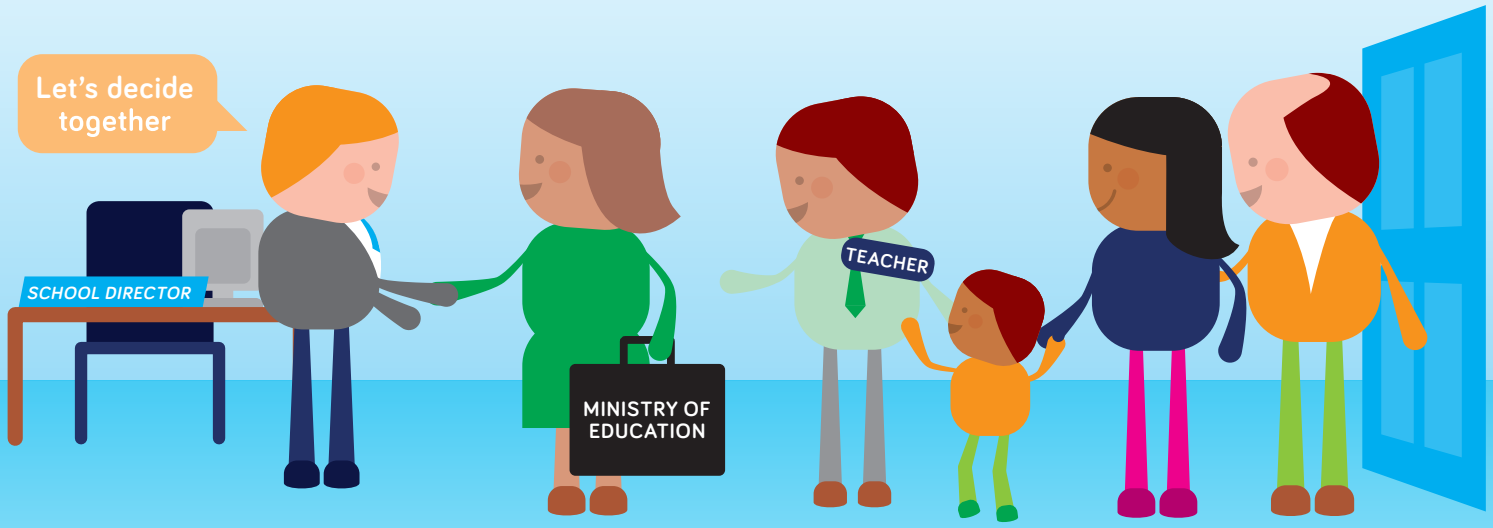
Legislation and Policies for Inclusive Education

Webinar 3 - Companion Technical Booklet



unicef

© United Nations Children's Fund (UNICEF) 2014

About the author: Gerison Lansdown was the founder director of the Children's Rights Alliance for England, and is now an international children's rights consultant and advocate who has published and lectured widely on the subject of children's rights. She was actively involved in the negotiations for the Convention on the Rights of Persons with Disabilities, is a senior associate of the International Institute for Child Rights and Development in Victoria, and Chair of the Child-to-Child Trust. She is on the editorial advisory board of the Canadian Journal of Children's Rights and was formerly Vice Chair of UNICEF-UK.

Permission is required to reproduce any part of this publication. Permission will be freely granted to educational or non-profit organizations. Others will be requested to pay a small fee.

Coordination: Paula Frederica Hunt
Editing: Stephen Boyle
Layout: Camilla Thuve Etnan

Please contact: Division of Communication, UNICEF, Attn: Permissions, 3 United Nations Plaza, New York, NY 10017, USA, Tel: 1-212-326-7434;
e-mail: nyhqdoc.permit@unicef.org

With major thanks to Australian Aid for its strong support to UNICEF and its counterparts and partners, who are committed to realizing the rights of children and persons with disabilities. The Rights, Education and Protection partnership (REAP) is contributing to putting into action UNICEF's mandate to advocate for the protection of all children's rights and expand opportunities to reach their full potential.

Legislation and Policies for Inclusive Education

Webinar Booklet

What this booklet can do for you 4

Acronyms and Abbreviations 6

I. Understanding a Rights-Based Approach to Inclusive Education 7

II. Assessing the Country Context 9

III. Specific Legislation and Policies to Implement Inclusive Education 12

- Access to and Availability of Inclusive Education 12
- Removing the Attitudinal Barriers to Inclusive Education 17
- Respecting Identity, Culture and Language 20

IV. Government-Wide Structures to Support Inclusive Education 21

- Responsibility for the Education of all Children within the Education Ministry 21
- Co-ordination of Policies across Governments 23
- Devolved Government Structures 27

V. General Legislation and Policies to Support Inclusive Education 29

- Ending Institutionalisation 29
- Guaranteeing the Right to Non-Discrimination 34
- Right to Respect for Personal and Physical Integrity 35
- Respect for Children's Participation Rights 38

VI. Summary of Key Points 41

Endnotes 42

What this booklet can do for you

The purpose of this booklet and the accompanying webinar is to assist UNICEF staff and our partners to understand the laws and policies that need to be introduced in order to provide the necessary environment for inclusive education.

In this booklet you will be introduced to:

- *A rights-based approach to inclusive education.*
- *An overview of the broad measures across government needed to underpin inclusive education.*
- *The case for dedicated legislation and policies to introduce inclusive education.*
- *The barriers impeding access of children with disabilities to inclusive education.*
- *The measures needed to ensure respect for the rights of children with disabilities within education.*

Learning objectives

This module will provide an overview of the legislation and policies, consistent with international human rights standards, that need to be adopted in order to create the necessary environment in which it is possible to introduce and sustain the right to inclusive education for children with disabilities. It will build on the rights-based framework that was described in the first module to this series. The learning objectives are:

- To appreciate the overall focus of a rights-based approach to inclusive education.
- To describe the specific measures needed to create inclusive quality education.
- To understand the importance of government structures necessary to support inclusive education.
- To describe the broad-based legislation and policy provisions needed to build the environment for inclusive education.
- To recognize the barriers impeding the right to inclusive education.

