children with disabilities attending recognised special education facilities, in both special units/classes and special schools, the rapid population increase in Africa means that the percentage of children served has stagnated at less than 1 per cent. This is compounded by the urban bias of existing services, despite the fact that up to 90 per cent of children with disabilities live in rural areas<sup>107</sup>. For instance, out of a total of 23 special units for children with mental disabilities in Ethiopia in 2006, 10 were located in the capital, Addis Ababa. The only school for pupils with visual impairments in the country was also found there<sup>108</sup>. This

<sup>105</sup> Kisanji 1993:165.

<sup>106</sup> Kisanji 1993:165.

<sup>107</sup> Kisanji 1993:170.

<sup>108</sup> Ministry of Education, 2006:43.

concentration of essential resources has forced some parents to migrate to towns, to send their children to live with relatives in urban areas, or to favour placement in special schools in search of services for their child with a disability. In the majority of cases, children in rural areas where there is no special education provision remain at home and do not access services.

In terms of integration, statistics concerning the proportion of pupils with disabilities who are integrated in ordinary classes are hard to come by. Even where they are available, their relevance may be undermined by inter-country differences in the definitions used to classify pupils with special education needs<sup>109</sup>.

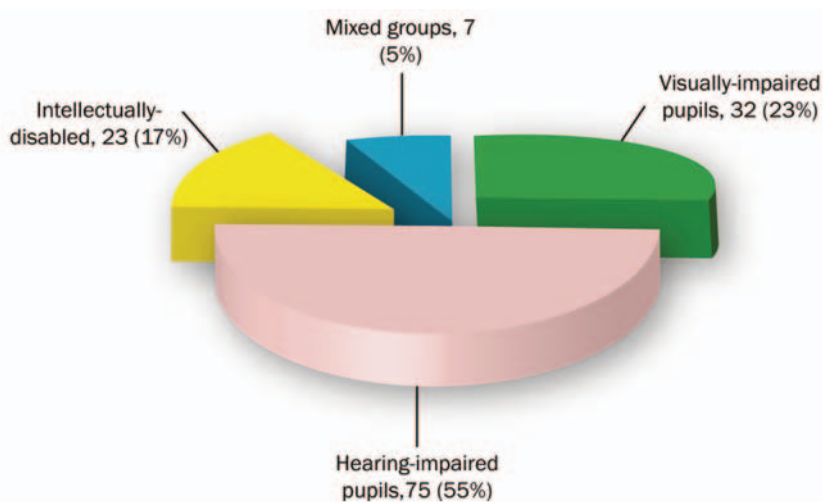
Children who are fitted with orthopaedic aids may or may not attend hospital schools before being placed in ordinary schools. Children with

crutches may also go to ordinary schools, and those with motor disabilities have enjoyed ordinary school placement for many years<sup>110</sup>; but this pattern of access is not necessarily uniform across countries.

For instance, sixty-seven per cent of children with disabilities in Central African Republic aged 6-14 years are not attending any form of schooling. Of these children, 64 per cent have visual impairments, 63 per cent have hearing impairments, 85 per cent have speech impairments, 62 per cent have mental disabilities, 53 per cent have deformities and 60 per cent live with partial mobility impairments<sup>111</sup>.

In Ethiopia, pupils with hearing impairments were the ones that benefited most from integrated education (see Figure 1.4).

**Figure 1.4: Education provision through special classes within mainstream schools by disability type**



The scale of integration varies from place to place, but is likely to take one of two main forms. In the first, the special school sets up links with a local mainstream school, and some children from the residential school

receive their education in the mainstream facility, supported by staff and resources from the special school. In the second form, the special school becomes the resource base for an area support service<sup>112</sup>.

<sup>109</sup> Wedell 1993:228.

<sup>110</sup> Kisanji 1993:164.

<sup>111</sup> Ministre du Plan, de l'Economie et de la Coopération Internationale 2005:36.

<sup>112</sup> Best & McCall 1993:65.

### Box 1.2: A promising prospect for visually impaired pupils from Mali

Bourama Traore is an 18 year old boy from Mali. In 2006, he began to encounter a problem whereby he could not see the blackboard, and hence could not understand lessons well. He did not pass the baccalaureat exam, the final examination in the twelfth form. In 2007, Bourama went to see the Co-ordinator of the Inclusive Education Programme at the National Institute of the Blind, in Bamako. The Co-ordinator referred him to the optometrist in Bamako who works in collaboration with the National Institute of the Blind and Sight Savers International, who prescribed spectacles to supplement his low vision. Bourama's uncle bought the spectacles from the optician at the Malian Union of the Blind, as well as copybooks, a stylus and a reading stand. With this equipment, Bourama went back to school in October 2007. He is now able to see the blackboard and he can read what he writes. After resitting his final examination, Bourama passed to the next level. He is now at the University of Bamako, where he has a scholarship. Bourama also supports his two brothers and his mother (Toure 2010:5).

There are, however, problems associated with inappropriate integration, a glaring example being the imposition of the use of Braille on pupils of low vision, which risks eliminating these pupils' ability to use their residual sight effectively<sup>113</sup>.

The most common form of educational provision for children with disabilities has been their functional integration in ordinary classes. This is related to the fact that universalisation of primary education has made it possible for many children with mild to moderate learning difficulties to attend ordinary classes without any proper support. Several countries have made deliberate moves functionally to integrate special needs children, including Botswana in 1984, Ethiopia in 1981, Uganda in 1984 and Zimbabwe in 1987<sup>114</sup>.

Integration in special classes and in itinerant programmes has called for more appropriate training for children with low vision, without imposing upon them the requirement to use Braille in academic and daily life. Low-vision training of varying degrees of sophistication is practiced, for example, in Botswana, Kenya, Malawi and Tanzania<sup>115</sup>. Computerised Braille production exists in Kenya, Botswana and South Africa.

Ordinary school and class provision with specialist support is rare in the English-speaking countries of eastern and southern Africa (except for support for children with motor disabilities), and represents an area of limited development.

### Box 1.3: The role of itinerant teachers in assisting pupils of low vision

In an Inclusive Education Programme initiated in 1994 in the Akuapem North District of the Eastern Region of Ghana, there has been considerable success in addressing the needs of pupils with low vision through the use of itinerant teachers. These teachers gain access to low vision children through initial eye screenings, followed by medical intervention. Presently 52 children with low vision are on the programme, which is sponsored by Sightsavers International (SSI), and 42 are waiting for medical interventions including eye surgery, spectacles, and hand and table magnifiers. SSI sponsors the children on the programme by supplying them with educational materials such as reading stands, exercise books, large print textbooks, and closed circuit television. The itinerant teachers go from school to school, assisting the classroom teachers and equipping them with skills on how to handle children with low vision in class. After school, itinerant teachers supervise Volunteer Support Teachers while they give visually impaired children extra tuition to enable them to catch up with their peers.

<sup>113</sup> Toure 2010:3.

<sup>114</sup> Kisanji 1993:166.

<sup>115</sup> Kisanji 1993:168.

One fast expanding form of outreach services is the use of itinerant or peripatetic programmes for assessment, consultancy and teaching services for homes, schools and employment centres. Itinerant teachers based at schools support children with visual impairments in ordinary schools, and use the equipment and resources housed in the special school to support their work throughout the region. The residential special school then takes only children with complex needs that cannot be met adequately in the mainstream facilities<sup>116</sup>. These programmes have increased special education enrolment, and are now established in Kenya, Ghana, Malawi, Tanzania and Zambia for sensory impairments<sup>117</sup>. In 1987, Malawi had four peripatetic teachers catering for 20 *blind* children, and Kenya had one such teacher supporting 20 visually impaired children in Nairobi. In Kenya and Tanzania, peripatetic services for *deaf* children existed during the 1970s, but were later abandoned. Kenya, Malawi and Tanzania now have some hearing impaired children placed in ordinary classes in neighbourhood schools, with special education teachers visiting them from time to time, on an irregular basis<sup>118</sup>. The programme in Ghana is described in Box 1.3<sup>119</sup>.

One barrier to the effectiveness of such services is the fact that in many situations itinerant specialist teachers are not provided with a means of transport, such as bicycles or motorbikes, to facilitate their mobility, or even with transport allowances. The long distances that many such teachers have to travel, from one resource classroom to another, is a major cause of frustration. Not only do these teachers use public transport to access these

schools, but some of the schools are also situated in villages where roads become bad during rainy season. Travelling can become very challenging.

A number of challenges face itinerant teachers in supporting pupils with low vision, including lack of resources, low pay, negative attitudes of mainstream teachers and wider society, and a lack of support from district authorities. There is also a lack of teaching materials, without which teachers must – for example – spend valuable time ruling lines with markers on plain sheets so that pupils with low vision can work within the class.

Such pupils who find themselves in the mainstream are often mistakenly taken for pupils with low intelligence because teachers are ignorant about children with low vision and intolerant of their impairment. As a result, such teachers confuse the inability to see with the inability to understand, and many then insist that these children should attend schools for the blind<sup>120</sup>.

Experts recommend that the best solution is to make specialist teachers available at each of the schools where they are required, through increasing the intake of specialist teachers in teacher training institutions and through increasing the salaries of special teachers, which would provide incentives for more and more students to specialise in Special Education. Such a step would cut the long distances teachers have to walk, and cut the distances that disabled children have to walk to access a specialist teacher<sup>121</sup>.

In terms of access to secondary and tertiary education, visually impaired persons are more

<sup>116</sup> Best and McCall 1993:66.

<sup>117</sup> Anson-Yevu, 1988, cited in Kisanji 1993:168.

<sup>118</sup> Kisanji 1993:165.

<sup>119</sup> Ekissi 2010:4-5.

<sup>120</sup> Ekissi 2010:5.

<sup>121</sup> Mcheka 2010:7.

privileged, because many countries – such as Ethiopia, Kenya, Tanzania and Zambia – have admitted them into secondary teacher training colleges and universities since the 1970s<sup>122</sup>.

In summary, types and coverage of educational services for children with disabilities vary from country to country; but, by and large, coverage is low and the quality of the limited provision that exists is highly questionable. There is a clear tendency, however, for the frameworks for special education and general education to move toward each other – albeit slowly<sup>123</sup>. This move has to bring about change in both special schools and ordinary schools, towards a fruitful marriage of the two based on the best interests of the disabled child. For this to happen, special schools must develop an outward-looking stance and be prepared to take on new roles<sup>124</sup>.

Hall (1997) suggests a transition role for special schools and their staff in supporting the mainstream in becoming mature and competent in its attitude and ability to meet the needs of all children<sup>125</sup>, while Hegarty (1993) suggests a reform of ordinary schools at two levels: that of academic organisation and curriculum provision, and that of the professional development of staff. The former requires rethinking the ways in which pupils are grouped for teaching purposes, the arrangements that schools can make for supplementary teaching, and the modifications to the mainstream curriculum that teachers can make so as to give pupils with disabilities access to it. All of these necessitate major changes in teacher

behaviour. Attitudes, knowledge and skills must all be developed, to create and sustain a new kind of school, where those who were previously disenfranchised are given an equal say, and differentiated provision becomes the norm for all pupils<sup>126</sup>.

In terms of early childhood development, a UNESCO review showed that provision of early childhood education was deplorably low or non-existent in half the countries covered. The review also revealed that most existing services were urban-based, and focussed only on children with overt physical or sensory impairments<sup>127</sup>.

Literature strongly underlines the crucial role that early childhood development plays in the life of a child, and even more so for children with disabilities. Supplementary instructional services provided early and intensely enough have the potential to bring pupils quickly to a level at which they can succeed in the classroom. Early intervention also helps identify disability early on, enabling immediate action. As Tirussew rightly observed, in the context of Ethiopia, schools act as a vehicle for identifying children's disabilities<sup>128</sup>. On the contrary, in areas where schools are not accessible, most parents discover their child's disability at a very late stage, precluding the possibility of early intervention. The absence of such early intervention leads to cumulative discrepancies in achievement, lowered self esteem, reduced motivation for achievement, lower expectations of success, and increasing disengagement from, and avoidance of, learning. For instance, a consistent application of early intervention for children with Down's

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<sup>122</sup> Kisanji 1993:167.

<sup>123</sup> Hegarty 1993:19.

<sup>124</sup> Hegarty 1993:21.

<sup>125</sup> Hall 1997:13.

<sup>126</sup> Hegarty 1993:22.

<sup>127</sup> Hegarty 1993:23.

<sup>128</sup> Tirussew 2005:24.

Syndrome can prevent the decline in cognitive development that typically occurs during the first 12 to 18 months of life of these children<sup>129</sup>. Early intervention programmes, especially those aimed at prevention, can substantially minimise, or prevent entirely, the delays in development often experienced by premature babies and babies with low birth weight.

In a situation where the belief is still widely held among parents that children with disabilities are uneducable, and where parents themselves lack the educational skills necessary to support their children's education, early intervention programmes become crucial.

There has, however, been a general increase in understanding of the importance of early childhood interventions. For instance, Gambia, Ghana, and Kenya have all developed plans for early childhood care and education for poor, remote and disadvantaged children. Lesotho, through its Education Sector Plan (2005-2015), has made provision for special educational needs in mainstream early education as part of the effort to enhance access for disadvantaged groups<sup>130</sup>.

Community-based early intervention programmes involving children and their parents, most of which are NGO-initiated, are found in Kenya, Mauritius and Zimbabwe. In Ethiopia, Ghana, Kenya, Mauritius, Tanzania, Zambia and Zimbabwe, pre-schools are attached to special schools and teacher training institutions.

In Kenya, for instance, community-based projects include fieldwork designed to:

1. Identify children with disabilities, and work with parents, siblings and relatives, training them to train their children in turn, using individualised programmes (mainly the Portage or other materials developed by the field workers themselves).
2. Organise playgroups for early stimulation and pre-school activities.
3. Organise meetings and workshops for parents.

The field workers, selected from the community, are trained on the job. The projects are run by management committees, but rely on external funding.

In Zimbabwe, since 1984, the ZIMCARE Trust has set up community-based rural programmes in which parents and relatives of children with special needs are helped to train their own children after an initial assessment by ZIMCARE.

Mauritius has developed a unique programme in which parents are trained to work with their special needs children and then, in turn, train other parents<sup>131</sup>.

Pre-school programmes in Kenya and Tanzania offer assessment and resource services, including assessments using simple screening tests and case-history questionnaires; guidance for parents of disabled children; organisation of parents' courses and groups; preparation of educational and rehabilitative/mobility aids; provision of support for children integrated in ordinary schools (peripatetic/ itinerant services); referrals to special schools and medical services; and collection of information on disability and disabled persons<sup>132</sup>.

<sup>129</sup> Berry et al 1984, cited in Brouillette, Thorburn and Yamaguchi 1993:176.

<sup>130</sup> World Vision 2007.

<sup>131</sup> Kisanji 1993:163-164.

<sup>132</sup> UNESCO 1989, cited in Kisanji 1993:163.

## 1.4 The state of teacher training for inclusion in Africa

Teacher training, particularly in-service training, takes on extra significance when the conceptualisation of disabilities is being revised, and when integration means that teachers in ordinary schools are expected to teach pupils with disabilities. Training that was previously adequate may now need to be supplemented or restructured, as illustrated in Mittler's 1993 observation<sup>133</sup>:

Without adequate professional training and continuous updating of knowledge, we are in danger of abandoning tomorrow's children to yesterday's ideas and methods. No matter how clear our vision of what we want to achieve and how schools and services should develop, progress depends on the attitudes, knowledge, skills and understanding of all those who are in day-to-day contact with children with disabilities.

A 1993 UNESCO study on teacher training provided more detailed information on training arrangements in fourteen countries. This showed the diversity of arrangements made, ranging from extended full-time courses in specialist training institutions to distance training offered on a modular basis to serving teachers<sup>134</sup>.

While it is difficult to generalise across so many countries at different stages of development, it seems clear that the main thrust of training at present is directed at the specialist who will be working in segregated special schools. It is important to have such specialists, and any training blueprint for the future should allow for a continuing supply of appropriate specialists. But there is also a

major need for less highly trained workers. A large number of children with disabilities could be helped in ordinary schools through relatively minor adjustments to the teaching provided in those schools. Thus, a modest investment in low-level training could bring about major improvements in the special educational provision offered by schools<sup>135</sup>.

The South African school system introduced a new approach to teacher training as part of its inclusive drive, called a *school-based approach*, whereby the training and support activities happen at the school as part of the normal staff development programme. A school-based approach has several advantages. First among these is the fact that it avoids the uncoordinated overload of in-service courses that many teachers complain about; secondly, since teachers are not pulled out of the school for training, it allows for issues around inclusive education and developing inclusive practices to be integrated into general initiatives around staff development within the school setting and context<sup>136</sup>.

Staffing of schools and units poses a serious problem in most African countries. There is a serious shortage of trained teachers in special education across the continent, a situation that has led many countries to make use of teachers with no special education training. This problem is compounded by the fact that these countries do not have elements of special education in their regular pre-service and in-service teacher training programmes. Botswana is the only country that can boast a special education curriculum in all its teacher training colleges<sup>137</sup>.

<sup>133</sup> Mittler 1993:13.

<sup>134</sup> Hegarty 1993:26.

<sup>135</sup> Hegarty 1993:26.

<sup>136</sup> DoE 2002: 16 and 17.

<sup>137</sup> Kisanji 1993:167.

In the absence of proper teacher training, there is a danger that a sense of resignation might affect teachers, as they feel nervous and confused. This is what happened among some teachers lacking appropriate training when the South African full-service model was piloted in schools<sup>138</sup>:

When the inclusive education project was introduced into the pilot project schools, some teachers felt nervous because they did not understand what inclusive education was all about. Some were confused because they did not understand what they were supposed to do. Others were worried because they had not been trained to teach children who were not able to participate in learning activities like the other children in their classes.

There is, however, a shift in thinking in favour of the teaching of special education in teacher-training programmes at certificate, diploma and degree levels across the continent. University special education courses are currently being offered in Botswana, Ghana, Kenya, Nigeria, South Africa, Tanzania and Zimbabwe<sup>139</sup>.

Ghana has brought together training programmes under one roof, that of the Special Education College; the Federal College of Education at Oyo in Oyo State in Nigeria is being strengthened; Kenya has established the enviable Kenya Institute of Special Education; and Uganda and Botswana are in the process of strengthening their training capabilities. It is also noteworthy that the Ghana Special Education College and Montfort College of Special Needs Education in Malawi

have registered international students, which has contributed to an increase in the number of teachers in training<sup>140</sup>. By 2007 alone, the Montfort College had graduated 159 specialist teachers<sup>141</sup>. In 2007, Ethiopia counted a total of 713 visually impaired teachers (with considerable positive role modelling influence)<sup>142</sup>.

In most cases, lessons in regular schools where children with disabilities are integrated or 'mainstreamed' are also hampered by a lack of well-stocked resources in the schools. Furthermore, the incentives teachers generally get from government are very limited. Specialist teachers in such schools also suffer from lack of support from their fellow regular teachers, and from district education managers. Further, the teachers generally get little support from the communities and parents of the children with disabilities<sup>143</sup>.

This makes teacher motivation another important factor worthy of consideration in teacher development. The factors contributing to teacher effectiveness are unlikely to be of any importance unless teachers are rewarded for the work expected of them. First, although there is no doubt that the best teachers are attracted to the work through genuine interest in helping pupils to learn, the profession is not likely to attract the best applicants unless the level of pay has parity with relevant alternative employment<sup>144</sup>. In spite of this, incentives in the public education system for schools and teachers to perform well are frequently weak. Very low pay forces large proportions of teachers to forage elsewhere in search of

<sup>138</sup> DoE 2002:13.

<sup>139</sup> Kisanji 1993:168.

<sup>140</sup> Kisanji 1993:168.

<sup>141</sup> Mcheka 2010:1.

<sup>142</sup> MoE 2007:14.

<sup>143</sup> Mcheka 2010:1.

<sup>144</sup> Wedell 1993:233.



supplemental income from private tutoring and other activities.

Other de-motivating factors include increasing hours of work, larger class sizes, more subjects, and constantly changing curricula.

What is expected from teachers (the 'social contract') is not pitched at a realistic level in many countries given material rewards, workloads, and work and living environments.

The 'struggling teacher' is an all too common sight, especially in primary schools. Too often, teachers are thrown in at the deep end with little or no induction, and multi-grade teaching, for which most teachers are not adequately prepared, is common in developing countries<sup>145</sup>.

The Education Sector Plan (2007-2015) of Sierra Leone reflects the seriousness of the situation of teachers<sup>146</sup>.

Because of the current low status of teaching, the 'profession' does not attract the best students who are committed to teaching. Instead, many of those in teacher training colleges are there because they could not get into their profession of choice. This means that many will either not practice as teachers or will leave the profession at the earliest possibility. Paying teachers a living wage and paying them on time would go a long way into attracting good candidates.

In other circumstances the specialist training provided for teachers, despite its skill enhancement role, fails to be linked to increased remuneration. For example: the Malawi Ministry of Education introduced a

Learning Difficulties Programme for students with hearing and visual impairments. The aim was to train specialist teachers in how best to handle children with specific learning difficulties, focusing on all learners with different disabilities, including those with intellectual disabilities, those with behavioural or emotional difficulties, and those with language and communication difficulties. Unfortunately the training is for one year only, resulting in a certificate that is often not recognised by the officials at the Ministry of Education headquarters in Lilongwe, and which therefore does not improve remuneration<sup>147</sup>.

In terms of changes in teacher attitude, which can possibly be achieved through proper teacher training packages, much remains to be done. In many countries there still prevails among many teachers the idea that children with disabilities are either uneducable, or a problem for the 'specialist' teacher to worry about. For instance, in 1990, when the Special Education Unit of the Ministry of Education of Nigeria attempted to integrate special needs pupils into regular schools, the initiative was received with scepticism on the part of the teachers and head teachers. They saw it as a difficult task that would hinder the progress of other pupils in the class, and felt that pupils with special needs would not cope in normal classes<sup>148</sup>.

These attitudes are further illustrated in the Gambia example outlined below<sup>149</sup>.

<sup>145</sup> Bennell 2004: iv.

<sup>146</sup> Ministry of Education, Science and Technology 2007:123.

<sup>147</sup> Mcheka 2010:3-5.

<sup>148</sup> Galadima 2010:3.

<sup>149</sup> Mendy 2010:5.

### Box 1.4: Breaking the attitudinal barrier

When the integrated Education Programme was extended to an urban region in the Gambia, one of the pupils at the Resource Centre for the Blind, Momodou, was identified to be amongst the children to be mainstreamed. Momodou's teachers were initially reluctant to take him in, but they did, after the itinerant teacher explained that she would be coming regularly to assist them. The head teacher was not around when the boy was admitted, and the first thing she said when she was informed of the admission was, "how could you admit a blind boy when you know he will not cope?"

Momodou proved very good, however, and was performing at par with the other pupils in his class with support from his class teacher, itinerant teachers and classmates. He was on top of the class in his third test. During a monitoring visit, the head narrated how the boy made some recitals during a school function and was part of the drama group. She ended by saying: 'I never knew a blind boy could do this well in my school. I am so proud of him'.

## 1.5 Concluding remarks

It is a commonplace occurrence to meet children with disabilities in virtually every community in Africa. Their large number notwithstanding, children with disabilities in Africa are absent from, or referred to only marginally in, public law and policy documents. Sectoral plans contribute to neglect of their economic, social, cultural, civil and political rights, including the right to education.

Existing provisions in law and policy documents related to the education of disabled children are often rudimentary or non-existent, or are based on discourses that present persons with disabilities as subjects of charity, incapable of independent, productive life. The lack of a specific national policy on special education in most countries, coupled with the ill-advised tendency to see investment in persons with disabilities from the perspective of economic efficiency, has resulted in the relegation of related concerns to the bottom of the list of priorities in resource allocation and planning.

These and other related factors mean that fewer than 10 per cent of children with disabilities in Africa receive an education, and the large majority of that provision which does exist is restricted to towns and cities, in spite

of the fact that 90 per cent of children with disabilities live in rural areas. Pre-school services for children with disabilities are even scarcer. In addition to the issue of limited coverage of existing provision, the type and quality of the available provision is also highly questionable.

Thanks to a drive towards the universalisation of primary education, a large and increasing number of children is being functionally integrated into ordinary classes. Further, a mushrooming of special classes for visually, mentally and hearing impaired children over the past five years has marked a move from special to integrated educational provision.

The absence of qualified teachers has been a major impediment to the inclusion agenda. This situation has led many countries to make use of teachers with no special education training. The problem is compounded by the fact that the countries do not have special education elements in their regular pre-service and in-service teacher training programmes. Yet, with a risk of over-generalising a point that refers to many countries in different stages of development, there is a current thrust towards teacher training directed at the specialist working in segregated special schools.



*Living with disabilities makes life a series of perpetual negotiations, not only with doorways or stairs but also with languages, stares, assumptions and policies...daily survival for many people with abilities requires them to work with needs and feelings of the non-disabled<sup>150</sup>.*

## 2.1 Introduction

**H**uman rights norms (standards and principles) on disability have a role to play in the promotion of the rights of persons with disabilities at both international and domestic level. At international level, they may be invoked as a basis for the critical analysis of periodic state reporting before treaty-monitoring bodies; as guidelines for fact-finding by inter-governmental and non-governmental bodies; as a frame of reference for international and regional human rights commissioners and special rapporteurs; and as persuasive authority or as a guide to the interpretation of human rights obligations imposed by international legal procedures.

On the domestic front, human rights principles and standards related to disability may be incorporated directly into a domestic legal system through treaty mechanisms, customary international law, domestic legislation, and domestic courts relying on international norms as authoritative guides to the interpretation of constitutional provisions, treaties or domestic law statutes.

However, existing human rights norms related to the right to education of children are

developed predominately to refer to children without disabilities. Though many of the generic provisions can be extended to apply to children with disabilities, there is still a need to refine and enrich these norms for the benefit of children with disabilities, using knowledge from existing pedagogical and psychological literature, and especially that pertaining to issues of physical and epistemic accessibility.

It is important to synchronise human rights standards and principles on the right to education of disabled children with corresponding educational principles. To that end, this part of the report discusses various international and regional (African) human rights standards and principles, and related educational principles.

First the right to education is briefly discussed, then the rights of persons with disabilities (and particularly the rights of children with disabilities). A presentation follows of the right to education of children with disabilities, and the corresponding educational principles.

## 2.2 The rights of persons with disabilities

The year 1981 was the International Year of Disabled Persons, and the period 1983-1992 was the United Nations Decade of Disabled Persons. A World Programme of Action concerning Disabled Persons was launched in 1982, and in a review meeting in Stockholm in 1987, half-way through the Decade, a new

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<sup>150</sup> Holmes (2001:27).

Convention was proposed. It would take another 20 years for consensus to be reached, however, primarily because many countries were of the opinion that existing human rights instruments already covered persons with disabilities. In the meantime, in 1993, the UN General Assembly had adopted the *Standard Rules on the Equalisation of Opportunities for Persons with Disabilities*<sup>151</sup>.

The Standard Rules (UN 1993) represent one of the more influential initiatives taken by the United Nations. The 22 rules therein are based firmly on the social model of disability, and have the twin agenda of empowering disabled people and creating an accessible society by removing obstacles to their participation (Mittler 2005:30). It is also to be noted that the rules include an element of continuous monitoring, carried out by the Special Rapporteur on Disability to the UN Secretary General. Until December 2002, this was Mr. Bengt Lindqvist, a former minister of social affairs in Sweden, who is himself visually-impaired (Mittler 2005:32).

The Standard Rules include a much-needed clarification of the difference between ‘disability’ and ‘handicap’; previously, these two terms were often used in an unclear and confusing manner. The term *disability* summarises a great number of different functional limitations occurring in any population in any country of the world. People may be disabled by physical, intellectual or sensory impairment, medical conditions or mental illness. Such impairments, conditions or illnesses may be permanent or transitory in nature.

The term *handicap* means the loss or limitation of opportunities to take part in the life of the community on an equal level with others. It describes the encounter between the

person with a disability and the environment. The purpose of this term is to emphasise the focus on the shortcomings in the environment and in many organised activities in society – for example, information, communication and education – that prevent persons with disabilities from participating on equal terms.

The Standard Rules are basically a set of standards or quality indicators for a wide range of rights, needs and services relevant to disabled people of all ages, in all countries. They cover education, employment, culture, recreation, sports, religion, income maintenance, social security and family life and personal integrity.

Article 15 (1) (a) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognises the “right of everyone to take part in cultural life” (UN 1966a). According to UN (2004), this right may be violated when access to facilities in which cultural activities take place is inappropriate – like in the case of cinemas, theatres, libraries, sports stadiums, museums, etc. – or when disabled persons are excluded from participating in cultural life on account of prejudices.

Issued in the same year as the ICESCR, the International Covenant on Civil and Political Rights (ICCPR) also contains provisions aimed at the protection of persons with disabilities from discrimination, inhuman treatment, compulsory detention and compulsory institutionalisation.

The right to life constitutes the most fundamental of rights, to the extent that it is the precursor to all other human rights guarantees. Article 6 of the ICCPR states that the “inherent right to life... shall be protected by law... and that no one can be arbitrarily

<sup>151</sup> UN 1993.

deprived of his/her life” (UN 1966 b). Article 2 (1) states that each state party:

...undertakes to respect and to ensure to all individuals in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national, or social origin, property, birth, or *any other status* [emphasis added] (UN 1966b).

Article 7 is also relevant to the protection of the rights of persons with disabilities. The article states: “...no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”, and further provides that “...no one shall be subjected without his or her free consent to medical or scientific experimentation”. Article 23 (2) recognises the right of men and women of marriageable age to marry, and to found a family. These two articles have a bearing on compulsory sterilisation and institutionalisation practices respectively (UN 1966b).

Article 9 (1) provides that everyone has the right to liberty and security of person, and that no one shall be subject to arbitrary arrest or detention. This article is of relevance to persons with mental disabilities who may be susceptible to arbitrary arrest and detention in breach of Article 9 (1) and/or who may not be fully informed of the reasons for their arrest, in breach of Article 9 (2) (UN 1966b).

Article 17 (1) states that:

...no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour or reputation.

This article can be invoked to challenge the use of offensive or widely unacceptable language in addressing persons with disabilities (UN 1966b).

In 1994 the ICESCR General Comment 5 on Persons with Disabilities was issued. A further

clarification was thereby made in the promotion of the use of the term ‘persons with disabilities’ over the older term ‘disabled persons’. This change is important, reflecting the similar distinction between ‘poor people’ and ‘people living in poverty’. The General Comment is critical of the lack of explicit attention given to people with disabilities in the ICESCR, and the unacceptably low level of attention that states parties have given the issue in their reports (Office of the High Commissioner for Human Rights 1994).

Finally, in December 2006, the UN General Assembly adopted the Convention on the Rights of Persons with Disabilities. The Convention came into force in May 2008, and has been ratified by 94 state parties as of September 2010. The purpose of the Convention is stated as:

...to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

The guiding principles of the Convention include:

1. Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons.
2. Non-discrimination.
3. Full and effective participation and inclusion in society.
4. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.
5. Equality of opportunity.
6. Accessibility.
7. Equality between men and women.
8. Respect for the evolving capacities of children with disabilities, and respect for the right of children with disabilities to preserve their identities.

## 2.3 The rights of children with disabilities

The Convention on the Rights of the Child (CRC) was the first human rights treaty that explicitly recognised 'disability' as something that must not be used as the basis for any type of discrimination (Article 2). In Article 23, the rights of children with disabilities are codified, including the following:

1. The right of a mentally or physically disabled child to enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. The right of a child with disabilities to special care.
3. The right to the recognition of the special needs of a disabled child, to assistance extended free of charge, and, whenever possible, to effective access to education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities.

In 2006, the Committee on the Rights of the Child issued General Comment No.9 on The Rights of Children with Disabilities, elaborating on the content of Articles 2 and 23 of the CRC. The Committee emphasised the need to understand fully that:

...the barrier [to inclusion] is not the disability itself, but rather the combination of social, cultural, attitudinal and physical obstacles which children with disabilities encounter in their daily life<sup>152</sup>.

The Convention on the Rights of Persons with Disabilities deals explicitly with children with disabilities, in two articles. In Article 7, some of the basic principles in the CRC are reiterated, namely:

1. That states parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.
3. States parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and they have a right to be provided with disability and age-appropriate assistance to realise that right.

The other important instrument of regional relevance with a bearing on the rights of children with disabilities is the African Charter on the Rights and Welfare of the Child, dubbed a distinctively African framework for the protection and promotion of children's rights (Kaime 2009:3).

Article 13 of the Charter reads:

1. Every child who is mentally or physically disabled shall have the right to special measures of protection in keeping with his physical and moral needs and under conditions which ensure his dignity, promote his self-reliance and active participation in the community.
2. States Parties to the present Charter shall ensure, subject to available resources, to a disabled child and to those responsible for his care, of assistance for which application is made and which is appropriate to the child's condition and in particular shall ensure that the disabled child has effective access to

<sup>152</sup> UN 2006a:2.

training, preparation for employment and recreation opportunities in a manner conducive to the child achieving the fullest possible social integration, individual development and his cultural and moral development.

3. The States Parties to the present Charter shall use their available resources with a view to achieving progressively the full convenience of the mentally and physically disabled person to movement and access to public highway buildings and other places to which the disabled may legitimately want to have access to.

Making a critical comparison of the UNCRC and the ACRWC, Gose (2002:90) noted, however, that though Article 13(2) of the ACRWC contains special measures that states parties must undertake, it is short and less detailed than its CRC equivalent. A strength of the ACRWC is that, while both instruments subject the rights of the child with disabilities to the availability of resources, the assistance under the ACRWC is not dependent on the circumstances of the parent or caregiver, while it is under Article 23 (2) of the CRC.

Article 3 (3) of the ACRWC is a new addition to the formulation outlined in the CRC. It aims to guarantee mobility for children with disabilities and their access to public institutions and facilities. This paragraph is especially noteworthy in the context of education and the accessibility of public school buildings (Combrinck 2008:311).

The UN Committee on the Rights of the Child, in its General Comment No 9, 2006, addressed a number of issues, including the issue of non-discrimination, with a detail and clarity worth discussing at length. The Comment requires states parties to take the following measures in their efforts to prevent and eliminate all forms of discrimination

against children with disabilities (para 9) (UN 2006a):

- a) Include explicitly disability as a forbidden ground for discrimination in constitutional provisions on non-discrimination and/or include specific prohibition of discrimination on the ground of disability in specific anti-discrimination laws or legal provisions.
- b) Provide for effective remedies in case of violations of the rights of children with disabilities, and ensure that those remedies are easily accessible to children with disabilities and their parents and/or others caring for the child.
- c) Conduct awareness-raising and educational campaigns targeting the public at large and specific groups of professionals with a view to preventing and eliminating de facto discrimination against children with disabilities.

## 2.4 The right of children to education

No human right has been so much and so often recognised as the right to education. The right to education is codified in the Universal Declaration of Human Rights/UDHR (1948); the International Covenant on Civil and Political Rights/ICCPR (1966); the International Covenant on Economic, Social and Cultural Rights/ICESCR (1966); the Convention on the Elimination of All Forms of Discrimination against Women/CEDAW (1979); the Convention on the Rights of the Child/CRC (1989); the International Convention on the Elimination of All Forms of Racial Discrimination/ICEARD (1965); and, most recently, the Convention on the Rights of Persons with Disabilities (2006). There is also the General Comment 13 on Article 13 of the ICESCR (the right to education) (1999); the General Comment 11 on Article 14 of the ICESCR (education plan of



action) (1999); and General Comment 1 on Article 29 of the CRC (the aim of education) (2001). These General Comments provide detailed explanation and interpretation of the Articles for practical use.

General Comment No 11 of the Committee on ESCR, paragraph 2, states:

The right to education has been variously classified as an economic right, a social right and a cultural right. It is all of these. It is also, in many ways, a civil right and a political right, since it is central to the full and effective realisation of those rights as well. In this respect, the right to education epitomises the indivisibility and interdependence of all human rights.

The Convention on the Rights of the Child (CRC) is by far the most important human rights treaty on the right of children to education, and codifies the right to education in Articles 28 and 29. As far as the right to primary education is concerned, Article 28 is as follows<sup>153</sup>:

The child has a right to education, and the State's duty is to ensure that primary education is free and compulsory. School discipline shall be consistent with the child's rights and dignity.

Article 29 stipulates the following:

Education shall aim at developing the child's personality, talents and mental and physical abilities to the fullest extent. Education shall prepare the child for an active adult life in a free society and foster respect for the child's parents, his or her own cultural identity, language and values, and for the cultural background and values of others.

A number of global conferences have repeatedly endorsed the right to education, including the 1990 Jomtien Conference and the 2000 follow up, the Dakar Framework of Action on Education for All; the 1994 Salamanca Declaration; and the 1995 Beijing Conference on Women.

The right to primary education, as enshrined in the CRC and several other international treaties, defines a large number of the state's duties or obligations. The monitoring of the degree to which the state has met these duties could, therefore, be based on a very large number of indicators. A useful construction is to distinguish between the right to, the right in, and the right through education. This approach was originally proposed by Sida<sup>154</sup> and the former UN Special Rapporteur on the Right to Education, Katarina Tomaševski, as follows<sup>155</sup>:

- The right to education refers to the right every child has to a compulsory and free basic education;
- The right in education refers to the right to a school environment that is conducive for learning, including appropriate curricula, quality of teaching and non-discrimination;
- The right through education refers to the outcome of education and its effects on society, including shared democratic values. Monitoring should include all three of these categories or dimensions of the right to education.

Article 13 of the International Covenant on Economic, Social and Cultural Rights has one of the strongest human rights provisions on the right to education:

1. The States Parties to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and

<sup>153</sup> UNICEF, Unofficial Summary of the Main Provisions in the CRC, New York.

<sup>154</sup> Sida 2001a; Sida 2001b.

<sup>155</sup> Tomasevski 2004.

friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognise that, with a view to achieving the full realisation of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and

vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education.

To facilitate study of the obligations in Article 13(2) of the ICESCR, Katarina Tomaševski developed the Tomaševski framework, also called the 4 A's scheme, under the terms of which education must be available, accessible, acceptable and adaptable. This scheme provides a useful framework for a comprehensive analysis of the right to education (See Table 2.1. below).

**Table 2.1: The Four A's scheme for studying the right to education**

<b>Availability</b>	<b>Schools:</b>
	<ul style="list-style-type: none"> <li>• Schools must be established;</li> <li>• Schools must not be closed;</li> <li>• The right to establish and direct private school must be guaranteed;</li> <li>• States parties must not neglect the public education system.</li> </ul>
	<b>Teachers:</b>
	<ul style="list-style-type: none"> <li>• Teachers must be made available;</li> <li>• Teachers must be properly qualified;</li> <li>• The labour and trade union rights of teachers must be guaranteed;</li> <li>• Academic freedom and institutional autonomy must be ensured.</li> </ul>
<b>Accessibility</b>	<ul style="list-style-type: none"> <li>• Education must be accessible without discrimination;</li> <li>• Education must be physically accessible;</li> <li>• Education must be economically accessible (at the primary level, it must be free, at the other levels, it must be made progressively free).</li> </ul>
<b>Acceptability</b>	<ul style="list-style-type: none"> <li>• The state must set and enforce minimum standards in education concerning, for example, quality, safety and health;</li> <li>• The right of parents to ensure their children's religious and moral education in conformity with their own convictions must be respected;</li> <li>• The opportunities for instruction in the mother tongue must be maximised;</li> <li>• The methods of instruction, the contents of textbooks, and teachers' conduct must respect human rights values;</li> <li>• The learner must be recognised to be the bearer of rights.</li> </ul>
<b>Adaptability</b>	<p><b>Education must be flexible so that it can adapt to</b></p> <ul style="list-style-type: none"> <li>• The needs for a constantly changing society, notably those flowing from then opposing pressures of globalisation and localisation;</li> <li>• The education needs of minority and indigenous communities;</li> <li>• The special situation of disabled children;</li> <li>• The special situation of working children.</li> </ul>

Source: Beiter (2006: 476-478)

## 2.5 The right to education of children with disabilities

In Article 24 of the Convention on the Rights of Persons with Disabilities, a very detailed set of rights to education is outlined for persons with disabilities. With a view to realising these rights, without discrimination and on the basis of equal opportunity, according to Article 24 states parties shall ensure an inclusive education system at all levels designed for lifelong learning. Persons (and therefore children) have the rights to (1) the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity; and (2) the development of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential.

In realising these rights, states parties shall ensure that: (1) children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability; (2) persons with disabilities can access inclusive, good quality and free primary and secondary education, on an equal basis with others in the communities in which they live; and (3) people with disabilities can receive the support they require, within the general education system, to facilitate their effective education.

In order to help ensure the realisation of these rights, states parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

## 2.6 Some key human rights standards and educational principles

### 2.6.1 Equality

*Equality* is one of the most important human rights principles. Essentially, it means that all individuals are equal by virtue of the inherent dignity of each human person. In the Universal Declaration of Human Rights, equality is defined as a situation where

...all persons within a society have a right to enjoy equal access to the available goods and services that are necessary to fulfil basic human needs.

Equality can refer both to equality of opportunity and equality of result. There is an important difference between *equality of opportunity* and *equality of result (outcome)*. Equality of opportunity means that everybody has the same chances, while equality of result (outcome) means that everybody achieves the same level. While equal enrolment in primary education for boys and girls reflects equal opportunity, the same learning achievements are what reflect equal results. For example, in relation to gender equality, it is extremely important to state upfront that gender equality means both equality of opportunities and equality of results.

Some people avoid talking about equality of results (outcomes), preferring to use equality of opportunity, giving this concept either a weak or a strong meaning. In its weak sense, it refers to equality of access, whereby the goal of equality is achieved the moment there is a school in reach of every child. Such a view ignores the tremendous structural inequalities within society and the nexus of expectations, attitudes and values that surround them. Hence, in its strong sense, 'equality of opportunity' means equality of outcomes, implying that the necessary curricular or

instructional conditions have to be in place to translate equal access into equal outcomes<sup>156</sup>. There is no need for this complication if the terms ‘equality of opportunity’ and ‘equality of results’ are used.

The World Programme of Action Concerning Persons with Disabilities defines *equalisation of opportunities* as:

...the process through which the general system of society, such as the physical and cultural environment, housing and transportation, social and health services, educational and work opportunities, cultural and social life, including sports and recreational facilities, are made accessible to all<sup>157</sup>.

Under the 1960 UNESCO Convention against Discrimination in Education, states parties have the obligation to formulate, develop and apply a national policy, which, by methods appropriate to the circumstances and to the national usage, will tend to promote equality of opportunity and treatment in the matter of education. This should have the following goals:

To make primary education free and compulsory; make secondary education in its different norms generally available and accessible to all; make higher education accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law<sup>158</sup>.

The World Declaration on Education for All (EFA)<sup>159</sup> called for an ‘expanded vision’ encompassing, among other things, the vision of:

1. Universalising access and promoting equity
2. Focusing on learning.

3. Broadening the means and scope of basic education.
4. Enhancing the environment for learning.
5. Strengthening partnerships.

The *Standard Rules on the Equalisation of Opportunities for Persons with Disabilities* also call for countries to ensure equal access to education of children with disabilities, youth and adults, in integrated settings<sup>160</sup>. The need for countries to have a clear policy, understood and accepted at the school level and by the wider community, in order to accommodate educational provisions for persons with disabilities in the mainstream, is also stressed. According to the *Standard Rules*, states also have the obligation to provide assistive devices and equipment:

...free of charge or at such a low price that persons with disabilities or their families can afford to buy them.