For information on the following related topics, refer to the other modules in this series:

1. Conceptualizing Inclusive Education and Contextualizing it within the UNICEF Mission
2. Definition and Classification of Disability
3. Legislation and Policies for Inclusive Education *(this booklet)*
4. Collecting Data on Child Disability

5. Mapping Children with Disabilities Out of School
6. EMIS and Children with Disabilities
7. Partnerships, Advocacy and Communication for Social Change
8. Financing of Inclusive Education
9. Inclusive Pre-School Programmes
10. Access to School and the Learning Environment I – Physical, Information and Communication
11. Access to School and the Learning Environment II – Universal Design for Learning
12. Teachers, Inclusive, Child-Centred Teaching and Pedagogy
13. Parents, Family and Community Participation in Inclusive Education
14. Planning, Monitoring and Evaluation

How to use this booklet

In this booklet, you will find boxes elaborating key issues, case studies, additional readings and suggested activities to strengthen learning for action.

If, at any time, you would like to go back to the beginning of this booklet, simply click on the sentence "Webinar 3 - Companion Technical Booklet" at the top of each page, and you will be directed to the Table of Contents.

To access the companion webinar, just scan the QR code.

Acronyms and Abbreviations

CBR	Community-Based Rehabilitation
CEE/CIS	Central and Eastern Europe and Commonwealth of Independent States
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
PSGs	Parent Support Groups
NGO	Non-Governmental O rganization
WASH	Water, Sanitation, Hygiene

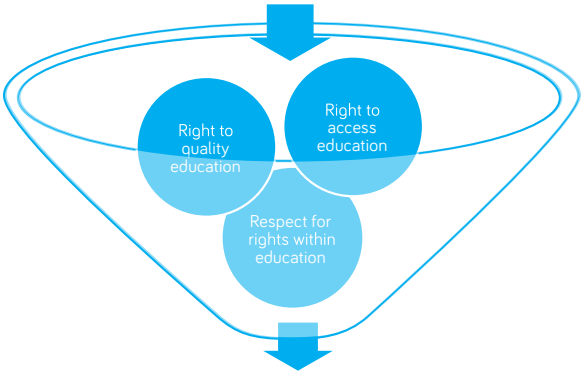
I. Understanding a Rights-Based Approach to Inclusive Education

A human rights-based approach to inclusive education requires an understanding of inclusion as an approach to education for all children, based on the provisions of both the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD). It represents a profound change in the way most education systems are conceived, necessitating a commitment to creating systems and schools which respond to the needs of individual children, rather than forcing children with different learning needs to comply with a rigid, pre-determined structure. In order to bring about such a change, investment is needed in a broad range of measures to remove the barriers which impede implementation of inclusive education and build the framework on which it can be sustained.

In the previous booklet, you were introduced to a framework for understanding a rights-based approach to education. It is reproduced here in Figure One.

Figure 1

Commitment to the right of every child with a disability to inclusive education through legal reform, policy and guidance, service delivery, attitudinal and cultural change, respect for human rights, training and support for teachers, and participatory engagement with children and families.



The right to inclusive education

Cross-departmental government structures; de-institutionalisation; data collection; financing; capacity building; participation and partnerships; transparency and accountability.

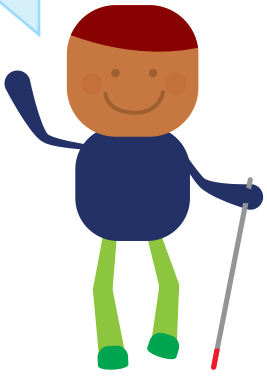
In this framework, you will see that there are a number of 'building blocks' that need to be in place to support a rights-based approach to education for all children with disabilities. First, inclusive education requires a broad-based acknowledgement and commitment from government, drawing on the responsibilities of many different government departments to realize it. Inclusive eduction involves the introduction of a comprehensive foundation of legislation, policies, strategies, guidance and services to build the culture, environment and commitment necessary to remove the barriers to quality education for all children with disabilities. Building on such a framework, investment is then needed in specific measures for the education system to address:

- The right of every child to education, together with a systematic approach to identifying and removing the barriers and bottlenecks that impede access.
- The right to quality education that provides a relevant curriculum delivered through a pedagogy which reflects the different ways in which children learn, and creates a learning space which includes rather than excludes children.
- The right to an education which is respectful of the cultural, protection and participation rights of children – in other words, an environment in which they are safe, their physical and emotional integrity respected and their voices heard and taken seriously.

This booklet will focus on both the general and education-specific legislation and policies described in the framework.

Together, the introduction of these measures will provide the infrastructure within which it is possible to develop and sustain inclusive education for all children.

For other areas of both government-wide and education-specific policy necessary for supporting inclusive education, such as data collection, financing, partnerships, training, access to the learning environment and monitoring and evaluation, see the relevant booklets in the series.



Notes

II. Assessing the Country Context

Every country will be at a different stage of development in relation to appropriate legislation and policies for inclusive education, as well as in securing the necessary political will and attitudinal change. In addition, there are wide variations in how states have traditionally responded to children with disabilities and these variations will influence the measures that are needed to promote inclusive education. In recent years, there has been significant progress in many developed countries towards inclusive education, backed up by legislation, community-based services and specialized teaching support. However, a different picture emerges in some regions, such as in Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS), where the context is one in which significant investment had been made in the creation of specialized institutions to care for children with disabilities. Most children with disabilities were expected to be cared for in these institutions, and accordingly little or no development of community-based support services existed. Efforts are now being made to unlock the financial resources embedded in these institutions and to re-focus professional training towards inclusion and community-based care, but there is still a long way to go before it will be possible to establish inclusive education.

By contrast, in many developing countries there are few institutions or other forms of support, and families are left largely without support of any kind to help them care for children with disabilities. Very few have traditionally provided an education of any kind for children with disabilities. In such contexts, therefore, it will be necessary to invest in education and communication with families, communities, policy-makers and other key stakeholders to raise awareness that children with disabilities have both the right and the capacity to learn, as well as creating the basic infrastructure of inclusive education.

Finally, in those countries facing conflict and humanitarian disasters, education and care systems for all children are often significantly destroyed or weakened. However, the reconstruction process, when significant resources are being invested, provides a real opportunity to build towards a more inclusive approach. It can sometimes be easier to establish inclusive education when starting a new system than to unpick and re-design existing services. But this requires effort and advocacy. Often this opportunity to rebuild in an inclusive manner may be lost if adequate pressure is not brought to bear on different stakeholders.

Activity One

You can use the following matrix to undertake a broad assessment of where progress in the introduction of necessary legislation and policies, if any, has been made in your country. If possible, this process should be undertaken as a group activity involving all relevant stakeholders. Once you have undertaken this assessment, it will help you identify the legislative and policy priorities for action and which areas require action to move forward in promoting inclusive education.

PLEASE NOTE: the criterion in each box of the matrix is there to provide indicative guidance of progress. Your country context may not match it precisely, but you can use it as a general guide.

Legislation and policies for IE	Championing (Score 4)	Established (Score 3)	Initiating (Score 2)	Weak (Score 1)
1. Every child has the right to education	There is a law/policy establishing the right of all children to receive an education in inclusive settings, with an explicit mention of children with disabilities. A common/ general education sector plan/policy is in place that is inclusive of all children, in outreach and practice, and addresses issues of equity.	There is a law/policy establishing the right of all children to receive an education, with an explicit mention of children with disabilities. A separate inclusive education policy/ plan is in place.	There is a law/policy establishing the right of all children to attend school, which implicitly but does not explicitly include children with disabilities.	No law/policy establishing the right to education for children with disabilities.
2. The school and learning environment is accessible	Government invests in widespread consultation with disability community to identify and remove physical, transport, communication and attitudinal barriers impeding the access of children with disabilities to and within school. Policies, supported by resources, introduced to take action on those barriers. All schools have accessible classrooms and/or reasonable accommodations that remove all communication and physical barriers (including accessible toilets and recreation areas).	More than half of schools have accessible classrooms and toilets, including through communication accommodations. Government recognizes the existence of multiple barriers, and is taking action on a case-by-case basis, with no overall policy.	Less than half of the schools are accessible (including toilets). Some schools may have accessible classrooms, or use makeshift ramps. No communication accommodations such as provision of signing. Government recognizes need to address the physical and communication barriers impeding access to school, including stairs, narrow doors and inaccessible transport. No overall policy or resources available to remove these barriers. No action on other barriers.	Medical model of disability prevails. No investment in analysis or removal of barriers impeding access to inclusive education.
3. Teachers, including teachers with disabilities, are supported to work in inclusive education settings	The policy/plan on inclusive education includes recommendations to pre- and in- service training to prepare teachers for inclusive approaches to education, and provide on-going capacity development and support. Steps have been taken to implement the policy. Government has made an explicit commitment to recruit and train teachers with disabilities. Any legislative barriers to their recruitment have been removed. Investment made in training colleges to promote and support access.	The policy/plan on inclusive education includes recommendations to pre- and in- service training to prepare teachers for inclusive approaches to education. Government has made an explicit commitment in principle to recruit and train teachers with disabilities. Policies to support their recruitment not yet implemented.	Government is developing proposals for training to support inclusive education. Government willing to recruit teachers with disabilities. No proactive investment to enable this to happen.	No plans are in place to provide teachers with training on inclusive approaches to education. No teachers with disabilities are in place in schools. No policies or commitment to recruit them.
4. Every child has right to protection from discrimination on grounds of disability	Non-discrimination on grounds of disability is in both constitution and legislation, backed up by clear policies, and strategies to promote implementation and provide mechanisms for enforcement.	Legislation is in place to guarantee non-discrimination on grounds of disability but no action taken to ensure implementation.	General discrimination law is in place but no specific reference to disability – included under 'or other status' or equivalent.	No protection from discrimination exists in legislation or the constitution.

Legislation and policies for IE	Championing (Score 4)	Established (Score 3)	Initiating (Score 2)	Weak (Score 1)
5. Children are protected from all forms of violence in schools	Legislation bans all forms of corporal or other humiliating punishment in all schools. Legislation is widely promoted and teachers trained in positive forms of discipline. Schools are required to have anti-bullying strategies that take full account of the particular vulnerability of children with disabilities to violence, and to gender-based dimensions of violence.	Legislation bans all forms of corporal punishment in schools, but little support is provided to teachers to ensure its implementation. Children are largely unaware of the legislation.	Government policy discourages use of corporal punishment but it is not prohibited.	No legislation banning corporal punishment in schools, and no policies on bullying.
6. Children have a right to democratic participation in schools and to be consulted on education policy	There are mandatory student councils and school management committees where students have real control over important decisions. Student councils are fully representative of the student body, and children with disabilities play an active part. Government consults children with disabilities on how to strengthen inclusive education.	Student councils are widespread in mainstream schools, but only in a few special schools. In inclusive schools, children with disabilities tend to be excluded from participation in school councils.	There are student councils in a few mainstream schools, but no opportunities at all for the voices of children with disabilities to be heard.	There are no student councils or other mechanisms in any schools through which children can voice their views.
7. Access to education for children with disabilities is the responsibility of education ministry	The ministry of education is responsible for the education of every child, and has explicit policies in place to reach out to all children with disabilities to ensure that they are in school.	Education for children with disabilities does rest with education ministry but it has limited resources and/or commitment, and many children with disabilities remain out of school.	Government is proposing to transfer responsibility for education of children with disabilities to the education ministry but there is no deadline in place.	Responsibility for all matters affecting children with disabilities rests with the ministry of health, social welfare or equivalent.
8. A government-wide and coordinated approach to inclusive education is in place	A clear government-wide policy for inclusive education is in place involving ministries of education, social welfare, child protection, health, transport, planning, water and sanitation, finance, etc.	A government-wide policy for inclusive education is in place but only limited progress is made in its implementation.	Some collaboration exists between key departments but it is ad hoc and informal.	No co-ordination exists between government departments.
9. Children with disabilities are cared for and supported within their families or substitute family environment	Children with disabilities are supported through community-based support services to live with their families. A time-framed national strategy, backed up by legislation, is in place to close down any existing large institutions caring for children with disabilities and transfer resources to mainstream education and inclusive community-based services.	Government is committed to ending institutional care but no national strategy is in place. Action happening on a piecemeal basis only. Some financial provision and services to support families of children with disabilities living at home have been introduced.	Government acknowledges the detrimental impact of institutional care for children and plans to move towards their closure, but no implementation to date. Limited support only for families of children with disabilities.	Children with disabilities are commonly placed in institutions and no action is being taken to limit the numbers in institutional care. No community-based support services exist for families with children with disabilities.