The Call for Accelerated Action on the Implementation of the *Plan of Action towards Africa Fit for Children*, promises:

...universal access to comprehensive quality basic education including early childhood care and education as well as preschool education, for both girls and boys with special attention to reducing disparities and addressing the rights of the marginalised children, including those from poor families, children on the streets, children with disabilities, children in situations of armed conflict and children out of school<sup>161</sup>.

Great confusion surrounds the use of the concept of *equity*. Equity is a concept of justice, basically meaning ‘fairness.’ While most people would agree that men and women should have *equal* pay for the same work, most would also agree that the salary of a medical doctor should be higher than the

<sup>156</sup> Davie 1989:13.

<sup>157</sup> UN 1982.

<sup>158</sup> UNESCO (1960), Convention against Discrimination in Education, Article 4.

<sup>159</sup> UNESCO 1990.

<sup>160</sup> UNESCO 1990.

<sup>161</sup> AU 2007, Chapter III (29) (6) (c).

salary of a nurse: that is to say, rather than *equal* salaries, they should have *equitable* salaries. The difference should be decided through political negotiation. Sometimes it is fair to provide unequal support in order to achieve equal results – as is the case, for example, with affirmative action.

The general principle of equity can be translated into concrete rights at the level of actual educational provision, in part through the notion of differential educational treatment. Since children are different from one another, it is fair that they should be treated in different ways in order to reach common goals<sup>162</sup>. In other words, equality can never mean ‘uniformity,’ and should be interpreted to mean ‘of equal worth’<sup>163</sup>; or, as stated by Morely et al<sup>164</sup>:

Equality does not mean equal treatment. The crucial value to be fostered by a system of public education is the opportunity to succeed, not the uniformity of success. While all are equal under the law, nature and other circumstances yield advantages to some, while handicapping others ...Equal treatment of unequals does not produce equality. A concept of equal educational opportunity should reflect a sensitivity of the differences in costs and variations in needs of those to be educated.

In summary, equality of results often requires an ‘unequal process’, or an ‘equitable’ process, in the name of justice and fairness. This is well reflected by Nieuwenhuis, who argued in 2005 that even if we were to ensure fairness at the starting line, the outcome of the race might not be the same for all. Equality in this context does not apply only to the starting block, but to the race itself<sup>165</sup>. This is why it is often pointed out that if human beings are

granted nothing more than equality of opportunity, inequality of conditions is likely to result<sup>166</sup>. All this reflects the theory of *distributive justice*, first developed by John Rawls, whereby treating the less advantaged more favourably than the rest of society is justifiable<sup>167</sup>. This forms the basis of ‘positive discrimination’ and ‘affirmative action’ in educational policy and practice.

The approach of Farell (1997) to the issue of equality in education, from the perspectives of access, survival, output and outcome, summarises this well:

Equality of access would require ensuring equality of opportunity to be admitted into school, while equality of survival refers to the processes that need to be put in place through positive discrimination and compensatory mechanisms to ensure that learners stay in school to some predefined level. Equality of output refers to the probabilities of learning the same thing at the same level. Equality of outcome would then refer to the probability of living similar lives as a result of schooling<sup>168</sup>.

## 2.6.2 Non-discrimination

Non-discrimination is another very important human rights principle. It means that all human beings are entitled to their human rights, without discrimination of any kind on grounds such as race, religion, political or other opinion, national or social origin, disability, sex, sexual orientation, property, birth or other status as explained by the human rights treaty bodies. Non-discrimination applies to all state policies and practices, including those concerning healthcare, education, access to services, travel regulations, entry requirements, and immigration.

<sup>162</sup> Hegarty 1995:16.

<sup>163</sup> Malherbe 2005:91.

<sup>164</sup> Morley et al. 1973 cited in Sage & Burrello 1989:128.

<sup>165</sup> Nieuwenhuis 2005:192.

<sup>166</sup> Adler 1981:57.

<sup>167</sup> Rawls 1971, cited in Nieuwenhuis 2005:193.

<sup>168</sup> Farell 1997, cited in Nieuwenhuis 2005:195.

Disability discrimination is the result of treatment, attitudes and social structures. Often the impairment of the victim does not matter at all other than as a vent for prejudice and stigma. The fundamental principle of non-discrimination in the field of education — like that of educational opportunity — has evolved as an international norm as a result of standard-setting instruments elaborated by UNESCO, most notably the Convention against Discrimination in Education (1960). This instrument was the first international instrument having binding force in international law; its purpose is not only the elimination of discrimination in education, but also the adoption of measures aimed at promoting the principles of equality of opportunity in this field. It has since been superseded by a number of other instruments, particularly the CRC and the Convention on the Rights of Persons with Disabilities.

The UNESCO Convention defines the term *discrimination* to include:

...any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular, (1) of depriving any person or group of persons of access to education of any type or at any level; (2) of limiting any person or group of persons to education of an inferior standard; (3) subject to the provisions of Article 2 of the Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or (4) of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.

This definition of discrimination encompasses not only a denial of access to quality education, but also a rejection of the establishment and provision of segregated education services for particular persons or groups of persons.

According to the CRC Committee General Comment No 9, states parties have the obligation to:

1. Include explicitly disability as a forbidden ground for discrimination in constitutional provisions on non-discrimination and/or include specific prohibition of discrimination on the grounds of disability in specific anti-discrimination laws or legal provisions.
2. Provide for effective remedies in case of violations of the rights of children with disabilities, and ensure that those remedies are easily accessible to children with disabilities and their parents and/or others caring for the child.
3. Conduct awareness-raising and educational campaigns targeting the public at large, and specific groups of professionals in particular, with a view to preventing and eliminating *de facto* discrimination against children with disabilities.

The Beijing Declaration and Platform for Action highlighted the need for special protection from discrimination of the girl child with disabilities, stating that:

...the girl child with disabilities faces additional barriers and needs to be ensured non-discrimination and equal enjoyment of all human rights and fundamental freedoms in accordance with the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities<sup>169</sup>.

At times, discrimination and differential treatment may be allowed when they work for the benefit of persons with disabilities, especially when the person with a disability requires that treatment in order to gain access to welfare benefits. This is what constitutes the tension between the definition of disability in a discrimination law, and that used in social welfare law<sup>170</sup>.

<sup>169</sup> UNESCO 1995, paragraph 270.

<sup>170</sup> Burgdorf 1997, cited in Degener 2004:6.

In some countries, pupils attending special schools are encouraged to apply for a handbook that declares their disabled status in order to benefit from specialised services (Mwalimu 2003:80). Owing to the tension between these two sets of laws, people with disabilities might have to choose between anti-discrimination or social benefits (Degener 2004:7).

The dilemma is that when persons with disabilities resort to their 'disabled identity' to access benefits from the state, the public discrimination against them is heightened: "... when marginalised constituencies appeal to an 'injured identity' in order to justify their claims upon the state, they recuperate the values and beliefs that cast that identity in a demeaned social location in the first place"<sup>171</sup>.

Discrimination and inequality are often crosscutting themes that affect several human rights at the same time. In human rights discourse, they are therefore often dealt with simultaneously. The degree of equality and non-discrimination in education is heavily influenced by the kind of 'placement' arrangement and the degree of integration it offers or the restrictions it imposes, illustrated by Semmel et al.:

Confusing the social goal of equal opportunity with place of opportunity distracted social scientists as well as the lay public from attention to what were appropriate educational means to reach desired ends<sup>172</sup>.

### 2.6.3 Cultural prejudices

Attitudes and cultural prejudices towards disability and persons with disabilities still continue to interfere with efforts aimed at educating disabled children.

#### Box 2.1: Tendencies of demonising and criminalising a child with a disability

In Central African Republic, and in neighbouring countries, children (mostly boys) with physical deformities, or conditions such as autism, are accused of being witches, subjected to abuse, and driven out of their homes and communities. In these countries, witchcraft is a criminal offence under the penal code, punishable by execution in cases where the 'witch' is accused of homicide.

Source: UNICEF 2009; UNICEF 2010

Mamie – a 10 year-old child from the Democratic Republic of Congo – has lived in the market place for 3 years. She has a hunched back and suffers from the taunts of others because of this deformity. When her father died, her mother labelled her a witch, and her 'hump' as proof of her witchcraft. Mamie was abandoned in the marketplace without a second thought.

Source: Molina 2005:13

Alpha is a street child with a disability living in Kambia, in Sierra Leone; his mother abandoned him on the street after having spent lots of money on herbalists to cure him. "We thought his condition was due to the 'debul' [devil]... a demonic spell", she said.

Source: UNICEF Sierra Leone 2008:42

In rural Ethiopia, when parents learn of their child's disability, they often consult Bale-zar and Qualicha (common among Muslims) or Mestahaf-gelach and Debtera (common among Orthodox Christians); these are traditional spiritual mediums believed to harness supernatural spirits, with the power to keep demons at bay and bring about healing. Healing sessions are usually held at night, and involve a sacrificial slaughter.

Source: Tirussew 2005: 37

Continued to next page...

<sup>171</sup> Tremain 2005:16.

<sup>172</sup> Semmel et al. 1994:485).

Prejudices manifest themselves in many different ways. Cultural and social perceptions of ‘normality’ may influence perceptions of what qualifies as a disability, behavioural expectations regarding people perceived as having disabilities, and the expected behaviours of others in response to a person with a disability<sup>173</sup>.

Further, the stigma and discrimination that people with disabilities face are almost always a function of how a given society conceives the cause of disability<sup>174</sup>. For example, the most frequently stated causes of disability in Africa include witchcraft, a curse or punishment from God, anger of ancestral spirits, bad omens, reincarnation and heredity, incestuous relationships, and the mother’s wrongdoing<sup>175</sup> – all of which are potentially heavily stigmatising.

In some societies, it is thought that if a pregnant woman looks at a person with disability, she has to spit on her chest in order to protect her baby from developing that disability. In some instances, women are deserted by their husbands for giving birth to a child with disability<sup>176</sup>. In some communities in central Africa, children with disabilities are accused of witchcraft and subjected to abandonment and brutal violence<sup>177</sup>.

According to a 2005 study by Molina<sup>178</sup>, among certain social groups in the Democratic Republic of Congo, it is believed that:

...a woman who gives birth to a child with disability is believed to have behaved badly, eaten something bewitched, or that she is a witch and has bewitched or cast a spell over the child.

### Box 2.2: Hidden from public preview

When you step into this poorly-lit, crumbling mud house, the first thing you see is a small bed with a straw mattress and an old, ragged sofa close to it. On the bed is a 13-year-old child pale with years of sunlight deprivation, apparently hidden for years from the outside world. This child has a visual impairment and a physical impairment of the upper and lower limbs. The lack of a wheelchair and a person to care for him – given the fact that his parents are daily labourers – means that the only movement he is able to make is within the few inches of space between the bed and the sofa and back, in a dull cyclical routine. “I feel scared when they [his parents] go to work, locking the door on me”, he says in a sense of resignation.

As a UN study has revealed, “a child with a disability is, in some cases, kept home to ensure his or her own safety, as parents fear that the child may be struck by a cart or abused by someone in the neighbourhood, especially when their livelihood circumstances do not allow them to keep company of the child. But in many other instances, a child is kept isolated because the family fears the reaction from other members of the community. Children in some communities are kept shackled in windowless storerooms, hot household courtyards or dark attics for weeks, months or years, often with little or no interaction, even [with] those within the household. Next door neighbours may not know of the child’s existence and family members across town may be told that the child has long since died”.

Source: ACPF 2011a; UN 2005:8

<sup>173</sup> Arnold 1987, cited in Schaler, Yang & Chang 2004:232.

<sup>174</sup> Niacker 2005:234.

<sup>175</sup> Kaplan 2005:1-2.

<sup>176</sup> Hapanyengwi 2005.

<sup>177</sup> Molina 2005:20.

<sup>178</sup> Molina 2005:13.



An observation made in the South African White Paper on Integrated National Disability Strategy also draws attention to the fact that the transfer of stigma onto parents of children with disabilities may spill over to other family members<sup>179</sup>.

Although the parents of children with disabilities have a special and specific role to play in the development of their children, mothers (especially) of children with disabilities often face ostracism by their partners, their families and their communities. This exclusion badly affects other non-disabled siblings, the survival of the family as a unit, and the meaningful development of the child with a disability.

In many societies, there is a pervasive inclination to consider the child with a disability as 'bad' or 'irreparably tainted', resulting in neglect of the child's overall wellbeing, that may go as far as outright abuse<sup>180</sup>. As Rieser pointed out in 2008, people with disabilities also sometimes become:

...the butt of jokes and symbols for all the ills of the world. Clowns, court jesters and 'freak shows' are illustrations of this<sup>181</sup>.

Paragraph (42) of the General Comment No 9 of the CRC draws attention to the crucial issue of violence against children with disabilities in institutions, including homes and schools. It is often quoted that children with disabilities are five times more likely to be victims of abuse. In the home and in institutions, they are often subjected to mental and physical violence and sexual abuse, and are also particularly vulnerable to neglect and negligent treatment, since they often present an additional physical and financial burden on the family. School bullying is a particular form of violence to which children are exposed; more often than not, this abuse targets children with disabilities. The Committee details the major reasons

underlying the particular vulnerability of children with disabilities to abuse, as follows:

- a) Their inability to hear, move, and dress, toilet, and bath independently increases their vulnerability to intrusive personal care or abuse;
- b) Living in isolation from parents, siblings, extended family and friends increases the likelihood of abuse;
- c) Should they have communication or intellectual impairments, they may be ignored, disbelieved or misunderstood should they complain about abuse;
- d) Parents or others taking care of the child may be under considerable pressure or stress because of physical, financial and emotional issues in caring for their child. Studies indicate that those under stress may be more likely to commit abuse;
- e) Children with disabilities are often wrongly perceived as being non-sexual and not having an understanding of their own bodies and, therefore, they can be targets of abusive people, particularly those who base abuse on sexuality (para 42).

Children with disabilities are regularly used to generate income through begging. Some are placed on the streets to beg by their families, and others are sold by their families to those who keep stables of disabled children to function as organised rings of beggars. In both cases, children are routinely subjected to violence, both in order to keep them on the streets, and, once they are there, violence from members of the general population who see them as easy prey. Further, it is reported that disabled children used as beggars are often subjected to physical abuse and torture in order to make them appear more pathetic and worthy of charity<sup>182</sup>.

<sup>179</sup> Office of the President 1997, Chapter I.

<sup>180</sup> Hapanyengwi 2005 and Richler 2009:24.

<sup>181</sup> Rieser 2008.

<sup>182</sup> Wonacott 2004 cited in UN 2005:19.

### Box 2.3: Vulnerability of children with disabilities to violence

Violence against children with disabilities in the home setting, may, at times, be the result of trying to ‘heal’ the child from his/her disability, especially in societies where disability is believed to be caused by evil spirits. According to the UN (2005:18), such attempts can cause death or injury when they involve “severe beatings, starvation or other forms of violence, such as wrapping children for hours or days in blankets to the point of suffocation or subjecting them to fire, extreme heat or cold or other treatments”.

Children with disabilities are also targets of abuse on the street and in institutions. The UN Secretary General’s Report on Violence against Children, in its thematic report on violence against children with disabilities, reported that children with disabilities are less likely to protect themselves, flee from their attackers or report to the police. For instance, children who are deaf may be unable to report what has happened to them to family or police if these people do not speak sign language. Blind children who are victims of physical violence or rape often have a hard time describing their aggressor in ways that others can understand. Children with mobility impairments may be less able to flee when physically or sexually assaulted. Children who are intellectually disabled or mentally ill may not be savvy enough to anticipate abuse and flee – and may also have a difficult time providing coherent descriptions of those who have harmed them. To complicate things further, all too often, charges of violence or rape from individuals with a disability are dismissed by police or judges who are unfamiliar with disability – with the assumption that a ‘misunderstanding’ has occurred or that individuals with disability are easily confused. Even more troubling is the assumption that a child or adolescent with disability is unable to tell ‘right’ from ‘wrong’, or to decide for themselves what they want and do not want done to their bodies. Even when police, lawyers and judges recognise that violence or rape is no less traumatic for the child with a disability than for the child without one, it is often assumed that they will not make good witnesses on their own behalf, and they are discouraged from pressing charges.

In South Africa, for example, a study by the Disabled Children’s Action Group (cited in ACPF 2010e) found that, in a sample of 36 cases of abuse of children with disabilities that came to trial, 14 were withdrawn. The reason that was primarily given was that witnesses were seen as ‘incompetent’, when in fact, in many cases, the language used in court proceedings was too complex, and therefore incomprehensible to the victims.

In such contexts, violent individuals and sexual offenders specifically target children with disabilities, because they are often able to get away with it.

Source: ACPF 2010e; UN 2005:6, 7 &16

In extreme, although rare, instances, persons with disabilities are subjected to very brutal treatments. Albino killings in Tanzania illustrate this point<sup>183</sup>.

A live albino's body organs (such as skin peeled off the body or the scalp) are harvested for witchcraft, where it is believed that a non-albino wearing an amulet fashioned from such matter attracts good luck and wealth. [The bodies of] persons with disabilities [are] thus prized, and consequently literally annihilated, for [their] assumed ability to make the non-disabled prosper.

According to the Huffington post, a complete dismembered body of an albino, including all limbs, genitals, ears, tongue and nose, sells for up to US \$75,000<sup>184</sup>. It is to be noted albinism may in some contexts not be considered a disability.

The attitudes and level of awareness of policy makers, experts, teachers, and parents have a pivotal role to play in the educational or social life of a child with disabilities. All are products of the social and cultural environment in which they grew up. The majority of policy makers, experts and teachers have been educated and steeped in a system that perpetuates the concept of 'the remedial child,' and were themselves:

...buttressed by policies and practices which continually reinforced the idea of a different child aligned with the need for segregation<sup>185</sup>.

Often the non-intimate interactions between experts and persons with disabilities, and their concomitant identities, determine how and where a client (in this case the disabled child)

will live, what training or education they will receive, the kinds of interpersonal relationships they will experience and even, on occasion, whether they will live or die<sup>186</sup>. Professionals and practitioners, as products of the social milieu, also reflect most of the prevailing attitudes of a society at a point in time. Their influence is decisive from the perspective of implementing the laws and policies put in place. They also enjoy a degree of discretion, whereby they 'recreate' and 'interpret' laws and policies in the light of their own personal and institutional contexts<sup>187</sup>.

The influence of the above actors in the life of the child contributes, negatively or positively, to the child's self-image and self-esteem. The kind of self-image a child develops dictates his or her daily conduct and actions, with both short-term and long-term consequences, one of which can be a permanent sense of inferiority and deliberate self-exclusion, called *passing*, whereby a child with a disability tries to blend in as much as possible<sup>188</sup>. In the context of education, this may take the form of the pupil making a semblance of understanding of the subject matter taught in class, keeping a deliberate a low profile<sup>189</sup> or engaging in tactical self-withdrawal from interactions, in order to avoid potential embarrassment<sup>190</sup>. In extreme instances, negative self-image may lead to self-hatred, and, at times, suicide<sup>191</sup>.

On the other hand, positive self-image instils a sense of confidence and determination that opens up opportunities for interactions and friendships, creativity and happiness. Children

<sup>183</sup> Yakub 2008, cited in wa-Mungai 2009.

<sup>184</sup> Odula 2009.

<sup>185</sup> Bell 1989:46.

<sup>186</sup> Goode 1984:232.

<sup>187</sup> Thomas and Loxley 2007:104.

<sup>188</sup> Pothier & Devlin 2006:17.

<sup>189</sup> Buck 1989:67.

<sup>190</sup> Camping 1979 cited in Hurst 1984:200.

<sup>191</sup> Tirussew 2005:10.

with a positive self-image are also more assertive in fending off discrimination. If self esteem and self-image, largely products of the attitude of the so-called significant others such as parents, teachers and health care providers in the life of a child, are factors that affect exclusion or inclusion of the child in the educational fold, then it becomes important that schools pursue assertiveness training. This is a common practice for empowering groups experiencing discrimination and victimisation, and works through simulation and role-plays based on the real experiences in the lives of these children, and through inviting role models as speakers.

As studies elsewhere have shown, many schools spend very little time on helping their pupils to anticipate and cope with the harassment and discrimination that children with disabilities may encounter. This is in poor contrast to the efforts of many special schools and classes to ensure that pupils become competent in basic living skills, such as dressing, eating, washing and toileting, and in social independence skills, such as using money, shopping, budgeting, 'survival cooking'; and the use of language and communication skills<sup>192</sup>.

Peer attitudes can be challenged through inclusive school clubs and school-level sensitisation programmes. For instance, schools can facilitate interactions between disabled and non-disabled pupils through assuring physical proximity, teaching listening, valuing people with disabilities, encouraging cooperative teaching and learning, and making it a practice to look for and celebrate each pupil's unique gifts – "those best and special qualities that transform difference into uniqueness"<sup>193</sup>.

#### 2.6.4 Use of appropriate language, definitions and discourse

Besides attitudinal barriers to inclusion, persons with disabilities also have to negotiate or combat definitions of themselves imposed by the so-called 'normal' persons in society, which sometimes constitute linguistic oppression. Language as a tool of thought and as a tool of communication is crucial to real social inclusion. As Thomas pointed out in 1982:

Initial encounters between persons with disabilities and others do not start from a neutral point, and the person with disability has to deal with definitions of himself and his disability previously and independently conceived by others<sup>194</sup>.

Wa-Mungai explains how people use culture and language to name and define people with disabilities as "a reminder that the rest of the more fortunate society are 'alright'" – subsequently dictating the kind of treatment that the disabled are considered to 'deserve':

...in reality as well as in the social imaginary, they [people without disabilities] place some 'bodies' at a permanently lower level, often through language but just as commonly by means of such actions as ostracism. The naming process is achieved by means of... marking another in unfavourable terms in order to justify whatever negative treatment might be meted out<sup>195</sup>.