III. Specific Legislation and Policies to Implement Inclusive Education

Access to and Availability of Inclusive Education

Article 24 of the CRPD, as well as Article 28 of the CRC, asserts the right to education on the basis of equality of opportunity for every child. The CRPD also emphasizes that this must be provided in inclusive systems at all levels. It explicitly requires that children with disabilities are not excluded from the general education system on the basis of disability. They are entitled to inclusive, free and quality education on an equal basis with others in the communities in which they live. The Committee on the Rights of Persons with Disabilities has stressed that "…it is the entire process of inclusive education that must be accessible, not just buildings, but all information and communication, including ambient or frequency modulation assistive systems, support services and reasonable accommodation in schools.…. The whole environment of students with disabilities must be designed in a way that fosters inclusion and guarantees their equality in the entire process of their education."[1] Inclusion needs to be understood as integral to the whole of the education system – not just an add-on.

Inclusive education needs to be seen as one part of the wider goal of making society more just and less discriminatory for all marginalized populations through education delivery. It is not simply a technical or organizational change, but involves a cultural and philosophical change of approach based on a commitment to respect for every child, and recognition of the obligations of the education system to adapt to accommodate and address her or his needs and rights. Consequently, legislation across all public sectors should lead to the provision of services that enhance developments and processes working towards inclusion in education.

In addition, the commitment to inclusive education must be elaborated in detail in legislation so that obligations and accountability are explicit. This will support government at the national and local levels to work towards a common approach and be held accountable for ensuring its implementation for every child. Thus, for example, provisions such as special education laws that establish separation among students with and without disabilities need to be reviewed. Similarly, day-care centres and other settings created to provide rehabilitative services exclusively to children with disabilities, and which place an inappropriate emphasis on 'changing the child' rather than creating an adaptive and inclusive education system, will need revision. Additional policy changes might be required to policies relating to, for example, enrolment, curriculum, assessment, school governance human resources quality assurance, self-evaluation, external evaluation, and inspection regimes.

Developments in legislative and policy reform

South Africa[2]

With the introduction of the policy on Inclusive Education, as published in Education White Paper 6 of 2001, the Department of Education made a commitment to ensure that all children would be welcomed in all schools and that they would be supported to develop their full potential irrespective of their background, culture, abilities or disabilities, their gender or their race. The concept 'full-service/ inclusive school' was introduced to show how ordinary schools could transform themselves to become fully inclusive centres of care and support.

It is intended that by 2021, 500 primary schools will have been converted to become inclusive, special schools will be converted into resource centres, and circuit-based and district-based support teams will be established. To date, 30 districts have support teams, teacher training and workshops have been provided, 30 schools have been provided with assistive devices and 10 mainstream schools have been upgraded into model schools. One of the success factors was the learning from the past that inclusiveness in society is the only way of living peacefully together.

Thailand[3]

The Government of Thailand undertook extensive international research on good practice in inclusive education internationally. As a result it committed to a policy framework mandating inclusion of children with disabilities in mainstream schools. The policy seeks to raise awareness of the right to education for all children with disabilities and to introduce a clear mandate throughout the school system for marginalised children. It introduced a National Special Education Plan, and a National Education Act which protected the rights of people with disabilities – including the right to education – under the constitution, followed by a new policy stating that persons with disabilities must be provided with education opportunities to improve their lives. Its effectiveness to date has been achieved through a process of combining promising international practices with local values and priorities.

The challenge of maintaining progress[4]

In 2005, the Vietnamese Government approved the country's new education law stating that learning is the right and obligation of every citizen and that every citizen has equal rights of access to learning opportunities. In addition, compulsory education includes both primary and lower-secondary levels and priority in resource allocation for teachers, infrastructure, equipment and budget was to be given to schools and classes that supported the learning of students with disabilities.[5] As a result of this policy, survey data from the Ministry of Education and Training in 2005 reported 32 per cent of 700,000 primary-school-age children with disabilities attended classes in 'regular' schools, a significant advancement given that only 10 years previously there was only one lower-secondary school able to accept students with disabilities.

However, Viet Nam continues to face educational challenges such as inequity, teacher recruitment, quality instruction and small budgets. Consequently, inclusive education is often viewed as an additional burden. After initial progress, UNESCO-IBE data indicates that Viet Nam is moving backwards, with only an estimated 10 per cent of its 1 million students with disabilities receiving schooling at all in 2007-08.[6] In order to help strengthen its commitment to inclusive education, a collaborative approach is being adopted. The National Institute for Educational Strategy and Curriculum Development, a task group made up of representatives from ministries, communities, NGOs, research, and professional service providers is focusing on the measures needed to make inclusive education a sustained reality. It will address policy, including school organization, parent and community partnerships, and professional development, for those who will deliver instructional and special education-related services such as diagnostic, therapy and speech services, and programme development and leadership within the schools.

An integrated legal and policy framework covering inclusive education should address all educational sectors and levels. It needs to be comprehensive, coordinated and comprehensively address issues of flexibility, diversity and equity in all educational institutions for all learners. Key elements to be addressed are that its provisions:

- Comply with international human rights standards – in particular the CRC and CRPD.
- Include a clear definition of inclusion and the specific objectives it is seeking to achieve. Inclusion principles and practices need to be considered as integral to reform, and not simply an add-on programme. Provisions, for example, which define certain categories of children as 'uneducable' need to be repealed.
- Guarantee children with and without disabilities the same right to access mainstream learning opportunities, and assure access for individual learners to mainstream education and necessary support services within all levels.
- Develop a policy framework for inclusive education at the central level that supports the policy, practice and culture of inclusion across all levels of the mainstream education system.
- Ensure that policy, provision and support are consistent throughout the country.
- Introduce accessible monitoring mechanisms to ensure that policy, together with the requisite investment, is actually implemented.