The terms used to describe persons with disabilities, including children, have evolved over time, in concordance with changing social paradigms and the crushing rapidity with which the disability lexicon has been evolving. As Corbett (1996) noted, languages and metaphor in the discourses of the disability movement emerge "in a creative burst of pride and assertion" (cited in Corker 2005: 224), including as the result of the fact that persons with disabilities have gained greater discursive control over the years.

<sup>192</sup> Mittler 1993:12.

<sup>193</sup> Biklen et al. 1989:264.

<sup>194</sup> Thomas 1982:8.

<sup>195</sup> Wa-Mungai 2009.

### Box 2.4: Linguistic expressions betray underlying attitudes

Illustrative examples of the influence of language as a medium of negative attitude are found in the names used by different societies to describe persons with disabilities. For instance, the Shona use terms like *namburo* (strife), *zvidzai* (treat with contempt), *musekiwa* (the cursed one) and *chiramwiwa* (the forsaken one) to refer to children with disability (Mashiri 2000:182).

In Ethiopia, the term *donkoro* in Amharic – the most commonly spoken language in Ethiopia – is used to refer to the hearing impaired, and literally means “one who cannot understand” or “idiot”. The term used to describe the speech impaired is *duda*, which can be literally translated into ‘tongue-tied’. The visually impaired are addressed as *ewir* – literally referring to a state of being messy. Those with motor impairments are addressed as *komata*, *shibba* or *akale godolo* - literally meaning incomplete or ‘not whole’ (Tirussew 1998, cited in Tirussew 2005:13).

In the Kisangani dialect of Lingala (DR Congo), the term *makutu mafwa* is used to refer to people with visual impairments, and literally means “one with dead eyes”. *Makutu ve* is used to refer to people with hearing impairments, and can be literally translated as “one without ears” (Wa-Mungai 2009).

Most of these terms and expressions betray underlying attitudes towards disability and people with disabilities that perceive them as the result of a curse, sin or evil deeds (Tirussew 2005:13-14), as ‘incomplete’ or as incapable of doing anything.

On a positive note, among the Dinka of the Sudan, the phrase *raan chie ming*, literally meaning “one who speaks using gestures”, is used to describe people with hearing impairments. The emphasis on the mode of communication rather than the disability itself is worth noting. The Dinka call the deaf-mute *chie jam* (one who has speech impairments), but also point out that such a person might sometimes “speak wisdom”, while a person who has the faculty of speech can sometimes speak nonsense and thereby become *chie jam* (wa-Mungai 2009). In other words, it is not one’s ability to make an utterance that counts, but the content of that utterance.

It is also worth noting that there are a lot of positive African cultural mores – some reflected in constitutional and policy instruments – that support the rights and wellbeing of children and persons with disabilities. The concept of *kagisano* in Botswana implies that society has obligations to the halt, the lame and the mentally disabled. This reflects the Tswana concept of *botho* (respect for the humanity in all human beings), a concept incorporated in the country’s Vision 2016 (Presidential Task Group, 1997: 59). The concept of *botho*, akin to the Zulu term *ubuntu*, places an obligation on individuals to acknowledge the essential ‘humanness’ of others (Hopkin 2004:90).

The term *handicapped* has been widely used, and continues to be used in many countries, to refer to people with disabilities. This categorical term is thought to be of British origin, and describes the begging gesture with the cap in hand, “the receptacle for the blessings sought”<sup>196</sup>. It is very important to understand the difference between the terms *handicap* and *disability* as explained in the UN *Standard Rules* described earlier. The terms ‘handicapped’ and ‘disabled’ have been replaced by *people-first*

language, i.e. ‘people with disabilities’, to maintain disability as a characteristic of the individual, as opposed to the defining variable.

Some observers use the term *exceptional children* when referring to children with disabilities, with the connotation that children may be at variance with the norm, or exceptional, in ways that include the mentally gifted or talented as well<sup>197</sup>. This term has gained some prominence, not only because of its objective

<sup>196</sup> Sage & Burrello 1986:2.

<sup>197</sup> Hallahan & Kauffman 1997:7.

accuracy if we do wish to encompass individual variance according to terms other than the disability, but because the term carries more positive connotations than the negative ones associated with the word ‘handicapped’<sup>198</sup>.

Another term, perhaps the term most commonly used to describe children with disabilities, is *children with special needs*. Despite its widespread use, however, the term has been subject to severe criticism. Hall comments on the adjective ‘special’:

‘Special’ is a funny, but deceptively lethal, little adjective which seems to confer privilege but actually creates misery<sup>199</sup>.

Being noticed as *special* has the magical effect of instantly closing some doors, while others simultaneously open:

The door to the local nursery, to primary school closes while the door of the special school swings open, along with the door of the bus that will take you there<sup>200</sup>.

Hall also criticises the noun ‘needs’ that accompanies the term *special needs*:

By special need, if people are trying to refer to such prosthetic devices as a wheelchair, standing frame, computer switch – things which their impairment dictates as necessary and which function in a compensatory way, then it is dangerous and wrong to speak of these things as needs when they are not really needs at all but solutions<sup>201</sup>.

### Box 2.5: Using appropriate terminologies

In this report we avoid the use of terms like *normal* children or *healthy* children – and we advise others to do the same – when comparing children without disabilities with children with disabilities. Individuals with disabilities are normal in most ways. Referring to persons without disabilities as normal implies that persons who have disabilities are *abnormal*. There is a general agreement that the term *abnormal* has a pejorative aspect.

The use of the following terms and expressions are also consistently avoided: deaf and *dumb*; *deaf mute*; *afflicted with...*; *stricken with...*; *suffering from*; *invalid (not valid)*; *unfortunate*; *pitiful*, *poor*; *incapacitated*; *idiot*; *moron*; *mentally deficient*; *mentally defective*; *imbecile*; *feeble minded*; *mentally deranged*; *mentally ill*; *mentally deviant*; *maniac*; *crazy*; *lunatic*; and *mad*. Certain phrases are also avoided, such as *deafening silence*; *blind rage*; *blind faith*; *turned a deaf ear*; *lame excuse*; *blind justice*; *dumb luck*; *felt paralysed*; *fell on deaf ears*; *crippling*; *crazy*; *insane*; *idiotic*; and *retarded*. We concur with Ben-Moshe (2005:107) that “using disability as an analogy not only offends certain individuals, but it also impedes clear communication, perpetuates false beliefs about disability and creates an environment of unease and exclusion”.

In this report, the terms *persons (people) with disabilities*, *children with disabilities* and *disabled children* are used, in keeping with the social model of disability, and in tune with the UNCRPD. However, partly due to the need to give historical accounts, as well as to portray the perceptions that prevail at certain points in time, in some parts of the report – especially in quotations – terminologies that are no longer in acceptable use are reproduced. This is done to avoid confusing the reader by presenting a distorted picture of extant prejudices.

<sup>198</sup> Sage & Burrello 1986:2.

<sup>199</sup> Hall 1994:5.

<sup>200</sup> Hall 1997:56.

<sup>201</sup> Hall 1997:57.

The South African *White Paper on Special Needs Education* adopts the use of the term *barriers to learning and development*. This terminology is impersonal, pointing merely to the barriers to learning that exist within the learning system. The term comes very close to another expression, *barriers to learning and participation*, which was developed as part of an index for inclusion in the UK<sup>202</sup>.

On the discursive front, it is advisable that professional and policy documents and communications refrain from using belittling, patronising, criminalising, demonising and pauperising discourses when referring to persons with disabilities. This is because it is important to:

...move from an understanding of disability that is shaped by the lay discourse to an understanding underpinned by a rights discourse<sup>203</sup>.

There is a general consensus that the language to be used in describing persons with disabilities should be dictated by the rights discourse. This discourse is a crucial precondition, firstly to identifying barriers to learning, including poverty, ideology, physical access, inflexible curricula, inappropriate language, communication channels, inaccessible built environments, lack of or inappropriate transport and similar factors within the system that impede access to learning; and secondly to making appropriate interventions.

The rights discourse is anchored in the social model of disability, which offers a better framework and language through which people with disabilities can describe their experiences, and allows them to name and challenge

discrimination, exclusion and inequality<sup>204</sup>. Such discourse is also a means through which the question of disability can be explained and understood in terms of wider socio-economic conditions and relations, as well as being a vehicle for the non-disabled world to get an alternative and positive view of disability<sup>205</sup>.

The “we” and “them” discourse that puts persons with disabilities in a separate socioeconomic category should be avoided in all communications. Further, the temptation should be avoided, when intending to portray the difficulties in which persons with disabilities sometimes live, to see them or their parents as shouldering an unbearable burden.

It is also important to avoid stereotypes that glorify people with disabilities simply for living their lives and doing things that many others do on a daily basis: this betrays the low expectations that many people have for people with disabilities<sup>206</sup>.

This is the classic ‘heartwarming’ tale about ‘courageous’ people with disabilities who are ‘inspirational’ in their efforts to ‘overcome’ their disabilities against all odds. While this seems complementary and unproblematic on the surface, a critical look reveals underlying assumptions that presume the incompetence of people with disabilities.

On the opposite extreme, there is a tendency among disability movements to overstretch this rights discourse to the extent of denying disability itself, or portraying it as no more or less than a gift.

Experts caution against such tendencies of *romanticising* disability<sup>207</sup> – for example, the idea of people with hearing impairments who

<sup>202</sup> Booth and Ainscow 2002.

<sup>203</sup> Naicker 2000:9-10.

<sup>204</sup> Barton 2003:5.

<sup>205</sup> Barton 2003:5.

<sup>206</sup> Feldbaum and Rossetti 2005:46-47.

<sup>207</sup> Hall 1997:x.

use a sign language as their main form of communication defining themselves as a member of a language minority, suffering the same form of discrimination as many other language minority groups, rather than having a disability<sup>208</sup>. Firstly, even though such tendencies are bona fide extensions of the rights or emancipation discourses, they might quickly crystallise in such a way as to make persons with disabilities invisible to the rights radar. According to Söder (1984:33), this tendency overlooks the

...tragic truth that severe disability of some people may not be alleviated by measures aimed at manipulating the environment... if not handled with care, this tendency may bear the seeds of the process of making the needs of the disabled disappear from view.

Secondly, the focus of such discourse appears to be not on resisting oppressive tendencies, but on denying the very existence of the cause of the oppression itself. Such a feat of discursive self-concealment or suicide might decimate the very thrust of the current struggle to change the status quo – ultimately subverting the rights discourse<sup>209</sup>.

Finally, discourses on disability also operate in the images and visual representations of persons with disabilities. Photographs of people with disabilities not only reflect, but also produce discourses and evaluations of disability in society. Visual representations are linked to how appearance matters in daily life, and the role of bodies in cultural metaphors versus everyday lived experiences. Bodies are significant in disability studies, and have roles in social dynamics, identity and social formation. As a result, the body may be a site,

target, and vehicle for ideology and power, in which case its visual and photographic depiction may easily trigger dichotomies of ‘normal’ and ‘abnormal’ bodies, making explicit the visible physical deviations from contextual standards for ‘normal’<sup>210</sup>.

Garland-Thomson has introduced the concept of the ‘gaze’, which is the equivalent in visual cultural analyses to the everyday notion of ‘the stare’, particularly relevant to the experiences of people with visible disabilities:

...the stare, sanctioned and exacerbated by the medium of photography, articulates distance and difference between disabled bodies on display and a non-disabled viewing public. This stare/gaze constructs disability as inferior and oppressed.

Garland-Thomson also highlights the grave risk that visual representations might contain:

...harmful cultural baggage, with exploitative overtones, and that images might sometimes be the predominant means for the non-disabled to experience people with disabilities, automatically reinforcing the non-disabled-disabled dichotomy<sup>211</sup>.

### 2.6.5 Special education, integrated education and inclusive education

For a long time, and still today in many countries, children with disabilities have been put in separate institutions for special education. Both parents and teachers used to agree on the necessity of doing so. Gradually it was realised that many children with disabilities could attend general education classes. Special education could be provided

<sup>208</sup> UNESCO 2009:5.

<sup>209</sup> Shimelis 2011.

<sup>210</sup> Millett 2005:34-36.

<sup>211</sup> Garland-Thomson, cited in Millett 2005:37.



as a supplement. This led to an approach in which special education practices were moved into the mainstream: called integration, this approach meant that children with disabilities moved into general schools, without any change of the organisation of those schools, their curricula or their teaching and learning strategies. It was assumed that children should fit the school, not that the school should fit the children. The total lack of organisational change led to many problems, however, which required significant re-thinking, and in particular a re-conceptualisation of 'special needs'. As UNESCO pointed out in 2005:

This view implies that progress is more likely if we recognise that difficulties experienced by pupils result from the ways in which schools are organised and from rigid teaching methods. It has been argued that schools need to be reformed and pedagogy needs to be improved in ways that will lead them to respond positively to pupil diversity – seeing individual differences not as problems to be fixed, but as opportunities for enriching learning<sup>212</sup>.

With the launch of Education for All (EFA) in the 1994 Jomtien Declaration, an agreed framework was established for moving forward<sup>213</sup>. The Salamanca Statement on Principles, Policy and Practice in Special Needs Education, adopted as one of the tenets of the Principle of Inclusive Education, set out the goal:

...[establishing] the most effective means of combating discriminatory attitudes, building an inclusive society and achieving education for all.

As a result of the fact that children with disabilities represent the largest single group of out-of-school children, this resulted in the recognition that inclusive education is an essential element in the whole EFA movement. Inclusion is defined as follows<sup>214</sup>:

...a process of addressing and responding to the diversity of needs of all learners through increasing participation in learning, cultures and communities, and reducing exclusion within and from education. It involves changes and modifications in content, approaches, structures and strategies, with a common vision which covers all children of the appropriate age range and a conviction that it is the responsibility of the regular system to educate all children.

The process of inclusion should include:

1. Identification and removal of barriers.
2. Ensuring the presence, participation, and achievement of all students.
3. Providing a particular emphasis on those groups of learners who may be at risk of marginalisation, exclusion or under-achievement.

Inclusion is all about creating a *school fit for children*.

The three approaches outlined above resulted in the three permutations of educational or pedagogic arrangements for educating children with disabilities currently in widespread use throughout the world, including Africa. These are<sup>215</sup>:

1. The one track approach (inclusive education).
2. The dual track approach (serving pupils with special educational needs in one system and all others in another, main, system).
3. The multi-track approach (serving various groups in different, parallel systems).

Countries adopting the one-track approach have developed policies geared towards the inclusion of almost all pupils in regular education, with support services. In the dual-track approach there are two distinct

<sup>212</sup> UNESCO (2005).

<sup>213</sup> UNESCO (1994).

<sup>214</sup> UNESCO 1994, EFA Guideline, p. 13.

<sup>215</sup> Mitchell 2005a:5.

education systems, one with separate placements in special schools, another with special classes for pupils with special educational needs who follow a different curriculum to non-disabled peers. The countries using the multi-track approach have a multiplicity of approaches to inclusive education, and offer a variety of services.

As early as 1981, the Sundberg Declaration<sup>216</sup> introduced the following fundamental principles that must be followed in preparing any medium or long-term strategy (including an educational strategy) concerning persons with disabilities: participation, integration, personalisation, decentralisation (sectorisation), and interprofessional co-ordination. The Declaration elaborates these principles as follows:

- (a) Full participation of persons with disabilities and their associations in all decisions and actions concerning them shall be ensured;
- (b) Persons with disabilities shall have the benefit of all services and participate in all activities of the community; likewise actions and strategies of a general character decided on for the community as a whole shall take due account of persons with disabilities;
- (c) Persons with disabilities shall receive from the community services adapted to their specific personal needs;
- (d) Through decentralisation and sectorisation of services, the needs of persons with disabilities shall be taken into account and satisfied within the framework of the community to which they belong;
- (e) The activities of the various professional organisations and special bodies catering for the needs of persons with

disabilities shall be co-ordinated in such a way as to promote the overall development of their personality.

Given the arguments for and against special schools, and the assertions sometimes made that inclusive education can expose children with disabilities to abuse and ill-treatment, some experts point out the fact that the reason special schools are established is to cater for children failed by ordinary schools. Hegarty (1993) points out that ordinary schools have indeed generally failed pupils with disabilities in this regard, and ACPF research confirms that they continue to be inadequate; hence, in the present context, they can hardly be offered as a serious alternative to special school<sup>217</sup>.

In fact, there is no one country in the world where all pupils with disabilities are enrolled in inclusive settings. Even in those countries with the strongest commitment to inclusive education, it is seen as a conditional entitlement. In some cases, the grounds for excluding pupils are based on particular categories or perceived degrees of severity of disability; in others, it is a judgment exercised on a case-by-case basis. In still other cases, it reflects parents' choices.

This is not, however, to say that there are no good examples to be drawn from across countries' various approaches<sup>218</sup>. We have presented two practices from two schools in different parts of the USA trying to integrate children with disabilities while avoiding the common twin errors of poorly integrated schools: making such children simultaneously highly visible (i.e. on stage, being evaluated, unusual, and therefore not ordinary) and invisible (i.e. not recognised as part of the normal group)<sup>219</sup> (see Box 2.7).

<sup>216</sup> UNESCO1981.

<sup>217</sup> Hegarty 1993:21.

<sup>218</sup> Mitchell 2005a:8.

<sup>219</sup> Biklen 1989:14-19.

### Box 2.6: Pros and cons of segregated education

According to Hegarty (1993:21), the advantages of special education over integration include concentration of expertise in teaching pupils with various disabilities, small pupil-teacher ratio affording more individualised instruction, modified curricula and programmes of work, adapted buildings and equipment, training opportunities for staff, links with local employers and post-school training agencies. There is also the argument which holds that segregated school sites are a 'safe haven' for some disabled children (Aefsky 1995:6), as well as being relatively freer from abuse by peers.

According to the UN (2006), children's inability to see, hear, move, communicate, dress, toilet or bathe themselves independently makes them vulnerable to rough, careless or intrusive personal care, or neglect of their personal needs. These differences - more pronounced in integrated settings - also make them vulnerable to unfair and disrespectful comparisons with siblings or other children of the same age. Seeking help to do things others can do independently makes these children vulnerable to low self-esteem, which is an important risk factor for abuse (UN 2006a).

On the other hand, the Achilles' hill of special education and its most defining feature is that related to the segregation of children, which has been based on the principle according to which some children, due to individual deficits, 'cannot cope' within the ordinary educational system (Vlachou 1997:13). In other words, as noted by Davies (1989:4), in order to get a special education service, the child has to have a "disability which either prevents or hinders him from making use of educational facilities of a kind generally provided in schools maintained by the local education authority concerned".

Within this context, one way of providing for the disabled was to protect them from the harsher realities of ordinary school life. Protection has been synonymous with institutionalisation, as these children have had to be educated in special isolated classrooms (Vlachou 1997:13).

By segregating pupils with disabilities, societies pay a staggering cost:

To be left out of the education system entirely or to be segregated and isolated from peers exacts a cost in lost knowledge and skill to the individual. The costs are clearly economic and effect [affect] income and standard of living. The cost of lost relationships is harder to define ...There is a human and relationship loss which effects [affects] people with disabilities throughout their lives, and one which spreads to families, peers, and the entire community (Inter-American Development Bank cited in Richler 2009:22).

Yet, there are also skeptical voices heard on the true intention of the transition from the segregation and institutionalisation of people with disabilities to their inclusion "in the community" and in schools. The critics argue that such move does not exemplify humanitarian reform, but rather a "new dispersal of power" that strives to achieve greater efficiency (Drinkwater 2005 cited in Tremain 2005:19). The same author points out that although community living has been hailed as a "more humane" living arrangement than institutionalised living, the former arrangement operates with its own set of disciplinary techniques: how "perpetual visibility" and other mechanisms that govern community living and school life are intended to mould the residents of these arrangements into "docile subjects".

### Box 2.7: Good school-level practices in the inclusion of children with disabilities

One example school made a successful attempt to integrate children with mild disabilities using the following strategies:

- There are no resource rooms; all pupils (disabled and non-disabled) are assigned to a homeroom ;
- There is no special homeroom for children with disabilities;
- There is no special room at all to which to send children with disabilities;
- All teachers teach a combination of children with and without disabilities in the standard subject areas;
- Strategies often associated with special education abound (eg. process consultation, individualisation of instruction, small-group instruction, team teaching, and effective education);
- None of the learner groupings, whether of classes or groups in classes, is designed to include only children with disabilities;
- The special education teacher teaches in the subject areas;
- Interestingly, there seems to be no negative effect of dissociating the specialist from special techniques, or of denying children with disabilities the uniqueness of some of their needs – only the positive result of minimising the ‘different’ status of particular learners and teachers. This practice of making the specialist an ordinary team member mimics the dis-labelling of children with disabilities.

The second example school was also able to achieve the complex task of integrating children with severe and multiple disabilities.

- Classes are integrated, and special and regular education teachers combine to co-teach classes of children both without disability and with serious disability;
- The classes have the same space and number of children as two classes, and teachers have two classrooms, making it possible to have large- and small-group instruction within the class;
- Curricular strategies include such concepts as partial participation, cooperative learning, parallel programming (children working on the same subject area but at different levels), peer tutoring, peer modelling, integrated therapies, group projects, cooperative goal structuring, use of hands-on materials, in-school jobs for all children, small group and individual learning centres, educational field trips, matching of teaching methods to learner styles, integrated ‘special’ subjects such as art and music, ‘community-based’ and ‘functional’ programming, and the use of ‘natural environments’ with natural cues.

The move towards inclusion has to be carefully thought through and well planned. If such a complex undertaking as inclusion is pursued without due consideration, it might shift the emphasis from providing meaningful educational opportunities for children with disabilities to that of, as Crockett and Kauffman put it in 1999:

...a mindless integration that counted their heads  
...but discounted their instructional needs [and]  
related to long-term educational disadvantage<sup>220</sup>.

In fact, some experts warn against uncritical importation and adoption of ‘inclusive education’:

Since there is no model of inclusive education that suits every country’s circumstances, caution must be exercised in exporting and importing a particular model. While countries can learn from others’ experiences, it is important that they give due consideration to their own socio-economic-political-cultural-historical singularities. The challenge to ‘importers’ of inclusive philosophies and practices is to determine how far their

<sup>220</sup> Crockett and Kauffman 1999:188.

country's indigenous philosophies, ideologies and practices should be encouraged, respected, challenged, overthrown or blended with those from 'outside'. 'Exporters' of inclusive philosophies and practices have similar obligations to respect local values<sup>221</sup>.

In fact, experts warn against both extremes – ill-prepared integration, and excessive use of specialised services in integrated settings – because of the potential disadvantages they can pose to pupils<sup>222</sup>. As Booth puts it, inclusion is:

...different from the melting pot view in which pupils, irrespective of their backgrounds, interests, identities, gender, attainments or disabilities are meant to fit into the mono-cultural education system, with fixed curricula and approaches to teaching and training<sup>223</sup>.

It is also very important to avoid a *laissez-faire* approach to educational integration that may leave parents and children floundering in the mainstream:

An increased reliance on generic approaches within natural settings must not be distorted into an administrative excuse to avoid giving parents and children access to the special skills and technology that can undeniably improve a child's functional skills and social integration<sup>224</sup>.

Crucially, inclusive education should not be taken to mean a crude physical placement in the mainstream, without the availability of means for appropriate teaching and learning to take place, without consideration for adequate resourcing to support staff and pupils, and without acknowledging that many mainstream pupils can feel excluded by a restrictive curriculum, inflexible pedagogy, and a hierarchical ethos<sup>225</sup>.

In terms of the capacity to implement any of these approaches, it also has to be recognised that there are significant differences between most industrialised countries and developing countries. Artiles and Dyson (2005: 37) note that:

The inclusion efforts of the affluent western democracies, where well resourced segregated forms of special education are being merged with equally well resourced regular education, seem to be quite different from those of many economically poorer countries where special education has never been fully developed and where regular education is desperately lacking in resources<sup>226</sup>.

The final and decisive question should thus be: *What are the desired ends of education for children with disabilities?*

One might take the position that the end is for pupils to be together, in the same place, at the same time. Even then, the important principle to follow might be to recognise the fact that "forced separation can never be equal, and equal separation can never be forced"<sup>227</sup>. Therefore, the way forward has to be to bring about change in both special schools and ordinary schools, towards a fruitful marriage of the two, in the best interests of the child with a disability.

Special school can play a transitional role by supporting the mainstream in becoming mature and competent in its attitude and its ability to meet the needs of all children<sup>228</sup>. If special schools have to make changes, ordinary schools need to undergo a revolution<sup>229</sup>. When we endeavour to make a change in our schools, we can fail to recognise that the structure of the schools was developed in relation to earlier societal problems, and that these structural characteristics will be effective obstacles to our efforts to impose change<sup>230</sup>.

<sup>221</sup> Mitchell 2005a:19.

<sup>222</sup> Vlachou 1997:172.

<sup>223</sup> Booth et al. 2003: 2.

<sup>224</sup> Ferguson and Asch 1989:137.

<sup>225</sup> Corbett 2001:1.

<sup>226</sup> Artiles and Dyson 2005: 37.

<sup>227</sup> Ferguson & Asch 1989:136.

<sup>228</sup> Hall 1997:13.

<sup>229</sup> Hegarty 1993:22.

<sup>230</sup> Sarason and Doris 1979: 156.

A reform of ordinary schools at two levels has been suggested: at the level of academic organisation and curriculum provision; and through professional development of staff. The former requires rethinking the ways in which pupils are grouped for teaching purposes, the arrangements that schools can make for supplementary teaching, and the modifications to the mainstream curriculum that teachers can make in order to give pupils with disabilities access to it. All of these necessitate major change in teacher behaviour. Attitudes, knowledge and skills must all be developed, to create and sustain a new kind of school where those previously disenfranchised are given an equal say, and differentiated provision becomes the norm for all pupils<sup>231</sup>.

### 2.6.6 Qualified teachers: A critical ingredient in inclusive education

The teacher is the most precious and valuable of school resources. The exciting, entitling and enabling aspects of the curriculum lie solely in this professional's hands. It is the teacher's management of the learning environment that will determine effective learning for all. In the developing world, including Africa, the teaching profession is increasingly assuming new functions that extend into nurturing and socialisation, with teachers acting as role models and counsellors for their pupils:

Often, contact with the teacher is one of the few experiences that pupils have with an educated person in formal employment. This means that teachers' work ethic, gender roles, professionalisation and relationships with community and society at large, have an enormous impact on pupils. In situations where

many pupils are boarders, or travel long distances to reach the schools, teachers need to play a pastoral role, ensuring that their pupils are emotionally and physically safe and secure<sup>232</sup>.

These and other roles of teachers are even more pertinent for pupils with disabilities, by virtue of the fact that they need extra protection and care. Teachers can be equipped with these skills through elaborate pre- and in-service training programmes. Existing teacher training programmes in many African countries follow the two-track approach, whereby teacher training for special education is done separately from teacher training for regular education.

There has been criticism of such training programmes, with the "traditional binary [separation] between general and special education"<sup>233</sup>. Such an approach leaves the impression that children with disabilities have educational requirements that cannot be met by ordinary classroom teachers<sup>234</sup>. The excessive emphasis on specialised teachers for the education of children with disabilities might generate the risk of de-skilling non-specialist teachers, leading them:

...to believe that only specialists can help children with special needs and that [non-specialist teachers'] pedagogic skills are irrelevant<sup>235</sup>.

The belief that 'special education' is a field for specialists alone may scare away non-specialists and militate against integration and inclusion. Aware of the above issues, scholars call for the gradual elimination of current separations between preparing teachers for 'general education,' and 'special education,' towards training them as generic teachers<sup>236</sup>.

<sup>231</sup> Hegarty 1993:22.

<sup>232</sup> Ainseev and Twedde 1998, cited in Dell 1989:48.

<sup>233</sup> Kurz & Paul 2005:19.

<sup>234</sup> Mousley et al. 1993:66.

<sup>235</sup> Mongon 1985:45.

Within this context, the principle to follow would be that “good teaching practice is good for every child, regardless of levels of ability”<sup>237</sup>.

Moreover, blurring the line between general and special teacher training programmes creates a situation where general education teachers are *reskilled*. Equally importantly, many of the instructional strategies now seen as the province of special education (task analysis, social skills training, adapted instruction) will become part of every teacher’s skill repertoire<sup>238</sup>.

The marriage between special and regular education teacher training would also do away with the social context that devalues the ‘special’ teacher, which is derived from the perception of his or her role in educating children viewed as inferior and more difficult to teach. Yet, the attempt to congregate special teacher education with regular teacher education can be difficult, given the entrenched “cult of professionalism” posed by special education<sup>239</sup>.

The CRC General Comment No 9 links curricular revisions with appropriate modifications in the training of teachers, by stating that modification of training programmes for teachers and other personnel involved in the educational system must be achieved in order to fully implement the philosophy of inclusive education<sup>240</sup>.

Similarly, the Salamanca Statement recommends that:

...the training of special teachers needs to be reconsidered with a view to enabling them to work in different settings and to play a key role in special educational needs programmes. A non-categorical approach encompassing all types of disabilities should be developed as a common core, prior to further specialisation in one or more disability-specific areas<sup>241</sup>.

Finally, the Convention on the Rights of Persons with Disabilities states that:

States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities<sup>242</sup>.

The second facet of teacher training is in-service training, which is increasingly viewed as a vehicle for revitalising teachers on the job with fresh ideas and new learning from recent research. In-service training also brings teachers up to date with new developments, and familiarises them with good practices in such areas as curriculum adaptation and the use of computer technology and microelectronics to help children with disabilities “control their environment and express choice and decision making”<sup>243</sup>. This kind of orientation, perhaps more than other kinds, necessitates blurring

<sup>236</sup> Sapon-Shevin 1989:95.

<sup>237</sup> Valchou 1997:100.

<sup>238</sup> Sapon-Shevin 1989:95.

<sup>239</sup> Valchou 1997:29.

<sup>240</sup> UN 2006a, para 67.

<sup>241</sup> UNESCO 1994:28, paragraph 46.

<sup>242</sup> UN 2006b, Article 4.

<sup>243</sup> Mittler 1993:13.

the line between pre-service and in-service education, as the emphasis shifts to a perspective that emphasises lifelong learning<sup>244</sup>. Finally, most teachers play a central role in policy implementation, which means that a comprehensive programme of planned staff and curriculum development is necessary<sup>245</sup>.

In terms of specific content, teachers must be equipped with both a theoretical and a critical grasp of specific content, instructional skills, the regular school context, and the demands of the community. Teachers should be equipped with skills related to curricular and instructional adaptations that will accommodate children's differences, including such practices as multilevel teaching, cooperative learning, and social skills training<sup>246</sup>.

In this regard, a teacher training institution has to address the following questions<sup>247</sup>:

1. How can student teachers be helped to acquire and demonstrate the necessary competences to qualify as teachers and to understand themselves as in an inconclusive process of learning about others?
2. How can student teachers develop as autonomous professionals and learn to depend on others for support and collaboration?
3. How can student teachers be supported in maximising pupil achievement and ensure inclusivity?
4. How can student teachers be helped to understand the features of particular

impairments and avoid disabling individual pupils with that knowledge?

5. What assistance can be given to student teachers to enable them to deal with the exclusionary pressures they encounter and avoid becoming embittered or closed to possibilities for inclusivity in the future?

Teachers' attitudes, skills and actions can affect pupils more than anything else in the school setting, as Ferguson (1989) points out:

Even small errors of teacher judgment can result in dramatic, and difficult to alter, learner behaviour<sup>248</sup>.

Effective teachers are those who understand and appreciate child variance and diversity as gifts on which to capitalise, instead of seeing them as deviance from which to shy away<sup>249</sup>. For instance, studies show that some teachers place an overriding value on 'normality'. Being different, according to this point of view, has a negative connotation, and is viewed as an unwanted attribute. Children are therefore valued not on the basis of their difference, and of who they are, but rather according to their efforts to become the same as the majority of other children: to become 'as normal as possible' or to be viewed as such<sup>250</sup>.

Teacher attitudes have been shown to affect instructional effectiveness. Teachers with more negative attitudes towards inclusion report less frequent use of those instructional strategies known to facilitate the effective inclusion of children with learning disabilities<sup>251</sup>.

<sup>244</sup> Burrello & Byers 1982 cited in Sage & Burrello 1989:165.

<sup>245</sup> Bell 1989:47.

<sup>246</sup> Sapon-Shevin 1989:95.

<sup>247</sup> Allan 2003:133 and 142-143.

<sup>248</sup> Ferguson 1989:47.

<sup>249</sup> Sapon-Shevin 1989:95.

<sup>250</sup> Valchou 1997:105.

<sup>251</sup> Bender et al. (1995) (cited in Campbell, Gilmore & Cuskelly 2003).



Despite the importance of in-service training for inclusion, a survey in 2009 revealed that teachers who attend in-service training are usually special education teachers, support teachers who teach in special schools catering only for pupils with disabilities, and those teachers already doing inclusive education. Because of this, teachers who are teaching pupils with disabilities in regular schools and regular classes were found to have much lower levels of training in the strategies for inclusive education than those who teach at separate special education schools, which are otherwise the potential loci of the inclusive reform drive<sup>252</sup>.

Another important area of consideration in teacher development is the issue of teacher status and motivation. In this regard, writers assert that an impending crisis in the profession is compromising governments' efforts to meet internationally agreed targets for expanding and improving education, as VSO reported in 2002:

In many developing countries, the teaching force is demoralised and fractured. Teachers, especially in rural areas, are frequently paid little and late, their educational and training needs are neglected, and they are mired in bureaucracies that support neither their effective performance nor their career profession in their jobs. Teachers, previously benefiting from considerable public respect and reasonable financial reward, feel that their status is in decline. As a result, the teaching profession in developing countries is characterised by high attrition rates, constant turnover, lack of confidence and varying levels of professional commitment. Teachers very often feel powerless either to create positive learning experiences and outcomes for their pupils or to improve their own situations<sup>253</sup>.

It is not without a reason that UNESCO's Recommendation concerning the Status of Teachers called, as early as 1966, for particular importance to be attached to teacher salaries:

...in present world conditions, other factors such as the standing or regard accorded [to teachers] and the level of appreciation of the importance of their function, are largely dependent, as in other comparable professions, on the economic position in which they are placed<sup>254</sup>.

### 2.6.7 Physical accessibility of schools and related facilities

Physical accessibility is an aspect of school organisation that includes proximity of the school to the child's home, and the appropriateness of its facilities and architecture in terms of allowing physical access to the school. The World Programme of Action draws attention to the role that pupils' distance from school plays in limiting accessibility of educational services. The Plan of Action requires that such services be:

...locally accessible, i.e., within reasonable travelling distance of the pupil's home or residence except in special circumstances<sup>255</sup>.

There is no universal benchmark for the appropriate distance to school. One estimate suggests that 2 km, or a thirty-minute walk, should be viewed as an upper limit<sup>256</sup>. Even that estimate, initially suggested with the non-disabled child in mind, can be unbearable for children with disabilities, especially those with physical and visual impairments.

<sup>252</sup> Inclusive International 2009:81.

<sup>253</sup> VSO 2002:1.

<sup>254</sup> UNESCO 1966, part X (114).

<sup>255</sup> The World Programme of Action (item 122).

<sup>256</sup> Theunynck 2009 cited in UNESCO 2010:191.

Many schools, particularly in remote rural areas or in slums, are physically inaccessible to some children with disabilities<sup>257</sup>. For instance, in South Africa, in the rural provinces

of KwaZulu-Natal, Eastern Cape, Mpumalanga, and North West, a high proportion of learners have to walk for more than 30 minutes to reach education sites<sup>258</sup>.

### Box 2.8: Missing the *Podapoda* in Kissy Mess-Mess

Yayah Savage is a mentally disabled girl of 15 attending the Hosetta Abdallah Memorial Special Needs School at Kissy Mess-Mess in Freetown, Sierra Leone. Yayah uses the minibus, known as podapoda in Krio, which she says is not at all appropriate to her needs. The podapoda is often loaded to overflowing with people, and many passengers have to stand throughout their journeys for lack of seats. Petty thefts are also allegedly commonplace on podapodas. "It is not easy to get one both in the morning and in the afternoon", says Yayah. "There is no other means of transportation. You have to fight your way to get on board. Once you fail to catch it, it means missing out on your school day".

ACPF 2010b:33

In other situations, the public transport system, which is the only affordable means of transport for most children with disabilities, becomes crammed with passengers, creating a situation that means that children with physical impairments have difficulties embarking and disembarking, and those with visual impairments often miss their destinations<sup>259</sup>.

The location of the school sometimes turns out to be unfavourable for certain groups of children: for instance, children with sensory or mental impairments can find schools noisy, confusing and threatening<sup>260</sup>. More tragically, walking long distances to and from school, coupled with the total absence of hearing aids for hearing-impaired children and white canes for children with visual impairments, exacerbates the risk of car accidents<sup>261</sup>; and mobility of children with disabilities is compounded throughout Africa by the unavailability and

prohibitive cost of assistive devices. For instance, in Ethiopia, the average cost of crutches is about US \$8, while a wheelchair costs a staggering US \$224, hardly affordable for an average Ethiopian family<sup>262</sup>.

The African Charter on the Rights and Welfare of the Child is very clear about the right to physical accessibility. The aim of the Charter in this respect is to guarantee mobility for children with disabilities, and their access to public institutions and facilities. The relevant paragraph, reproduced below, is especially noteworthy in the context of education and the accessibility of public school buildings:

The States Parties to the present Charter shall use their available resources with a view to achieving progressively the full convenience of the mentally and physically disabled person to movement and access to public highway buildings and other places to which persons with disabilities may legitimately want to have access.<sup>263</sup>

<sup>257</sup> Mulama 2004 cited in UNESCO 2010:191.

<sup>258</sup> Motala et al. 2007:76.

<sup>259</sup> ACPF 2010a:38.

<sup>260</sup> Mulama 2004 cited in UNESCO 2010:191.

<sup>261</sup> ACPF 2010a:40.

<sup>262</sup> MoE 2007:29.

<sup>263</sup> The African Charter on the Rights and Welfare of the Child, Article 13 (3.)

In its reference to important accessibility factors, like transportation, that have a bearing on educational access, the Convention on the Rights of Persons with Disabilities requires states parties to:

...take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications... these measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, *inter alia*: (a) Buildings, roads, transportation, and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces<sup>264</sup>.

The Convention also introduces an important concept for accessibility: *universal design*. Universal design is defined as:

...design of products, environments, programmes and services that should be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design<sup>265</sup>.

Despite this, the inaccessibility of various architectural and furnishing features of school buildings, including stairs, narrow corridors, inaccessible desks and equipment and inaccessible bathrooms, remains a major barrier to education. For instance, an ACPF study in Ethiopia found that in some schools, toilets are not only at the far end of the schools, but also the way to them is often tortuous, and difficult to navigate for pupils with visual impairments. Water taps are only put on during breaks and lunchtimes, and children must fight their way to drink. Children with visual impairments and physical impairments cannot fight their way to the water, and hence are forced to suppress their

thirst<sup>266</sup>. In his Ethiopian study, Tirussew (2005:167) cites one child with a motor impairment in a regular school as saying:

...while the other students were playing during the break time, I usually stayed in the classroom and saw them through the window (Tirussew 2005:166).

A 2006 study by Harding and Mansaray in Sierra Leone reported school buildings in bad shape, with inadequate facilities for classroom space and toilet facilities. "In some rural schools", the study said, "there is just a hole in the ground to stoop over [for a toilet]"<sup>267</sup>. Some pupils at such schools defecate in nearby bushes, the only alternative available to them<sup>268</sup>. Other studies in Sierra Leone reported that, in some schools, the toilets are located on top of hills, without any accessible routes for wheelchair users<sup>269</sup>.

In the large majority of rural schools, most pupils sit on stone or concrete blocks, planks of wood, or simply stand. It is very difficult to write, because there is no proper surface to lean on. The situation worsens in community schools, most of which are constructed of bush materials, with plastic sheeting for roofs. Pupils usually have to sit on rather uncomfortable bamboo cane seats, and, having no desks, must write on their laps or resting on their bags. In some schools, lessons are held under mango trees. When the rain comes, children pile into the school buildings, bringing the entire school to a halt. The danger that such a situation poses to pupils with disabilities cannot be underestimated, especially for those with visual and physical impairments.

<sup>264</sup> UN 2006 b, article 9(1).

<sup>265</sup> UN 2006b, art. 2.

<sup>266</sup> ACPF 2010a:41.

<sup>267</sup> Harding and Mansaray 2006:6.

<sup>268</sup> The Campaign for Good Governance 2006:19.

<sup>269</sup> Leonard Cheshire and UNECA 2008:114.

### Box 2.9: Physical accessibility challenges

#### A story from Lesotho

Lalla has cerebral palsy. The integrated education programme began in Lesotho when Lalla was 12 years old: initially she started to attend school in a wheelchair, making excellent academic progress. When the wheelchair broke, her mother borrowed a neighbour's wheelbarrow. But when the neighbour wanted the wheelbarrow back Lalla was forced to stay at home.

Pupils and teachers visit her at home, however, and have developed a home-based programme for her. Lalla's teachers are intending to visit the local health centre to try to persuade the physiotherapist to visit her in the home, and to find a way to fix her wheelchair.

Source: Stubbs 1997:6

#### A story from Sierra Leone

Alhassan Jalloh is a 10 year-old boy living with a polio-related physical disability of two limbs, attending the 2nd grade at Benevolent Islamic regular Primary School.

He complains of the school's failure to provide him with any assistive devices or therapeutic or clinical services. Alhassan used to use a wheelchair to go to and from school, but now that his wheel chair is damaged, his twin brother carries him on his back every day. "I find walking around the school compound very strenuous", says Alhassan. "Because of that I do not like the school building. It is poorly built and has no provisions for my needs. I have to crawl on the floor all the way to the toilet when I need to make my toilet. I am in dire need of a wheel chair and crutches".

ACPF 2010:34

The problem of accessibility is even more complicated for girls with disabilities. The inaccessibility of toilets and the unsanitary situation of bathrooms, coupled with the nature of some disabilities, might create a situation where a girl has to be helped with her toilet. The emphasis on modesty and privacy of many cultures, and the restricted degree of openness concerning certain biological processes, such as menstruation, make the provision of intimate help in toileting and sanitation highly problematic, as well as intensifying safety concerns<sup>270</sup>. As Bradshaw (2010) points out:

The absence of provisions at school enabling the girl to manage her period in a safe way can

intensify... parental fears and further discourage school attendance. A girl's need for help with such personal tasks may reinforce negative stereotypes about her ability to function as a pupil and also increases staff anxieties about issues of sexuality<sup>271</sup>.

Some innovative cost-effective steps have been suggested to overcome environmental barriers, including ensuring clear pathways; organising tables in the classroom for mobility and access; keeping doors shut; and defining different areas with mats or shelves. Schools can also make efforts to ensure good posture in students, especially in order to facilitate motor function, promote normal muscular tone, stabilise body parts, and maintain alignment of the body among children with

<sup>270</sup> Rousso 2003:9-10.

<sup>271</sup> Rousso 2003:10.

severe and multiple disabilities<sup>272</sup>. Education planners in South Africa have suggested handrails on walls, banisters on verandas, embossed signs, indicator lights or flags for break bells, and lighting and light paint to support the orientation of pupils with visual impairments<sup>273</sup>.

From a human rights perspective, it is obvious that the public transport mode and pedestrian infrastructure have to be user-friendly in order to cater for children with disabilities. The Center for International Rehabilitation suggests that pedestrian pathways and buildings serving the public should incorporate such low-cost inclusive design features as level pathways of adequate width and curb ramps serving wheelchair users and all other pedestrians. Similarly, transit terminals should have well-located signs with high-contrast large print to assist deaf and visually impaired passengers; a low ticket counter for use by wheelchair users and short persons; and tactile warning strips at kerbs and platform edges, to assist blind persons<sup>274</sup>.