- Recognize the need for reasonable accommodations to support inclusion, based on human rights standards, rather than on the efficient use of resources.
- Ensure that all legislation that potentially impacts upon inclusive education within a country should clearly state inclusion as a goal.
- Provide a consistent framework for the identification, assessment and support required to enable children with disabilities to flourish in mainstream learning environments.
- Introduce an obligation on local authorities to plan and provide for all learners, including children with disabilities, within mainstream settings and classes, including in the most appropriate languages, modes and means of communication.
- Provide guidance to education institutions on how to fulfil their duties through increased inclusive education provision.
- Require the creation of partnerships and coordination between all stakeholders, including different agencies, development organizations and NGOs, and specifically with parents and individuals with disabilities.

Namibia Education Sector Policy on Inclusive Education

In September 2014, the Ministry of Education in Namibia launched a new policy on inclusive education which aims to provide access, equity and quality education to all children. Although the policy is aimed at ensuring that the education system becomes inclusive, sensitive and responsive to the needs of all children, and that all children receive education, it has a specific focus on children and young people who have been, are, or are more likely to be, educationally marginalized, including children with disabilities. The policy contains eight core strategies, each of which has several specific measurable outcomes:

- Integrate the Sector Policy on Inclusive Education into all other legal frameworks and policies of the education sector.
- Raise awareness of the constitutional right to education and foster attitudinal change.
- Support institutional development by developing human and instructional resources.
- Review the National Curriculum for Basic Education to reflect the diversity of learning needs of all learners.
- Widen and develop educational support services.
- Develop teacher education and training for paramedical and support staff.
- Strengthen and widen in-service training for stakeholders.
- Develop a mechanism for monitoring and evaluating the implementation of the Sector Policy on Inclusive Education.

Right to Education Act India[7]

The Right to Education Act was passed in India in 2009. It guarantees every child between the ages of 6-14 years, including those with disabilities, the right to free and compulsory education at a neighbourhood school. No direct (school fees) or indirect cost (uniforms, textbooks, mid-day meals, transportation) must be borne by the child or the parents as a condition of obtaining elementary education. The Government will provide schooling free-of-cost until a child's elementary education is completed. Its introduction marked a historic step in introducing a national provision to ensure child-centred, child-friendly education to help all children develop to their fullest potential.

The legislation embodies a strong focus on promoting equity for all children, requiring authorities to reach out to marginalised groups of children, including those with disabilities. Furthermore it introduced an obligation on schools to establish school management committees comprising local authority officials, parents, guardians and teachers, of whom 50 per cent should be parents of disadvantaged children. It also provides mechanisms of accountability through the National Commission for the Protection of Child Rights, which has the responsibility to review the safeguards for rights provided under this Act, investigate complaints and have the powers of a civil court in trying cases.

In addition, as part of the overall legislation and policy for inclusive education, governments need to commit to investing in and supporting the recruitment and training of teachers with disabilities. This will necessitate the removal of any legislative or policy barriers that require candidates to fulfil specific medical eligibility criteria, as well as the provision of reasonable accommodations for their participation as teachers. Their presence in schools will serve four fundamental goals:

- It will promote equal rights for people with disabilities to enter the teaching profession.
- Teachers with disabilities will bring a unique understanding of living with impairments and the adjustments that are necessary to include learners with disabilities. This will lend expertise to the creation of inclusive educational environments.
- Their presence in schools will contribute to the breaking down of barriers, challenging prejudices that assume people with disabilities lack the capacities to contribute to society on an equal basis with others.
- They will provide important role models for children with disabilities, who are commonly denied the opportunity to see people with disabilities in adult roles to which they can aspire.

See Booklet 12, Teachers, Inclusive, Child-Centred Teaching and Pedagogy, for more information on teacher training.

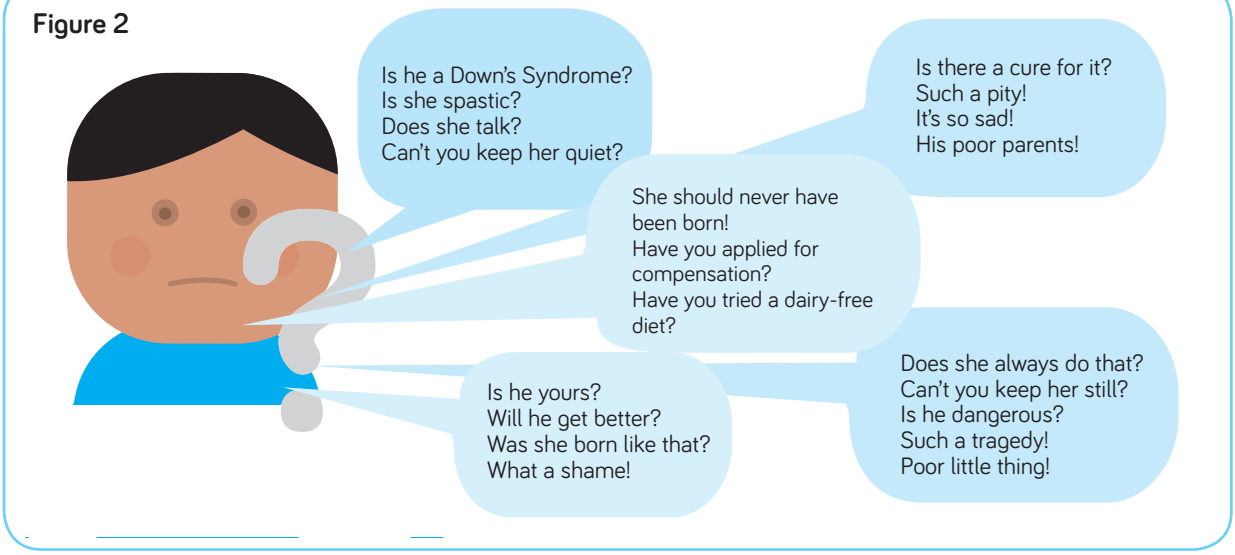
Removing the Attitudinal Barriers to Inclusive Education

While measures to ensure the provision of places for children with disabilities in inclusive schools are vital, they are not sufficient on their own to ensure that the right to education is realized. It is also necessary to commit to removing the many other barriers which impede access – barriers relating to the physical environment, transport, communication, attitudes and social and economic pressures. The physical and communication barriers will be dealt with in Booklets 10 and 11. Here we address the broader policy implications of tackling the barriers that children with disabilities face as a consequence of hostile or ill-informed attitudes. These barriers can serve both to prevent children with disabilities from access to education and to inhibit their opportunities to fulfil their educational potential within schools and other education institutions. Local authorities, in partnership with families and organizations of people with disabilities, need to undertake an analysis of where the barriers to and within education lie in order to take the necessary action for their removal.

Despite growing awareness of, and political will to, embrace inclusive education in many countries, discrimination, lack of understanding and negative attitudes toward disability continue to permeate education systems. A growing body of evidence indicates that it is through contact with children with disabilities that these attitudes can most effectively be transformed.[8] This evidence highlights the importance of starting inclusive initiatives as early as possible, along with strengthening learning and participatory processes. However, as children with disabilities in many countries remain isolated from mainstream society, most members of society will, typically, have had little exposure to children with disabilities, and therefore not had the opportunity to develop an acceptance of diversity.

Negative attitudes at all levels of society can have a significant impact on accessing education. They can lead parents and teachers to believe that children with disabilities are not capable of learning, and will negatively impact on the education of children without disabilities. They can and do feed into the low priorities afforded to disability issues by policy-makers and government officials. They encourage or at least facilitate the bullying, taunting and social exclusion of children with disabilities by their peers. The following comments were reported by parents of children with disabilities in the UK, providing powerful testimony to the unthinking insensitivity that people can display when they have no understanding of disability.[9]

Figure 2



For more information on working with parents and communities to end discriminatory cultures, see Booklet 13: Parents, Family and Community Participation in Inclusive Education.

In general, building strong and tolerant societies will support inclusive education, decreasing society's fear and ignorance of disability and increasing social justice for all citizens. Article 8 of the CRPD requires governments, as a matter of urgency, to adopt measures to raise awareness of people with disabilities and challenge negativity. Governments can adopt an explicit policy to tackle negative attitudes and promote greater understanding, in collaboration with disabled people's organizations as well as children with disabilities and their families. This could involve, for example:

- Public awareness campaigns to encourage receptivity, and increase social awareness of the potential and abilities of people with disabilities. Leaflets, posters and messages can be targeted at locations where the public is most likely to see them, such as doctors' offices, town halls, social security offices, child-care centres and schools where parents receive services for children. Community theatre and art exhibitions of paintings and drawings by children with disabilities can also be valuable means of communicating positive messages. Making children visible and creating opportunities for them to articulate their own messages can be a powerful vehicle for change.
- Fostering an attitude of respect to address stereotypes and harmful practices and promote the rights of people with disabilities. This needs to be reflected in all official and public documents, communications and policies.
- Encouraging the use of appropriate language, which can play an important role in reinforcing or challenging negative stereotypes of disability. People with disabilities have struggled for many years to challenge terms that are degrading and insulting. For example, 'defect' and 'handicap' or 'imbecile' are commonly used by professionals and the wider society when referring to disability. It is important that governments, the media, professionals and people in their day-to-day lives are encouraged to use language that is acceptable to people with disabilities.

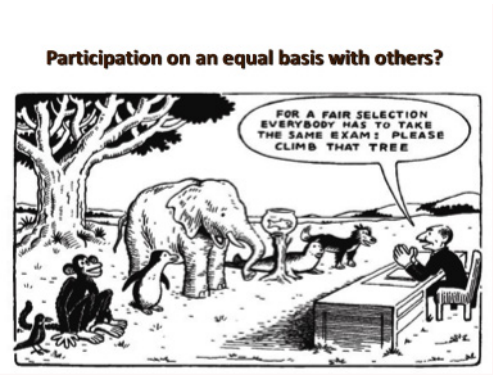
Governments can also commit to encouraging the media to adopt policies towards challenging the barriers to inclusion, by, for example:

- Respecting integrity: The media has a responsibility to avoid reinforcing negative or patronizing stereotypes, and should never allow programming or articles that insult, denigrate or abuse people with disabilities.
- Raising visibility: Many negative attitudes towards people with disabilities are sustained because they are largely invisible throughout society. The media should make efforts to create opportunities for full participation in all forms of the media, employing disabled people (including children) as presenters, journalists, editors and commentators, and including characters with disabilities in soap operas, plays and comedies.
- Promoting access: Much of the media is inaccessible to people with disabilities. The media should be encouraged to consult with representatives from organizations of people with disabilities, including children, on how to make the media more accessible through a wide range of communication forms and technologies.
- Challenging rights violations: The media has an important role to play in exposing rights violations, and demanding that governments and other stakeholders fulfil their obligations under the CRPD.

Some countries, such as Croatia and Montenegro, have made significant efforts to raise awareness about children with disabilities, create tolerance and emphasize the value of inclusion – through campaigns to debunk myths about disability, and present it in a positive light to change attitudes and raise general awareness about the importance of inclusive education.[10] The lessons learned include the importance, wherever possible, of getting government backing, developing clear, contextualized messages that quickly and effectively relay information using innovative techniques, working across sectors.

Activity Two

Look at the cartoon below. Think about the attitudes embedded in the teacher's command. Explain why the expectation of the teacher does not constitute a fair selection process.



Discussion on Activity Two

The teacher is making an assumption that by treating all the animals equally he is providing them all with a test which is fair and equitable. However, this approach assumes that all the animals have the same capacities. It is like asking a group of children including non-disabled, blind, deaf and wheelchair users to take part in the same 100 metres race. Clearly, in the cartoon the only animals that would be able to complete the task are the monkey and, possibly, the blackbird. However, what does that test? Merely, that they have climbing skills. It would not take account of the skills of the fish, the penguin and the sea lion to swim, the dog to run or the strength and intelligence of the elephant. No adaptations are made to take account of the challenges most of the animals would face in completing the exam. In other words, it is discriminatory, it makes no reasonable accommodations to help the animals overcome the barriers, and fails to explore the need for either a fair exam or positive discrimination to provide a more level playing field.