### 2.6.8 Epistemic accessibility

In many situations, structural access to the schoolhouse for children with disabilities may be assured, but the quality of what happens inside the classroom can leave much to be desired. There are, therefore, both human rights and pedagogic considerations to be taken into account in ensuring *epistemic access*, defined as “access to the content knowledge and skills needed to reach the required levels of achievement and

competency”<sup>275</sup>. The way the curriculum is organised and managed, including the medium of instruction, the learning materials and equipment used, and the manner in which learning is assessed, may all significantly impede or facilitate learning<sup>276</sup>.

In terms of availability of assistive and adaptive educational devices and facilities, the picture in most African countries is grim. Most pupils with disabilities have to make do with the educational materials available to their non-disabled peers.

The cost of disability-friendly educational materials is prohibitively high, mainly because in most countries these materials are imported from abroad. For instance, a ream of Braille paper in Zambia costs Kwacha 300,000 (equivalent to US \$64), while an ordinary ream is about Kwacha 30,000 (equivalent to US \$6.4) – ten times less expensive.

In Ethiopia, an imported hearing aid has an estimated cost of about US \$160<sup>277</sup>, beyond reach for most Ethiopian households, which have an average income per household of about US \$212<sup>278</sup>.

A lack of teachers with sign language and the limited pedagogic involvement of parents – mainly attributed to limited parental education and the inability of the same parents to communicate in sign language – have been major barriers to the epistemic access of pupils with hearing impairments, as revealed by an ACPF study in Ethiopia, Sierra Leone and Zambia<sup>279</sup>.

<sup>272</sup> Puri and Abraham 2004:23-27.

<sup>273</sup> Department of Education South Africa 2005:19.

<sup>274</sup> The Center for International Rehabilitation 2003:48.

<sup>275</sup> Motala et al. 2007:6.

<sup>276</sup> DoE 2001:19.

<sup>277</sup> MoE 2007:9.

<sup>278</sup> CSA 2007:ix.

<sup>279</sup> ACPF 2010a,b,c,d.

These barriers are the main challenges to the progressive realisation of the *right in education* mentioned earlier. The situation is well described by South African Department of Education:

Barriers can be located within the learner, with the centre of learning, within the education system and within the broader social, economic and political context. These barriers manifest themselves in different ways and only become obvious when learning breakdown occurs, when learners 'drop out' of the system or when the excluded become visible. Sometimes it is possible to identify permanent barriers in the learner or system, which can be addressed through enabling mechanisms and processes... The key to preventing barriers from occurring is the effective monitoring and meeting of the different needs among the learner population and within the system as a whole<sup>280</sup>.

The following questions are worth posing in any attempt to ensure epistemic accessibility<sup>281</sup>:

- How much should teachers focus on children's social experiences and emotional growth?
- Are there ways of organising learning and learner groups so that learners with more unique needs are not treated as fundamentally different?
- What are the curricula that pay attention to the future skills that children with disabilities need and how do these fit with the regular education curricula?
- Is there a clear relationship between the curricula taught for children with disabilities and children without disabilities?
- Are there progressive, integrating curricula that promise to bring children with and without disabilities together in a unified educational experience?

The Salamanca Statement lays down a basic curricular and instructional principle for the education of children with disabilities<sup>282</sup>:

Children with special needs should receive additional instructional support in the context of the regular curriculum, not a different curriculum. The guiding principle should be to provide all children with the same education, providing additional assistance and support to children requiring it.

The CRC Committee General Comment No 1 offers a very convincing generic guideline on educational content:

An education with its contents firmly rooted in the values of article 29 (1) [of the CRC] is for every child an indispensable tool for her or his efforts to achieve in the course of her or his life a balanced, human rights-friendly response to the challenges that accompany a period of fundamental change driven by globalisation, new technologies and related phenomena. Such challenges include the tensions between, inter alia, the global and the local; the individual and the collective; tradition and modernity; long- and short-term considerations; competition and equality of opportunity; the expansion of knowledge and the capacity to assimilate it; and the spiritual and the material<sup>283</sup>.

The General Comment also stresses the need for the curriculum to be of direct relevance to the child's social, cultural, environmental and economic context and his or her present and future needs, and to take full account of the child's evolving capacities<sup>284</sup>.

The Convention on the Rights of Persons with Disabilities obliges states parties to ensure an inclusive education system at all levels, and lifelong learning directed towards:

1. The full development of human potential and sense of dignity and self-worth, and

<sup>280</sup> South African Department of Education: 1997:14.

<sup>281</sup> Biklen 1989:21.

<sup>282</sup> UNESCO 1994:22, paragraph 29.

<sup>283</sup> UN 2001, para 3.

<sup>284</sup> UN 2001, para 9.

the strengthening of respect for human rights, fundamental freedoms and human diversity.

2. The development of persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential.
3. The enablement of persons with disabilities to participate effectively in a free society<sup>285</sup>.

With reference to the education of children with disabilities, General Comment No 9 of the CRC Committee makes an important recommendation:

The education of a child with disability should include the strengthening of positive self-awareness, making sure that the child feels he or she is respected by others as a human being without any limitation of dignity. The child must be able to observe that others respect him or her and recognise his or her human rights and freedoms. Inclusion of the child with disability in the groups of children of the classroom can show the child that he or she has recognised identity and belongs to the community of pupils, peers, and citizens. Peer support enhancing self-esteem of children with disabilities should be more widely recognised and promoted. Education also has to provide the child with empowering experience of control, achievement, and success to the maximum extent possible for the child<sup>286</sup>.

In the same General Comment, the CRC Committee explains that, while recognising inclusive education is the goal of educating children with disabilities, it implies the *individualised* nature of the education of children with disabilities when it states:

The manner and form of inclusion must be dictated by the individual educational needs of

the child, since the education of some children with disabilities requires a kind of support which may not be readily available in the regular school system<sup>287</sup>.

In the same vein, the Convention on the Rights of Persons with Disabilities spells out the kinds of educational skills that need to be imparted to persons with disabilities, and how they should be imparted. This offers a valid guide to the kind of orientation the school curricula and instructional techniques for children with disabilities need to follow<sup>288</sup>.

States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

- (a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- (c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximise academic and social development.

The media used in instruction, including the language medium, constitutes an important consideration in the education of children with

<sup>285</sup> The Convention on the Rights of Persons with Disabilities and its Optional Protocol, Article 24(1).

<sup>286</sup> UN 2006a, para 64.

<sup>287</sup> UN 2006a, para. 66.

<sup>288</sup> The Convention on the Rights of Persons with Disabilities, article 24(3).

disabilities. The Framework for Action of the Salamanca Statement draws attention to the importance of sign language as the medium of communication among the deaf, and its recognition and provision “to ensure that all deaf persons have access to education in their national sign language”. It goes on to suggest that:

...owing to the particular communication needs of deaf and deaf/blind persons, their education may be more suitably provided in special schools or special classes and units in mainstream schools<sup>289</sup>.

The Salamanca Statement introduces the concept of a *child-centred pedagogy* as an instructional approach beneficial to the education of children with disabilities. According to the Framework, such an approach enables the avoidance of:

...the waste of resources and the shattering of hopes that is all too frequently a consequence of poor quality instruction and a *one size fits all* mentality towards education.

Schools applying child-centred pedagogy are, moreover, the training ground for a people-oriented society that respects both the differences between, and the dignity of, all human beings<sup>290</sup>.

Some experts make a distinction between children with mild and severe disabilities when modifying curricula or instructional tools, as well as a distinction between types of disability. According to these experts, for children with mild disabilities, a more effective approach to modifying the curriculum would follow adaptations in the instructional planning stage designed to maximise the learners’ strengths and abilities within the instructional context. Suggested modifications include modifying the

scope of lesson objectives, by, for example, making them cover fewer skill areas or concepts, or adjusting criteria for skill mastery – by, for example, allowing the child with a mild disability additional response time, a different number or type of responses (e.g. fewer written responses and more oral or illustrated responses), or a different type of skill evaluation (e.g. true/false questions)<sup>291</sup>.

The need to *individualise* education for children with disabilities has been addressed by several programmes. The World Programme of Action includes individualisation as one of the three basic criteria to be considered when developing educational services for children with disabilities and adults. ‘Individualised’ education is defined as education based on the assessed needs mutually agreed upon by authorities, administrators, parents and disabled students, and leading to clearly-stated curriculum goals and short-term objectives, which are regularly reviewed and, where necessary, revised.

The Convention on the Rights of Persons with Disabilities calls upon states parties to ensure that:

...effective individualised support measures are provided in environments that maximise academic and social development, consistent with the goal of full inclusion<sup>292</sup>.

The tendency to individualise the education of children with disabilities has, however, been criticised on a number of fronts. For instance, it is criticised on the grounds that it:

...rationalises an isolated, fragmented and asocial approach to teaching. Both pupil–pupil and teacher-pupil relationships are affected by the impersonal and highly specified curricular form of individualised programming, which

<sup>289</sup> UNESCO 1994:18, paragraph 21.

<sup>290</sup> UNESCO 1994:7, paragraph 4.

<sup>291</sup> Alper et al. 1995:32-33.

<sup>292</sup> UN 2006b; The Convention on the Rights of Persons with Disabilities, article 24 (2)(g).



functions to minimise social interaction in classrooms, as well as modifying pupil and teacher roles. The curricular material pre-specifies both teacher actions and pupil responses<sup>293</sup>.

Under such an individualised gaze, the focus is on individual pupils and the attributes that prevent them from benefiting from general education, which then lead to the relegation of these children to separate routines and spaces<sup>294</sup>. This potentially reinforces a 'blame-the-victim' effect, and the perception of a child with a disability as broken, needing special techniques in order to work<sup>295</sup>, contributes to negative labelling.

### 2.6.9 Involving parents and caregivers

Inclusion is often happening one student at a time. This is usually a result of advocacy by individual parents. The burden on families and particularly parents to be on the front line in insisting on education for their child in an "inclusive" setting is a global reality. We can state with confidence that positive change in inclusive practice is linked to parent demand. It is their vision, goals and dreams for their child that pushes the inclusive education agenda forward<sup>296</sup>.

Parents are the first to contend with the disability of their child. According to experts, parents work through such stages of denial as grieving, anger, and depression, before eventual acceptance of their child's condition, a state that is no less caring but which is defined by more limited expectations or altered ambitions, following psychic trauma or a profound sense of loss<sup>297</sup>.

There are a host of concerns that parents live with relevant to their children's disabilities, which often dictate their actions. Parents ask questions and seek answers on various issues, including the following<sup>298</sup>:

- **Cause of the disability:** what factors are responsible for the disability? What did we do to contribute to the condition? Why us? Why did that happen to us? Is it safe to have another child? Parents generally feel that they are responsible for the disability. They constantly seek reasons for the disability by visiting different professionals to establish the cause and a cure;
- **Impact on the family structure:** parents are concerned with how their child with a disability will impact upon the family. Will his or her presence affect the situation of the family? How will the disability be explained to other children, relatives and neighbours, and what will be their reaction? Are there educational and community resources available to serve my child?
- **Treatment and intervention:** many parents spend countless hours seeking treatment or a cure for the disability, and they ask: what type of treatments or interventions are recommended? Where may the needed services be located? How will the child's school be decided?
- **Prognostic outlook:** parents are deeply concerned with the future for their children. They often question: will a cure be found for our children? Will our children outgrow the disability? What will our children be like when they are adults?

<sup>293</sup> Bart 1984:113.

<sup>294</sup> Ainscow 1993:241-2.

<sup>295</sup> Biklen 1989:14.

<sup>296</sup> Inclusion International 2009:93.

<sup>297</sup> Brown 2005:271.

<sup>298</sup> Taylor 2000:10.

Parents and the extended family are the principal, and in some cases the only, source of structured stimulation that children with disabilities receive. In fact, formal intervention

can only achieve anything if it is reinforced by, and tied to, family activities and community relationships<sup>299</sup>. Studies have shown that children who have warm, affectionate

### Box 2.10: The critical role of parental commitment

A compelling story of parental commitment comes to us from El Salvador. A small number of parents of children who were deaf formed a group to support the inclusion of their sons and daughters in regular education. They raised money to hire interpreters who could teach their children sign language. They taught sign language to some of their children's hearing peers, so they could become proficient. They supported this effort in community schools. As a consequence, the parents created a group of community youngsters who could communicate with, and thus experience the positive effect of, a peer group with disabilities. This in turn allowed the hearing-impaired children to be included in the regular classroom and participate in the regular curriculum. As a result of this programme, one of the deaf students, Pablo David Duran Villatoro, graduated from university in 2009 as an engineer in computer systems, becoming the first deaf engineer in El Salvador.

Source: Inclusion International 2009: 93-94

relationships with parents have higher self-esteem, even when they are relatively inadequate at specific skills<sup>300</sup>.

It is therefore important that parents should be encouraged to be active participants in setting goals for their children, and in helping their own and other peoples' children to meet these goals. Parents will understand the inclusive philosophy of their children's school, and will be encouraged to engage in advocacy efforts to support that orientation<sup>301</sup>.

When encouragement and support are there, parents can also support their children in combating negative attitudes and changing their self-image, as well as supporting them pedagogically at home to deal with prejudice, not internalising it, but confronting or ignoring it, perhaps, or working their way around it. In this way, parents can also create a better understanding of their child's situation by

school personnel, and can be advised in their turn by the school personnel<sup>302</sup>.

The rights and duties of parents, and the crucial role they can play in the education of their children, are laid out by various human rights instruments. For instance, according to the CRC:

States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child<sup>303</sup>.

The Salamanca Statement perhaps offers the clearest and most detailed guidance of all in this regard. It first requires that parents and volunteers be invited to take an active part in the work of the school; secondly, it stresses the vital role that parents can play in the education of their children with disabilities, and the need to enable them to make a meaningful contribution:

<sup>299</sup> Hegarty 1993:23.

<sup>300</sup> Robinson and Maines 1989:181.

<sup>301</sup> Sapon-Shevin 1989:97.

<sup>302</sup> Biklen, Ford & Ferguson 1989:264.

<sup>303</sup> CRC, Article 14(2).

The education of children with special educational needs is a shared task of parents and professionals. A positive attitude on the part of parents favours school and social integration. Parents need support in order to assume the role of a parent of a child with special needs. The role of families and parents could be enhanced by the provision of necessary information in simple and clear language; addressing the needs for information and training in parenting skills is a particularly important task in cultural environments where there is little tradition of schooling. Both parents and teachers may need support and encouragement in learning to work together as equal partners<sup>304</sup>.

The Statement further states that:

A co-operative, supportive partnership between school administrators, teachers and parents should be developed and parents regarded as active partners in decision-making. Parents should be encouraged to participate in educational activities at home and at school (where they could observe effective techniques and learn how to organise extracurricular activities), as well as in the supervision and support of their children's learning<sup>305</sup>.

On the issue of the parental right to choose the schooling appropriate for their children, the Salamanca Statement is explicit:

Parents are privileged partners as regards the special educational needs of their child, and to the [greatest] extent possible should be accorded the choice in the type of education provision they desire for their child<sup>306</sup>.

Actual practice in a number of African countries seems, however, to be far from this goal. For instance, separate studies by Tirussew and Tekelemariam<sup>307</sup> and ACPF in Ethiopia<sup>308</sup> report that parental involvement in the education of children with disabilities was

deplorably low in most schools, limited to only one or two meetings a year of parents with teachers; as a result, parents contributed little to policy or additional provision in relation to inclusion. Not only were parents less involved in tutoring their children, but also (mostly because of the nature of their own work) they had not established strong links with the school and its personnel. In one boarding school for the blind in Ethiopia, school personnel complained of a *dump and forget* mentality on the part of parents, attributing it to the fact that parents of these children live in areas far from such schools, and to the parents' own poor socioeconomic situation<sup>309</sup>.

Similar situations are observed in the ACPF studies in Central African Republic, Ethiopia, Sierra Leone and Zambia. A head teacher of a school for the deaf in Freetown blames the very high dropout rate among pupils with disabilities on lack of parental support and encouragement, and the failure of parents to co-operate with school personnel<sup>310</sup>.

In Central African Republic, perhaps partly as a reflection of parental uncertainty about the benefits of education for future self-reliance, and partly because of the daily nature of their work, most parents show little interest in interacting with teachers, or in following up the education of their children. This is despite the almost universal desire for their children "to be someone", and "to be self-reliant"<sup>311</sup>.

In Zambia, very few parents are reported to have the habit of dropping by the school and checking on their children's progress, or

<sup>304</sup> Salamanca Statement 1994, paragraph 59.

<sup>305</sup> Salamanca Statement (1994), paragraph 61.

<sup>306</sup> Salamanca Statement (1994), paragraph 60.

<sup>307</sup> cited in World Vision, 2007:31.

<sup>308</sup> ACPF 2010a:50.

<sup>309</sup> ACPF 2010a:51.

<sup>310</sup> ACPF 2010b:43.

<sup>311</sup> ACPF 2010d:13.

making phone calls to inquire about their children. Some teachers say that a prevalent parental attitude of neglect rather than acceptance of children with disabilities is manifested in the fact that most of these children are poorly dressed, including when in their school uniforms<sup>312</sup>.

Some schools in Ethiopia and Zambia are attempting to change this situation, mainly through systematising parental involvement, and through offering parents courses in sign language.

### Box 2.11: Breaking the communication barrier at home: teaching sign language to parents

One of the prerequisites of effective parental involvement in the education of children is their ability to communicate effectively with their hearing impaired children. Aware of this, the Menelik II school community in Ethiopia and an NGO formed an agreement to start a three-month sign language training programme for parents. The training takes place every Saturday, and parents are given Birr 10 to cover their transport expenses. The programme has not only enhanced understanding between parents and the school community, but has also enhanced the understanding between parents and their hearing impaired children, and served as an important channel through which to spread sign language among the general public.

ACPF 2010a:50

The educational literature proposes four general areas of intervention for schools in their quest to involve parents as partners in the education of their children<sup>313</sup>:

- **Concrete and contextual:** covers the ways in which parents may assist in the supplementation of resources, through fundraising and voluntary help in classrooms, under the direction of teachers;
- **Pedagogical and problem-solving:** this includes 'parents evening' discussions on children's strength and matters of concern and contributions to overcome them. It could also cover co-tutoring where the parent takes on a limited teaching role as in the case of home reading initiative;

- **Policy and governing:** here parents contribute to decisions affecting the school as a whole. At its most direct this will be as a parent governor themselves, but in order to exert a more representative influence there is a need for wider consultative mechanisms;
- **Communal:** the school tries to address itself to the needs of parents as well, by for example, giving them learning opportunities.

In spite of the indisputable role that parents and caregivers could play, they have been given very little opportunity to influence decisions affecting their children made at school level and among other professional service providers. For instance, the sometimes-desperate situation in which

<sup>312</sup> ACPF 2010c:27.

<sup>313</sup> Sigston 1987:138.

parents find themselves, and their dire need for services, make them powerless in the face of service-providing professionals. Further, the use of technical language, knowledge and authority by professionals can marginalise parents from effective interaction. This is what Gliedman and Roth call 'the power of manipulation'<sup>314</sup>.

Finally, it is important to rubber-stamp the rights of parents to be involved in decision-making related to the education of their children, and related services, through legislation. In the words of Hegarty (1995):

Legislation that guarantees the right of parents to be consulted on their child's assessment and any decisions taken as a consequence can help to narrow the gap between rhetoric and practice by ensuring that parents are truly partners in the decision-making process<sup>315</sup>.

This need to formalise parental involvement through appropriate legislation is explicitly outlined by the Salamanca Statement:

Governments should take a lead in promoting parental partnership, through both statements of policy and legislation concerning parental rights. The development of parents' associations should be promoted and their representatives involved in the design and implementation of programmes intended to enhance the education of their children. Organisations of people with disabilities should also be consulted concerning the design and implementation of programmes<sup>316</sup>.

### 2.6.10 Education costs and modes of funding and financing

Equity in educational finance can be seen both from the vantage point of the pupil and that of the taxpayer. Equity from the perspective of the pupil can mean either the assurance of equal

dollars per pupil (horizontal equity), or the assurance of enough dollars to provide comparable programmes, given differing pupil needs and differing costs of services (vertical equity). Therefore, equity takes into consideration the varying characteristics of learners, and uses the concept of *equal treatment*, which is possible only when the system deliberately provides unequal resources as a means of compensating for the unequal needs of various pupils. It is this concept that provides the rationale for special education, compensatory education, and a few other specially-funded programmes<sup>317</sup>.

Equity can also be seen from the perspective of the taxpayer, in which case the objective may favour the pursuit of either an equal burden for the support of education, or a comparable burden, depending on income, wealth and relevant factors<sup>318</sup>.

Even in situations where there are the resources and the political commitment, many countries are constrained by the logistical complications associated with ensuring that each penny aimed at the child with a disability really benefits him or her. This has to do partly with the individualised nature of the disability of each child and the associated individualisation of the education programme, and partly with the high level of flexibility required in funding the education of children with disabilities.

The mechanisms of educational financing may be as important as the amounts allocated to shaping the provision of programmes. Even the simplest funding systems contain incentives and disincentives that directly influence the orientation, quantities, and types

<sup>314</sup> Gliedman & Roth 1980 cited in Schaller, Yang and Chang 2004:234.

<sup>315</sup> Hegarty 1995:17.

<sup>316</sup> Salamanca Statement (1994), paragraph 62.

<sup>317</sup> Sage & Burrello 1989:126-127.

<sup>318</sup> Sage & Burrello 1989:126-127.

of services provided at local level. In other words, given the strong link between fiscal and programme policy, programme objectives must be well considered and carefully defined prior to any serious consideration of fiscal reform<sup>319</sup>.