The ultimate role of education is to provide equitable opportunities for a fulfilling life. For each of the animals, this relates to a specific skill. So, not only is the test discriminatory, but so too is the basis for the test. A non-discriminatory test would identify the assets and skills of the individual child.

Respecting Identity, Culture and Language

Human rights law recognizes the obligation on governments to respect people's identity, language and culture. This general right has been established in a number of human rights treaties. For example, Article 30 of the CRC stresses the right of children to enjoy their own culture, practice their own religion and use their own language, and the Convention on the Protection and Promotion of Diversity in Cultural Expressions (2005) introduces obligations to respect cultural diversity. The application of this right has further been recognized specifically in relation to sign language. Article 30(4) of the CRPD states that persons with disabilities are entitled, on an equal basis with others, to recognition and support of their cultural and linguistic identity, including sign languages and deaf culture. In every effort to improve deaf people's human rights, the removal of linguistic barriers is of paramount importance. A deaf person must have the right to use sign language in any given situation.

The status of sign language varies in each country. In some countries, the rights of deaf people to education and equal participation in society are secured by legislation. In others, it is forbidden to use sign language even in classrooms. The first country in the world where sign language was recognized and passed into parliament was Uganda, in 1995. The South African Schools Act 1996 permits the study of "sign language" in lieu of an official language studied at school.[11] In Europe, Finland and Portugal appear to be the only two European countries that have constitutional references to sign languages. However, a number of other European countries have introduced legislation that recognises sign language, including Belgium, Denmark, Czech Republic, France, Germany, Hungary, Ireland, Italy, Lithuania, Norway, Poland, Slovak Republic, Slovenia, Spain, Sweden, Switzerland and the UK.[12] In Brazil, all pre-school teachers have to have eight months of compulsory sign language teaching.

Notes

IV. Government-Wide Structures to Support Inclusive Education

For information about how these structures feed into the education sector plans that have responsibility for addressing the right of children with disabilities to inclusive education, see Booklet 14: Planning, Monitoring and Evaluation.

The organizational structures underpinning education are as important as the legislation and policies themselves. They create the context and environment that serve to support a culture in which inclusive education can be introduced and sustained. Consideration of the following issues is necessary:

Responsibility for the Education of all Children within the Education Ministry

Realization of the equal right of every child to education without discrimination requires that the responsibility for education of every child must rest with ministries of education. However, in some countries mainstream schooling and special education are still managed under different administrations, with primary responsibility for disability, including education, often resting within ministries of social welfare. This has resulted in the exclusion of children with disabilities from mainstream education legislation, policy, planning and resourcing, and a lack of overarching and coherent structures in place to support inclusive education. This separation of responsibilities can lead to a number of serious obstacles to inclusive education, resulting in children with disabilities not only being segregated from other children, but also receiving a poorer quality of education. For example:

- Barriers to accessing the mainstream curriculum.
- Inability to enter national examinations.
- Teacher training failing to address teaching methodologies to support inclusive classrooms.
- Design and development of new schools failing to address the need for accessibility.
- Lower levels of investment per capita in education of children with disabilities.
- Lack of integrated data collection on enrolment, retention and attainment to provide evidence of progress in realizing the right to education for children with disabilities.

Although many governments have now recognized the imperative for bringing responsibility for the education of all children under the umbrella of ministries of education, it is not yet universal. For example, in both India and Bangladesh the education of special schools remains the responsibility of the Ministry of Social Welfare. Basically, where the education of children with disabilities is managed by a different, non-education, department children with disabilities will always end up marginalized. They will not be taken into account in planning and monitoring of education goals, and will invariably be denied equal chances to achieve. The experience of a young girl from the UK who was able to transfer into the mainstream education system illustrates the problem: “I got higher exam results than all the students in the same year group as me who were in a special school; and not because I am cleverer, but just because of the

opportunities I've had and the opportunities I've been given" (blind student speaking to the UN Ad Hoc Committee in New York during the drafting of the CRPD).

Inclusive education demands that ministries of education have responsibility for the education of all children. In those countries where they are still segregated, it will be necessary to establish a time-frame within which responsibilities will be merged within the education ministry.

Activity Three

Find out the following in your country:

1. Which ministry has responsibility for the education of children with disabilities?

   If it is not the Ministry of Education, can you identify the impact that the separation of responsibility has had on the education of children with disabilities?

2. Is there any government commitment to a co-ordinated approach to achieving inclusive education? For example:
   - Is there any data on the numbers of children with disabilities in school?
   - Are the needs of children with disabilities considered when designing and building schools?
   - Does school transport take account of the needs of children who are wheelchair users?
   - Is there any collaboration between health and education services to promote access to appropriate health-care and support for children with disabilities in school?

3. Does the district/local education authority have any expertise or understanding of inclusive education? If so, can you find examples of how this has impacted the delivery of local education services? If not, what is the impact of the lack of knowledge on the education of children with disabilities?

Discussion on Activity Three

The exploration of the policies and structures which inform the way education services are delivered will help you begin to identify what is already working well, and what might need to change in order to create the necessary overall context in which it is possible to build an inclusive education service.

Co-ordination of Policies across Governments

Effective education policies require collaboration with a number of ministries beyond education. Without coordinated action across all relevant government ministries, it is not possible to build and support a consistent culture of inclusion. If possible, governments need to develop a national plan of action within which all relevant ministries are expected to have a common understanding of and commitment to inclusive education. Given the challenges in many countries of cross-departmental working, it is important to identify a lead agency with a nominated focal point to provide leadership to the process. This will enable them to achieve an integrated and holistic approach where they are working collaboratively towards a shared agenda.