Various formulas have been suggested for funding the education of children with disabilities. These formulas can be grouped into three general categories according to the main factor used for allocation: resource-based formulas; child-based formulas; and cost-based formulas<sup>320</sup>. These formulas vary in their basic orientation, from reimbursing a fixed percentage of actual special education expenditures, to pupil “weighting” systems in which pupils with special educational needs generate a fixed multiple of the regular education pupil allocation, to systems that directly fund specified numbers of special education teachers, to fixed dollar grants per pupil<sup>321</sup>.

Resource-based (throughput) formulas: These formulas place the emphasis on the resources supplied, such as teachers or other personnel, rather than on the pupil, and hence have the advantage of focusing on the source of the cost. Another advantage of this approach is that it is less likely to cause overidentification of pupils with disabilities (so-called ‘bounty hunting’), since the link between child count and money is indirect<sup>322</sup>.

Under such a system, allocations are awarded based on an approved number of teachers, professional staff members other than classroom teachers, and aides. Advantages of such a system are that it is generally easy to understand, and it reflects the fact that

educational programme costs often do not occur on a per pupil basis. For example, if a district has a single special education class with a capacity for twelve children and is currently serving eleven children in this class, very little additional cost will be associated with adding a twelfth pupil. On the other hand, its highly specific focus on the teacher or special class unit can discourage mainstreaming efforts that might otherwise occur. Other disadvantages include the imprecise nature of allocations. For example, fixed allocation will be much closer to offsetting the cost of a new teacher as opposed to an experienced one, placing districts with veteran teachers at a financial disadvantage. This type of system also tends to limit local flexibility through determinations of when, and under what conditions, staff members will be approved for funding<sup>323</sup>.

In a system of fixed money grant per pupil, total government funding available for special education is divided by the special education count for the country in order to determine the amount of public grant to be received by regions or districts per pupil receiving special education. A newer variation of this approach is based on the total number of pupils in a region or district rather than the number of pupils receiving special education. This is generally known as a census-based approach<sup>324</sup>. The rationale for adopting such a system is that previous, more traditional funding mechanisms may provide fiscal incentives for identifying more pupils, and for designating them in higher reimbursement categories of disability, or in higher cost placements<sup>325</sup>.

<sup>319</sup> Parrish 2001:33.

<sup>320</sup> Hartman 1980:6-23.

<sup>321</sup> Parrish 2001:6.

<sup>322</sup> Hartman 1980:16.

<sup>323</sup> Parrish 2001:9.

<sup>324</sup> Parrish 2001:18.

<sup>325</sup> Parrish 2001:18.

Census-based approaches are often thought to be free of such incentives. However, in reality, incentive-free systems do not exist. For example, while a census-based system may remove incentives for identifying more pupils for special education and for assigning them to high cost placements, it can be argued that they create new incentives not to identify pupils for special education, and to use lower cost placements. Advantages associated with such a system are that it is very simple, and has very limited administrative requirements. It also tends to allow a great deal of local flexibility, in that it creates no fiscal incentive for putting a pupil in one placement or in one category of disability over another. Disadvantages are that expected cost variations are not reflected in such a system. Inadequacy of funding is also sometimes cited as a problem under such a system<sup>326</sup>.

Another major problem associated with census-based systems is that they assume an equal prevalence of pupils requiring special education services. That is, regions or districts of the same size receive the same amount of special education funding under such systems, based on an assumption of equal incidence rates for pupils with disabilities. In contrast, traditional special education funding systems are based on the notion that because some districts and states serve larger percentages of pupils receiving special education than others, they face higher special education costs and therefore should receive larger allocations of special education assistance<sup>327</sup>.

Child-based formulas: These use pupil enrolment or attendance as a basis for funding. In the weighting method, funding is based on a count of pupils served, with a weighting factor (usually varying according to types of disability) employed to differentiate this funding stream from regular per-pupil funding. This is usually two times as much as is allocated to pupils in regular education<sup>328</sup>. One form of child-based formula is the straight sum method, whereby funding is set at a fixed dollar amount per pupil. Such a method, which gives a single weighting to all disabilities, has been criticised for its potential to encourage identification of borderline cases that will be relatively inexpensive to serve, yet will yield the same public support as those individuals with greater (and more expensive) needs, thereby offering an incentive, indirectly, to disadvantage the most needy<sup>329</sup>.

On the other hand, if different weighting or money amounts are provided for certain programmes, this can influence placement in programmes that provide the most funds, regardless of need<sup>330</sup>. There is increasing evidence from around the world that ongoing struggles to obtain additional resources for particular pupils leads to increases in the proportion of children placed in categories of exclusion<sup>331</sup>.

An important child-based funding modality in education in Africa that often accompanies fee-free education, and which has a bearing on children with disabilities, is the use of capitation grants<sup>332</sup>. However, such grants have been too low to cover actual cost per pupil in many countries. Grant size per pupil

<sup>326</sup> Parrish 2001:10.

<sup>327</sup> Parrish 2001:21.

<sup>328</sup> Parrish 2001:6.

<sup>329</sup> Hartman 1980:16.

<sup>330</sup> Sage & Burrello 1989:138-139.

<sup>331</sup> Crawford 1990 cited in Ainscow 1993:243.

<sup>332</sup> Nishimura & Ogawa 2008:8

varied considerably among countries, from the equivalent of US \$14.00 per pupil per year in Kenya, to the equivalent of US \$2.70 for boys and US \$3.88 for girls in Ghana<sup>333</sup>.

In addition, in many instances, parents end up covering private costs of schooling (e.g. uniforms, development fees, examination fees, lunch, transportation and tutoring) that are higher than the capitation grant<sup>334</sup>. For instance, in Ghana, the mean cost of transporting children to school is about 24 times the capitation grant of approximately US \$3 provided by government in the name of ‘free’ education for primary school children. School uniform, which is compulsory, has a mean cost of more than three times the capitation grant, whilst school lunch, which is very important for children, costs on the average more than 23 times the capitation grant<sup>335</sup>.

There are various delivery modalities of capitation grants. In Kenya they are disbursed from central government directly to schools, while in – for example – Uganda and Ghana, they are disbursed via districts. Ideally, the capitation grant is calculated as the per pupil cost of primary education, but in practice, in the majority of countries in Africa, the amount of the capitation grant is more affected by whatever is available within the national account, and the aggregated amount at school level is lower than what schools used to collect from parents and communities prior to the implementation of fee-free primary schooling<sup>336</sup>.

With regard to the estimation of the amount of capitation grants for schools, a study proposes

a list of basic inputs needed at school level in order to obtain education of acceptable quality, estimating first a “minimum level of inputs” and second “desirable level of inputs”<sup>337</sup>.

Furthermore, the capitation grants, being targeted to public schools, fail to address the sharp problems of inequity between rural and urban households. For instance, the lack of government schools in rural parts of Africa has meant that rural communities take the initiative to build and staff their own community schools. A study of twelve Francophone African countries found that, in 2002, almost one-third of all primary school teachers were paid by parents, ranging from 4 per cent of such teachers in Niger to 68 per cent in Chad. This means that the poorest rural communities financed their children’s education, while better-off urban areas benefited from publicly financed teachers<sup>338</sup>.

Advantages often associated with weighted funding approaches we just discussed are that they are easy to understand, and are directly tied to regular education funding. A disadvantage is that their linkage to cost differentials for serving categories of pupils may not be based on careful analyses of prior expenditures, or on true cost differentials. Another possible disadvantage is that these funding differentials can create fiscal incentives for bounty hunting. In a similar vein, weighting systems based on placement also may not have a designation for regular classroom placements, which may create a disincentive to place pupils in the least restrictive environment<sup>339</sup>.

<sup>333</sup> MOESS 2006 cited in Ampiah & Yamada 2008:13.

<sup>334</sup> Nishimura & Ogawa 2008:9.

<sup>335</sup> Ampiah & Yamada 2008:25.

<sup>336</sup> Nishimura & Ogawa 2008:25.

<sup>337</sup> Rasera 2003, cited in Uythem & Verspoor 2005:293–321.

<sup>338</sup> Parrish 2001:7-8.

<sup>339</sup> Sage & Burrello 1989:139.



Cost-based formulas: One cost-based formula is the 'excess costs' method, whereby funding is provided by reimbursement of expenditures that are in excess of those for regular pupils, either totally or in part. This method is theoretically fiscally neutral if excess costs are fully reimbursable<sup>340</sup>. Districts may be reimbursed for 100% of their programme expenditures, or for some lesser percentage. Under such a system there is some basis for determining which costs are allowable and which are not. As with all special education funding systems, there may be overall caps on the number of pupils for whom costs can be claimed – for example, in such cases the claim by any individual district may not be able to exceed some specified percentage of the state-wide average claim per pupil<sup>341</sup>.

Because of the difficulty of providing an unlimited ceiling on claimable expenditures, experts advise reimbursement of excess costs, up to an established ceiling per child or per instructional unit, as a reasonable method. All cost-based approaches have the advantage of minimising the labelling of children, and they also permit maximum flexibility in programming alternatives, since expenditures may not necessarily be tied to specific alternatives<sup>342</sup>.

Proponents of such a system cite the benefits of a greater likelihood of adequacy of funding and reliability: for example, districts have a good idea of exactly how much they will receive in public special education allocation, and when they will receive it. Another advantage is that under such a system states generally have very good data on how much is being spent on

special education. However, critics argue that such systems tend to be costly and burdensome to administrate, and may also be difficult to control. A lot of time can be spent attempting to determine which costs are allowable and which are not. Moreover, the reimbursement may come the year after the costs are incurred, and such a system may not always take account of the spending capacity of districts<sup>343</sup>.

A comparison between the three approaches:

When comparing the three approaches, some believe that a resource-based, system-oriented approach is likely to be the most appropriate approach to funding the education of children with disabilities in the African context, given the highly complex nature of the alternative, namely the individual, child-funded approach.<sup>344</sup> Some education authorities argue that linkages between funding, placement, and disability labels, which have traditionally provided the foundation for special education funding, must be broken<sup>345</sup>.

Biklen (1989) criticises these funding mechanisms, whether for specific services, personnel, or pupils, in terms of their potential to differentiate education funding for children with disabilities from that for their non-disabled peers. He argues that earmarking funds for special education may confirm the impression that the education of children with disabilities is an add-on to an already existing system of education. He advises governments to fund the education of all pupils, without identifying any pupils or programmes as 'special'.<sup>346</sup>

<sup>340</sup> Sage & Burrello 1989:139.

<sup>341</sup> Parrish 2001:6.

<sup>342</sup> Sage & Burrello 1989:139.

<sup>343</sup> Parrish 2001:6&15.

<sup>344</sup> World Vision 2007:51.

<sup>345</sup> The National Association of State Boards of Education cited in Parrish 2001:17.

<sup>346</sup> Biklen 1989:9.

**Poverty-related funding:** Because of the fact that the number of pupils identified for special education is a poor measure of prevalence, and because of a plethora of perverse identification and placement incentives, a better proxy measure for true prevalence has been called for. This is behind the move towards adjusting special education funding based on pupil poverty. In an attempt to find a proxy measure for true prevalence, or the degree of special education need in a district, a funding amount is determined based on whatever general formula is being used, and then these allocations are further adjusted according to a 'poverty factor'.<sup>347</sup>

There are arguments for and against a poverty adjustment to special education funding. For example, while parental reports of disability diminish with family income, no relationship between the percentage of pupils in poverty and those in special education is observed. Some will argue that the first measure, showing a positive relationship between disability prevalence and poverty, is weak because it is based on parental reports, while others will argue that the latter relationship, showing no link between special education and poverty, is not strong because it is based on special education identification rather than prevalence rates.<sup>348</sup>

One of the arguments in favour of special education poverty adjustments is supported by evidence that suggests that sustained and intensive poverty results in conditions that lead to larger proportions of the school-age population needing special education services (e.g. poor health and nutritional care, as well as high levels of drug and alcohol abuse for

expectant mothers). Lack of current and accurate measures of pupil poverty and the risk of disproportionately placing minority students, who are more likely to be in poverty, in special education, are some arguments against such a system of funding.<sup>349</sup> This arrangement might also give the unwelcome impression that all children with disabilities are poor, or that all poor children are disabled.

### 2.6.11 The economic efficiency argument and human rights

The first question that comes to mind in the discussion of the economic efficiency and effectiveness of education is whether the issue of education can be reduced to economics in the first place. It should be borne in mind that access to publicly funded education services is a right that cannot and should not be reduced to the rationale of pure economic efficiency. Economic efficiency is generally understood to mean attaining the maximum units of output for each unit of input. In inclusive education, there is the further complexity of the economic purpose of education for pupils who may not become highly productive, in economic terms, in later life.<sup>350</sup>

In the history of funding the education of children with disabilities, many misled and stereotypical ideas have been held. For instance, the following recommendation was offered by the first Commission of Inquiry into the "education of the handicapped" in England, carried out by the Egerton Commission in 1884-9:

<sup>347</sup> Parrish 2001:22-23.

<sup>348</sup> Parrish 2001:23.

<sup>349</sup> Parrish 2001:24.

<sup>350</sup> Artiles & Dyson 2005:43.

The blind, deaf and educable class of imbeciles, if left uneducated, become not only a burden to themselves but a weighty burden on the State. It is in the interests of the State to dry up the minor streams which must ultimately swell a torrent of pauperism<sup>351</sup>.

Later, ideas were promoted based on economic rationale, framing the question in a belittling language like the following:

...how to make as many of the handicapped productive, while keeping the cost of any provision low so that the central and local government do not have to use too much money provided by non-handicapped tax-and rate-payers.

Similar attempts to link education of persons with disabilities to their economic productivity, or to provide for their needs as cheaply as possible, have been a major impediment to the financing of the education of persons with disabilities<sup>352</sup>.

In 1934, the Eugenics Society had this in its report:

We believe that few parents with any sense of responsibility who had had a defective child would not wish to examine the possibility that they were the victims of a heredity weakness; and we feel strongly that they were entitled, if they wish it, to the protection of sterilisation. We attach special importance to this recommendation because of its value in relation to the social problem group. There is abundant evidence that this group contributes much more than its numerical proportion to the total volume of defect, and an equal or even larger proportion of children of lower intelligence. This is not surprising, since the economic inefficiency of the defective tends to depress him to the lowest economic level. Defectives drift to the slums. Like marries like, and not only is the incidence of defect greater in this group, but the proportion of carriers is correspondingly greater<sup>353</sup>.

Such tendencies are sadly not just a thing of the past. The oft sought-after attributes of competition, excellence and 'marketisation' in modern life may also complicate the tendency to downplay the need to invest in children with disabilities, including in their education. This is why the ICESCR Committee, in its General Comment No 5, cautions against the risks associated with unwarranted trust in market forces alone in addressing the needs of persons with disabilities:

In the absence of government intervention there will always be instances in which the operation of the free market will produce unsatisfactory results for persons with disabilities, either individually or as a group, and in such circumstances it is incumbent on Governments to step in and take appropriate measures to temper, complement, compensate for, or override the results produced by market forces...<sup>354</sup>

The vision within the current neo-liberal political ideology of education implies that the best quality education is a 'commodity' to be rationed and competed for. Not only is knowledge itself regarded as a commodity for private consumption, but so are values of competitive individualism, separation, and exclusion<sup>355</sup>. In such a system, where both excellence and failure are considered individualised attributes, and where there is a competitive relationship between schools and pupils, pupils with disabilities might be seen as 'non-marketable commodities'<sup>356</sup>.

On the positive side, there are those who use the economic efficiency rationale to justify both special and integrated education. For instance, in the USA, studies conclude that the additional costs of special education are reimbursed to the community 35 times over

<sup>351</sup> The Egerton Commission Report, 1889, cited in Barton & Tomlinson 1984:67.

<sup>352</sup> Tomlinson 1982:38.

<sup>353</sup> Eugenics Society 1934:41-2.

<sup>354</sup> UN 1994, paragraph 12.

<sup>355</sup> Tomlinson 1994 cited in Vlachou 1997:5.

<sup>356</sup> Blackmore 2000:381.

through output and taxes paid within 10 years. Cost-benefit analyses show that for every dollar spent on special education, the adult with a disability will earn 11 dollars<sup>357</sup>.

Notwithstanding such good intentions, if it is not handled with care, the economic efficiency approach to education of children with disabilities may work against the children, especially if it becomes the sole basis for setting funding priorities. If seen purely under the lens of economics, the education of children with disabilities, especially in Africa, runs the risk of being considered an irrelevant luxury in the face of competing demands for scarce resources<sup>358</sup>. As Morris pointed out in 2006, this position is disturbingly well-reflected in the context of autism in Ethiopia:

After all, there are enough problems in this country of 77 million people that are far easier to confront. And so these tragically misunderstood children are left by the wayside. After all, in a nation of grinding poverty and little in the way of child care, what right do these 'naughty' children [children with autism] have to any sort of future?<sup>359</sup>

In spite of the temptation to weigh educational investments in terms of their economic payoff, from a human rights perspective, children should be able to enjoy their entitlement to the resources that their education requires, regardless of whether education succeeds in making them employable or economically self-sufficient in the future. Children with disabilities have a right to access public funds, and to benefit from them as much as their non-disabled peers. To consider the costs of educating children with disabilities merely from a financial perspective is an untenable argument in this age of human rights<sup>360</sup>.

### 2.6.12 Planning for post-school life

As discussed earlier, the Right to Education implies not only the right to education and the right in education, but also the right through education. As a consequence, education planners at school level and in curriculum design have to ensure that children leaving the education system prematurely, for whatever reason, have acquired the skills that will help them to integrate fully into society for a dignified life. This is what is called *transition planning*. Academic, social and behavioural goals, and those related to life after school, should be addressed in planning transition services<sup>361</sup>.

The Salamanca Statement draws attention to the need for transition planning in the education of children with disabilities and youth:

Young people with special educational needs should be helped to make an effective transition from school to adult working life. Schools should assist them to become economically active and provide them with the skills needed in everyday life, offering training in skills which respond to the social and communication demands and expectations of adult life. This calls for appropriate training technologies, including direct experience in real life situations outside school. Curricula for students with special educational needs in senior classes should include specific transitional programmes, support to enter higher education whenever possible and subsequent vocational training preparing them to function as independent, contributing members of their communities after leaving school<sup>362</sup>.

In its General Comment No 9, the CRC Committee explicitly outlines the role of education for career development and transition into the world of work for young persons with disabilities:

<sup>357</sup> Brouillette 1993:253:259.

<sup>358</sup> Mittler 1993: 9.

<sup>359</sup> Morris 2006:1.

<sup>360</sup> Hegarty 1995:16.

<sup>361</sup> Patton 2004:189.

<sup>362</sup> UNESCO 93:34, paragraph 56.

Education for career development is for all persons with disabilities regardless of their age. It is imperative to begin preparation at an early age because career development is seen as a process that begins early and continues throughout life. Developing career awareness and vocational skills as early as possible, beginning in the primary school, enables children to make better choices later in life in terms of employment<sup>363</sup>.

The Committee recommends that career awareness and vocational skills be incorporated into the years of compulsory education. It further suggests that:

In countries where compulsory education does not go beyond the elementary school years, vocational training beyond elementary school should be mandatory for children with disabilities. Governments must establish policies and allocate sufficient funds for vocational training<sup>364</sup>.

## 2.7 Some concluding remarks

Starting with the notion of education as a human right, education can be analysed through a rights-based approach. A human rights-based approach to education is founded upon three key principles:

1. Access to free and compulsory education.
2. Equality, inclusion and non-discrimination.
3. The right to quality education, content and processes<sup>365</sup>.

The view of education as a right is hugely important, since it is easy to lose sight of it, especially at a time such as now, when market forces increasingly govern public expenditure, and the instrumental view of education prevails. The right to education is enshrined in a host of international and regional human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the

Child and its General Comment No 9, the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, and the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

The principles and standards that underlie the right to education of children with disabilities have hopefully contributed to generic policy and legal blueprints being taken up by national governments and tailored for local application. Such principles, like equality and non-discrimination, and equity in funding regardless of whether or not disabled learners are going to be productive, are all important.

The human rights standards and educational principles discussed in foregoing chapters reveal, among other things, the following facts:

- All children have the right to equal opportunity and equal treatment without discrimination. Every child with disabilities is primarily a child, with the same rights to acceptance and education as any other child, with or without a disability;
- All children with disabilities are different. A child with disabilities is different from one who does not have a disability. In addition, however, one child with a disability is as different from another such child as two non-disabled children are from one another. Caution must therefore be exercised when putting children with disabilities into groups.

Equally importantly, a government's choice of schooling approach, and its decisions regarding the use of both special and inclusive schooling based on its level of development and resource availability, are important steps. Over and above the endorsement of the above

<sup>363</sup> UN 2006a, paragraph 68.

<sup>364</sup> UN 2006a, para 69.

<sup>365</sup> Tomasevski 2004.

noted human rights norms and educational principles, efforts at combating prejudices and negative attitudes are crucially important.

In summary, three major issues emerge strongly:

1. First and foremost, there is a need for governments to put in place law and policy frameworks that are in keeping with international and regional human rights norms and current pedagogic knowledge and practice.
2. Even when laws are strong and progressive, negative attitudes have the potential to undo legislative and policy efforts. As a report by Leonard Cheshire Disability points out:

Attempts to bully people into better practice with threats of legal action lead, at best, to a reluctant

and unconvinced compliance. Such tactics never win hearts or minds, and very often create resentment instead. If we believe we have a strong case that's fair and logical, and we present it reasonably, it should stand up on its own merits<sup>366</sup>.

3. The mere adoption of formal texts or the passing of edicts on rights may not ensure their unfettered translation into practice, which highlights a further issue: more grounded approaches towards implementation need to be adopted to supplement and expand the formal processes of domestic ratification or legislation of human rights instruments, including choosing appropriate schooling models, making available the appropriate funding, and supply adequately qualified teachers.

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<sup>366</sup> Leonard Cheshire Disability 2008:9.



### 3.1 Conclusions

Convergence has occurred, across cultures and nations, toward an ideal of human societies, in which – regardless of genetic endowment or physical or intellectual differences – children should have learning environments that enable them to develop a wide range of abilities, overcoming any obstacles they may encounter. The creation of human societies that value persons with disabilities individually, and find valued roles for them in society, should be the aspiration of us all.

This past decade has ushered in an unprecedented era of accountability for the cause of persons with disabilities. The ratification by many countries of the Convention on the Rights of Persons with Disabilities is a landmark achievement that goes a long way towards breaking down deep-seated, centuries-old habits of regarding persons with disabilities as ‘less equal’ and ‘less human’ than those without disability. The excruciating terminology and soul-destroying mix of socio-cultural, legislative and pedagogic practices that litter the sad history of disability, ranging from sterilisation to mass carnage, from wanton criminalisation to institutionalisation, are being relegated to the dustbin of history. The world will never be the same again for persons with disabilities.

Persons with disabilities, including children, are increasingly being given space to air their concerns. The inclusive struggle is more than ever before being built “on the timbre and pitch of disabled voices”<sup>367</sup>. Pressure groups in many countries have been playing a more assertive

and critical role in the empowerment struggle. Now, more than at any time in human history, we are close to achieving the ideals of social and educational equality and justice for all.

However, even though most African countries – with a small number of unfortunate exceptions – have ratified a host of human rights treaties that uphold the right to education of children with disabilities, limited attempts have been made to integrate these instruments into national laws, policies and education plans.

Fletcher puts the blame on national governments, which, rather than following current thinking, are “stubbornly clinging to antiquated paradigms and policies”<sup>368</sup>.

Africa has one of the largest populations of children with disabilities in the world, mainly as a result of war, poverty and inadequate access to health services. Despite their significant number, however, fewer than 10 per cent of children with disabilities in Africa receive an education. Some estimates even suggest that as little as one child with a disability out of a hundred attends any form of school in most African countries. Further, the limited education services that do exist are confined to major cities and towns, leaving the majority of children with disabilities in rural areas effectively excluded from services. Even among children with disabilities, certain groups are better served educationally than others, further complicating the situation of access.

<sup>367</sup> Slee 2005:158.

<sup>368</sup> Fletcher 2005:282.



This staggering degree of exclusion is the result of several factors, of which two stand out. First, only a few countries in Africa have adopted statements or policies that refer specifically to the education of children with disabilities. Second, even in countries where this has happened, laws and policies are not in keeping with the principles underlying the right to education enshrined in international and regional human rights instruments and current trends, perspectives and practice on the effective schooling of children with disabilities. This is partly the result of a lack of awareness of the relevant human rights norms and existing schooling options.

However, the world is on track to create a future for persons with disabilities that ensures and respects their unfettered right to a dignified life, including the right to education. More and more progressive and disability-friendly laws and policies are making momentous inroads into the political landscape. It seems that there is no longer room for debilitating statutes littered with 'deficit' discourses, declaring unashamedly that children with disabilities are uneducable, and that persons with disabilities are social 'parasites' incapable of self-reliance. Though far from sufficient, service systems are increasingly accessible, in every sense. No more should it be acceptable when children with physical disabilities have to crawl to the nearest health post, when visually impaired children fall into ditches, or when the hearing impaired are run down by reckless drivers.

Finally, as Lord and Guernsey maintain:

...realising human rights and fundamental freedoms for all frequently depends less upon the crafting of new laws and more on the development of a culture in which diversity is

accepted and accommodated. Thus, equalisation of opportunity for people with disabilities implies not only drafting new laws and introducing new models of disability policy but also exploring ways to ensure that the social construction of disability leaves room for difference<sup>369</sup>.

We need a society that cherishes difference as potential, and which seeks to tap that potential so that everyone, regardless of ability or disability, enjoys and contributes to the enjoyment of life in its fullness. Hence, the struggle is equally about confronting the tragedy of debilitating prejudices and negative attitudes.

### 3.2 Recommendations

Three major, overarching issues emerge from this synthesis report.

- First and foremost, there is a need for governments to put in place law and policy frameworks in keeping with international and regional human rights law and current educational knowledge and practice. This action is, *inter alia*, a function of the political commitment prevailing in any one country and the readiness to concretise legislative and policy promises through equivalent budget allocations.
- Secondly, the mere adoption of formal texts or the passing of edicts on rights may not ensure the unfettered translation of those rights into practice. More grounded approaches to implementation need to be adopted to supplement and bolster formal processes of ratification or legislation, including choosing the appropriate schooling and teacher training models.

<sup>369</sup> Lord and Guernsey 2003:60.

- Thirdly, the realisation of human rights for all does not only require the adoption of new laws and policies; it necessitates, even more importantly, the development of a culture of human rights, including the acceptance of diversity.

It should be recognised at the outset, however, that the complexity of the right to education, and specifically that of children with disabilities, means no simple, universal solution is available. The recommendations made in the following sections thus attempt to invoke the educational rights rhetoric, and to provide generic policy and legal blueprints, to be taken up by national governments and tailored for local application.

### 1. Guarantee a deep level of political commitment for equality and non-discrimination

The human rights principles of equality and non-discrimination are of critical importance in a successful process of inclusion. Such a process requires strong political commitment towards an equal and just society. The creation of an inclusive society requires the creation of those social preconditions that provide the necessary fertile ground for progressive realisation of the principles of social justice.

Even very specific factors, such as inclusion or exclusion of children with disabilities in education, boil down to political commitment at international and national levels, which primarily finds expression in laws and policies. Without political commitment, it is impossible to conceive, craft and implement change. Those at the pinnacle of power wield the authority to facilitate or hinder inclusion, not only via their discretion to influence law and policy-making processes, but also through their support for particular causes.

Political commitment also ensures the putting in place of appropriate administrative support for the education of children with disabilities, which has two major advantages: it shapes the nature of the provision made, and it provides the co-ordination that is necessary. The impact of the administrative arrangements on the nature of provision can be seen clearly in relation to integration and inclusion. When special education is administered quite separately from the general education system, it is difficult to achieve much integration or inclusion at the level of practice. Even if the policy is in favour of integration or inclusion, the separation of funding, teacher supply and curriculum design entailed by separate administrative arrangements places major obstacles in the way of implementing policy.

### 2. Create awareness, challenge belittling attitudes and discourses and ensure protection against violence at professional and community levels

Attitudes and cultural prejudices towards disability, and the discourse that accompanies them, have for a long time interfered with efforts to educate children with disabilities. Societal attitudes and culture are reflected in the language and discourse of any given society. The way we define others prescribes the way we conceptualise their needs, and hence has a strong bearing on the kinds of services to which they get access.

Language used in daily interactions and in professional discourse can have debilitating effects, leaving false impressions of 'feeble status' and of 'low value' attached to the life of the person with a disability. The terms, labels and stereotypes used to characterise people with disabilities are a reflection of socio-economic and cultural developments, and the different ways in which policy and service provision are associated with particular

perceptions of need. Historically, therefore, people with disabilities have experienced a range of responses in both official and informal discourses.

The crucial importance of language in dictating service provision necessitates the minimisation of the use of laboratory, medical, or other professional language that may cause people to view children with disabilities, or the services given to them, as fundamentally apart from general education. Yet, as language and terminology are a reflection of prevailing attitudes, change in the use of the prevailing language can easily come about when there is a genuine change in attitude. If not accompanied by a change in attitude, a change in language and terminology alone will bring about little favourable change in access to services.

There are various groups the attitudes of which matter, including teachers, parents, the pupils with disabilities themselves, and other pupils. Although the general picture across categories of disability is mixed, negative attitudes predominate, particularly in the case of teachers and other pupils who have had limited prior experience of disability. Social discrimination and stigmatisation of children with disabilities lead to their further marginalisation and exclusion, and may even threaten their survival and development if they go as far as physical or mental violence.

It is important to foster positive attitudes at both professional and societal levels in order to ensure true inclusion. Three approaches to this task are possible: role modelling, creating awareness-raising programmes, and fostering school–community relationships.

Further, to change the attitudes of parents, it is helpful to prepare and deliver appropriate training sessions to parents or caregivers, as well as to provide counselling to parents,

whereby skills on how to cope with their children's disabilities are imparted. Experts, including teachers and medical practitioners who come in contact with the child with disabilities, need to share information about the children in question with parents or caregivers.

Peer attitudes can be challenged through inclusive school clubs and school-level sensitisation programmes. For instance, schools can facilitate interactions between disabled and non-disabled pupils through assuring physical proximity, teaching listening, openly valuing people with disabilities, encouraging cooperative teaching and learning, and making it a practice to look for and celebrate each pupil's gifts.

Schools can also improve the curriculum to include explanations of disabilities, exposure of pupils to adults with disabilities who may be seen as role models, puppet shows about disabilities that encourage pupils to explore their feelings about difference and help them appreciate their essential similarities, children's stories, or any other content that teaches about people with disabilities.

Paragraph (42) of the General Comment No 9 of the CRC draws attention to the crucial issue of violence against children with disabilities in institutions, including homes and schools. It is often quoted that children with disabilities are five times more likely to be victims of abuse. In the home and in institutions, children with disabilities are often subjected to mental and physical violence and sexual abuse, and are also particularly vulnerable to neglect and negligent treatment, since they often present an extra physical and financial burden on their families.

In its thematic report on violence against children with disabilities, the UN Secretary General's Report on Violence against Children

stated that children with disabilities are less likely to protect themselves, flee from their attackers or report to the police. To complicate things further, all too often, charges of violence or rape from individuals with a disability are dismissed by police or judges who are unfamiliar with disability – with the assumption that a ‘misunderstanding’ has occurred or that individuals with disability are easily confused. This underlines the urgency of the need to provide extra legal and police protection for children with disabilities, including the provision of free legal services and psychosocial counselling.

### 3. Make law and policy changes that are contextually relevant and feasible

Knowing the human rights and educational ingredients that inform a law or policy is not enough. First of all, the so-called human rights and educational standards may not necessarily be compatible with a country’s local culture and traditions. Secondly, the country’s capacity may not be sufficient to allow the fruitful assimilation of the incoming knowledge.

Put otherwise, there is a delicate balance to be struck between wholesale, naive importation of traditions from outside one’s local context and wholesale, uncritical allegiance to local traditions. In law and policy making parlance, this tension refers to the balance between making laws and policies that reflect local values, traditions and capacity, and opening up one’s policy space to learning about progress made elsewhere, to allow tailored use, in the local context, of what is learned.

On the first point, the forms of educational practice labelled as ‘inclusive education’ have a strong local flavour; some writers even ask whether issues which preoccupy North American and European education systems –

mainstreaming, education in the least restrictive environment, individual education plans, targeted funding, the use of the courts to enforce rights of access, quality training programmes for teachers – bear any relevance to children in developing countries.

The conclusion must be that experience from elsewhere should be used as a catalyst rather than a template, thereby respecting local cultures and promoting local solutions, without at the same time implying that the local should be accepted uncritically simply because it is local.

The second point deals with the sensitivities surrounding the importation of knowledge from outside, and taking in the best from other cultures and traditions. Implied in this assertion is the search for a short cut to development by passing directly from a simple to a much more sophisticated model, without introducing intermediate ones.

The challenge to law makers in developing countries, including those in Africa, might be to, as Herr put it:

...balance realistic aspirations with low-cost, largely non-institutional special education models that respect human right and the values, beliefs and practices of their own cultures. Laws which fail the tests will be irrelevant or little more than pious wishes<sup>370</sup>.

It then becomes self-evident that governments should avoid ‘policy hysteria’ by refraining from introducing:

...a flux of successive and evanescent reforms, designed to construct short-term political support for current policies that address reflections and deflections of the real problems society faces<sup>371</sup>.

In summary, any law or policy reform related to the education of children with disabilities has to come to terms with the following crucial assumptions:

<sup>370</sup> Herr 1993:49.

<sup>371</sup> Stronach and Maclure 1997:90.

- Firstly, differences among children should be seen as both natural and enriching. It is not necessary or helpful to equate difference with deviance; rather, the ways in which we respond to differences reflect our own values about diversity.
- Secondly, the best interests of all people are served by encouraging their interaction with a broad range of other people. Purposive, thoughtful heterogeneity enriches us all.
- Thirdly, the primary responsibility for any lack of fit between the child and the school rests with the school. It is the responsibility of education professionals to create structures which can respond to children's differences while respecting their individuality, maintaining their full dignity, and keeping them connected to the broader school community. This aspect of school organisation covers such issues as curricular reform, teacher development and fiscal constraints. Hence, any effort aimed at reforming laws and policies as they relate to the education of children with disabilities must address these issues.

Regarding the format that laws and policies on the right of persons with disabilities should take, the *Standard Rules on the Equalisation of Opportunities for Persons with Disabilities* provides a clear recommendation:

The rights and obligations may be incorporated in general legislation or contained in special legislation. Special legislation for persons with disabilities may be established in several ways: (1) by enacting separate legislation, dealing exclusively with disability matters, (2) by including disability matters within legislation on particular topics, and (3) by mentioning persons with disabilities specifically in the texts that serve to interpret existing legislation<sup>372</sup>.

The recommendations made in the Sundberg Declaration, mentioned earlier, should be followed in preparing any medium or long-term strategy on education for persons with disabilities, thereby ensuring emphasis on participation, integration, personalisation, decentralisation, and interprofessional co-ordination. The Declaration encourages States Parties that have not yet begun a programme for inclusion to introduce the necessary measures to achieve this goal, but cautions countries to maintain:

...a continuum of services and programme options in circumstances where fully inclusive education is not feasible to achieve in the immediate future<sup>373</sup>.

#### 4. Ensure equitable and adequate funding

The realisation of the intent of any law or policy is heavily dependent on the issue of funding and how that funding is applied. Despite the crucial importance of funding in the realisation of the right to education of children with disabilities, laws and policies are by and large silent on how to fund the education of such children. This is deplorable, because it shows the extent of neglect on the part of policy makers, betraying their failure to concretise political commitments made in laws and policies into actual services.

Funding is the lynchpin linking policy and practice. Without adequate finance and without appropriate funding mechanisms, legislative and policy rhetoric has very little practical significance. Yet, experience of funding the education of children with disabilities has been limited in Africa, mostly due to the lack of a skill base in the various approaches to such funding, and to poverty.

<sup>372</sup> UN 1993, Rule 15, item 3.

<sup>373</sup> UN 2006a, para 66.

First and foremost, governments should bear in mind that people are entitled to the resources that their education requires, regardless of whether or not education succeeds in making them employable or economically self-sufficient. The obligation of governments to allocate resources for the progressive realisation of the rights of their people is unequivocally stated in the International Covenant on Economic, Social and Cultural Rights (ICESCR):

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the present Covenant by all appropriate means, including particularly the adoption of legislative measures<sup>374</sup>.

Governments should refrain from treating the funding of the education of children with disabilities in purely economic efficiency terms. Such an approach runs the risk of considering education of such children as an irrelevant luxury in the face of competing demands for scarce resources.

Even in situations where resources and political commitment are in place, many countries are constrained by the logistical complications associated with ensuring that each penny aimed at the child with a disability really benefits him or her. This is partly because of the individualised nature of the education of each child with disabilities, and partly with the great deal of flexibility required in funding the education of children with disabilities.

The mechanisms of educational financing may be as important as the amounts allocated in shaping the provision of programmes. Even

the simplest funding systems contain incentives and disincentives that directly influence the orientation, quantities, and types of services provided at local level. The challenges facing the funding of the education of children with disabilities also relate to the conflicting nature of the various fiscal principles of simplicity, flexibility, accountability, and equitability. For example, provisions that increase flexibility will often decrease accountability, and may also bring standards of programme adequacy into question. A formula that is easy to understand and that reduces local reporting burdens may be the most effective for allocating limited special education resources where they are most needed.

### 5. Supply qualified teachers who demonstrate compassion and commitment

The teacher is the most precious and valuable of school resources. It is the teacher's management of the learning environment that determines effective learning for all.

Any teacher training institution has to find sustainable solutions to ensure that trainees can be helped to acquire and demonstrate the necessary competencies to qualify as teachers. Trainees need to understand themselves as part of an inclusive process of learning about others; to be supported in maximising pupil achievement and ensuring inclusiveness; to understand the features of particular impairments; to handle that knowledge sensitively to avoid disempowering individual pupils; and to identify the assistance that can be given to teachers to enable them to deal with the exclusionary pressures they encounter, and to help them avoid becoming embittered or closed to possibilities for inclusiveness in the future<sup>375</sup>.

<sup>374</sup> ICESCR, Article 2(1).

<sup>375</sup> Allan 2003:142-143.

In order to ensure that teachers have the required skills, teacher education should ensure that curriculum texts about inclusion are less ambiguous and more practical; should reduce the influence of tradition in teacher education; and should develop collective cultures to incorporate new ideas. Teachers need to understand human rights principles and standards, as well as their country's respective laws and policies on the issue, and to be able to give research a more prominent role in analysis and discussions of how to teach and what to teach, both in teacher education and in school<sup>376</sup>.

Finally, on the attitudinal and moral fronts, elements of good cultures and practices should be practised in teacher development for inclusion. Teachers should:

1. Be generous towards, and tolerant of, a diversity of ability, culture and behaviour.
2. Recognise that all children have the right to be heard and recognised as persons in schools.
3. Ensure that every child feels that his or her presence is important to others.
4. Meet the child with positive expectations and with an emphasis on his or her success.
5. Learn to appraise the fact that some children think differently, but that their thinking is not necessarily wrong, and that it is important that everybody feels concerned about the wellbeing and development of the school – pupils, teachers, other staff, and carers<sup>377</sup>.

## 6. Foster a fruitful engagement between home and school

The challenges facing the implementation of inclusion in schools include the difficulty of envisaging inclusive schools within a society that pursues policies and practices that exclude some of its citizens from participation. This fact signals the need for partnership between schools and the community at large, in which the home and family is the singular important unit. Parents are instrumental in the overall upbringing of their children, and not least in their education.

For a number of reasons, however, their role has largely been limited to the home setting. Without home-school relationships, there cannot be effective pedagogic progress in the life of the child with a disability. The responsibility for home-school relationships lies with both schools and parents or caregivers. Schools striving towards inclusion have to aim at fostering a fruitful school-community partnership, in order to ensure that efforts within the school compound are extended to the larger community.

Legislation that guarantees the right of parents to be consulted on their child's assessment and any decisions taken as a consequence can help to narrow the gap between rhetoric and practice, by ensuring that parents are truly partners in the decision-making process. Without this legislative support, parents are dependent upon the goodwill of professionals, and have no effective redress in the event of disagreement. Finally, legislation can help to

<sup>376</sup> Haug 2003:113.

<sup>377</sup> Nes and Stromstad 2003: 122-123.

change attitudes. What is required by statute has more status than what is optional. A country that legislates for special educational provision confers legitimacy on that provision, and makes it more likely that professionals, parents and the public will view it in a positive way.

Three strategies are recommended: the empowering of parents; changing the roles of professionals; and working toward community participation (which provides a natural context for parental involvement in special educational provision). Parents and families are part of a community, and a holistic involvement of the former also involves the wider community in its support and responsibility capacities<sup>378</sup>.

### 7. From rhetoric to practice: make individual schools as inclusive as possible

Once laws and policies are enacted, they may not be translated directly into practice according to their original intent. Implementation takes place in economic, political, and social environments that virtually ensure that tensions will be present at the time and place of policy implementation. In other words, rights, laws, policies and funding formulas will remain empty rhetoric unless they touch the ground in the school system. This is the arena where laws and policies are translated into practice, and where the child with a disability ultimately feels truly included or excluded.

The school is one of the most important arenas, next to the family, in the life of a child with a disability. Therefore, even though a school culture is an extension of overall societal culture, it has its own peculiar ethos and traditions, which have a bearing on the degree of inclusion or exclusion of the child. Therefore, the degree of physical and

economic accessibility of the school, the child-friendliness of the school, the way the school is organised and managed, and the way the curriculum is implemented, all impact on a child's education, determining the final degree of inclusion or exclusion of the child in school and in society, now and in the future as an adult.

The first important consideration is the need to move away from a focus on changing the individual, to changing the system and eliminating the barriers it imposes. Secondly, that shift in paradigm and understanding about inclusion has to reflect itself in every facet of school life: when hearing pupils are prepared to learn signing to communicate with their peers with hearing impairments; when non-disabled pupils take responsibility for helping pupils in wheelchairs to get around the school; and when pupils with more severe disabilities share playtime activities with their peers. Schools where such a culture prevails are schools for all children, with one teaching staff, and with all children taking part in school-wide events.

To be fully inclusive, schools need to be both physically and epistemically accessible. Physical accessibility can be improved by ensuring that persons with disabilities have access, on an equal basis with others, to the physical environment, to transportation, and to information and communications, by removing the physical barriers posed by stairs, doorways, toilets, and water taps.

Epistemic accessibility can be improved by using special materials that facilitate the accessibility and learning of pupils with disabilities by removing barriers of the teaching system, including through providing

<sup>378</sup> Hegarty 1995:2 and 25.



facilities for accessing information related to the curriculum; through the use of modern technology, like computers using specialised software; by providing awareness and sensitisation trainings and solutions for teachers; and by removing the barriers of the examination system, providing instead a means of free and fair evaluation of pupils' knowledge, irrespective of their sensory and physical status.

The increasing sophistication and precision of technology and medical science, which has also offered a new frontier in facilitating physical and epistemic access for pupils with disabilities, is an area from which governments and schools can benefit.

Every effort must therefore be made, in terms of curricular and instructional organisation and management, to ensure that children benefit from their education. Schools have to make available appropriate learning materials and equipment, and must ensure that the manner in which learning is assessed does not impede learning.

In short, in their quest for inclusion, schools must inculcate within their staff and pupils an appreciation of how a child's disability is more than, as Ferguson and Asch (1989) put it<sup>379</sup>, some "bothersome hangnail to be clipped off and forgotten as quickly as possible".

The school must appreciate the uniqueness of the child. Such uniqueness not only includes that child's disability, but in some cases relies upon it.

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<sup>379</sup> Ferguson & Asch 1989:133.

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