National programmes for inclusion

Bolivia has implemented a national programme of inclusion of persons with disabilities.[13] In so doing it has prioritized a commitment to enhance capacities of local partners, provide access to high-quality education through the formal education system and investment in community-based rehabilitation projects (CBR). By 2013, it had reached out to more than 700 persons with disabilities and increased access to mainstream education with far greater awareness of the meaning and application of inclusive education. Its effectiveness as a programme derived from an underpinning human rights-based approach, linking CBR with formal education, and a focus on national government commitment to implementation of a national programme on inclusive education.

Malawi has developed an integrated policy development for education of marginalised children.[14] Its goal is to develop a policy framework enabling inclusive education. The Government is investing above average in building its education system and is committed to international objectives, including that of inclusive education. In 1996, it introduced legislation providing the right to protection in education. It also has a national policy on equalisation of opportunities for persons with disabilities, and a national policy on special educational needs. Together, this legislative and policy framework, which has also invested in building close co-operation between NGOs and government, has been successful in encouraging inclusive education and integrated non-formal education for out-of-school children.

The goal of inclusive education will require analysis and subsequent dismantling of all the barriers that currently exist. We have already discussed the attitudinal barriers that both restrict access to school and create difficulties for children with disabilities within school. However, many barriers relate to physical, transportation, communication and financial factors that can only be addressed by inter-departmental planning and policies towards an integrated approach to inclusive education. Removal of the barriers will require, for example:

- Close liaison between ministries responsible for social work services, social protection, health, employment and vocational training.
- Coordination between ministries of health – for example, maternal and prenatal health services – early childhood education/development services, to ensure early identification and assessment, and rehabilitation services (see Booklet 9 for more information).
- Engagement of public works departments and school education committees and other actors who may be responsible for school building, maintenance and improvements to ensure that the design

of schools is consistent with the commitment to inclusion. Consideration needs to be given, for example, to ensuring that play areas, sports facilities, corridors, doors, WASH facilities, classroom layout and entry to buildings are physically accessible (see Booklet 10 for more information).

- Cooperation between finance ministries and those developing the policy to ensure the allocation and oversight of budgets for inclusive education (see Booklet 8 for more information on the financing of inclusive education).
- Collaboration with ministries of transport at national and local levels, to ensure that accessible and affordable transport systems are in place, consistent with the numbers and needs of children requiring provision.
- Awareness on the part of ministries responsible for child protection to the rights of children with disabilities in school.

In addition, government ministries need to reach out to develop partnerships with civil-society organisations, parents, local communities and a wide range of relevant professionals.

Government commitment can overcome limited resources[15]

Evidence from a review of progress in Lesotho, Tanzania and Zanzibar strongly affirms the case for responsibility for inclusive education being acknowledged beyond the education sector. Many groups have – or should have – a vested interest in inclusive education. It has to include parents and other family members, community personnel, teachers and school staff, government officials, NGOs, disabled people's organizations, as well as professionals in education and health, social welfare and employment sectors.

The success of inclusive education in the above-mentioned countries, despite their limited resources, came about because the governments were committed and had the will to start, even on a small-scale. Initially, Lesotho had a policy of inclusion but not the resources to implement it. Tanzania and Zanzibar developed the policy later after the pilot phases of inclusion proved that even with limited resources the results were good. In all three countries, parent organizations played a very important role in the start-up of the pilot projects, in sensitisation of other community members, in advocating for their rights and those of their children, and in lobbying politicians and officials for inclusive policies.

Booklet 7: Partnerships, Advocacy and Communication for Social Change, and Booklet 13: Parents, Family and Community Participation in Inclusive Education, will deal with these partnerships in more detail.

Socio-economic barriers

Many of the barriers that prevent children with disabilities realizing the right to education lie outside the education system itself. For example, disability is both a consequence and a cause of poverty. For many families, the costs associated with disability can serve to impede access to education. The costs may include transportation, technology, specialized medical care or other learning resources, and can act as a deterrent to families' willingness to send a child with a disability to school.

A growing number of countries do provide a form of social allowance, or cash transfer, which can help families pay those costs. The methods of distributing the allowances differ, with some requiring comprehensive paperwork while others are processed automatically. Many are attached to specific conditions, such as requiring the registration of a child on a national disability register. Only after registration are families eligible to collect the payments. There are challenges associated with social allowance payments. The registration process can alienate many families who are reluctant to register because of the stigma attached to disability and the reliance on disability classification systems.[16] There is a risk that, once categorized, children will remain tied indefinitely to their labels. It can also be difficult for parents to officially register their children. For example, in Georgia families must prove both birth and disability registration to receive the social allowance; this is often impossible for at-risk and minority families. Similarly, in Russia children must first obtain disability status, which is a cumbersome process involving lengthy government office visits and paperwork. Furthermore, the amount of allowance provided is often insufficient to significantly alleviate costs.

However, if implemented sensitively these payments can provide much-needed support to families without perpetuating stigmatization. Governments need to consult with families to identify the barriers to claiming payments and introduce simplified and accessible mechanisms for claiming them.

A comprehensive approach

A system-wide approach to inclusive education exists in the province of New Brunswick, Canada. Inclusive education became official policy in New Brunswick as early as 1968, and was reinforced in 1985 by the Act to Amend the Schools Act. Every school in the province is required to provide inclusive education. In New Brunswick, virtually all students are educated in ordinary classrooms, with specialized support as needed based on a student's Individualized Education Plan. Key features of best practice in New Brunswick schools include:

- The belief that all children can learn if they are given appropriate learning opportunities.
- Planning individualized learning.
- Developing support teams.
- Promoting social skills and responsibilities among the children.
- Assessing children's performance.
- Planning for transition from one stage of education to the next.
- Working in partnership with parents and other members of the community.
- Implementing staff development plans.
- Being accountable.

One district in New Brunswick ranked highest in standardized English and Maths examinations for the years reported and had one of the highest graduation rates in Canada.[17] External factors reported to contribute significantly to sustained success in New Brunswick Schools included:

- Contribution by the district student support services team to the education of children generally, not just to that of children with special needs.
- Provision by the district student support services team of continuing in-service training on a regular basis for the 'methods and resource' teachers employed as special education consultants in the schools, enabling them to develop and sustain the expertise and credibility required.
- Regular in-service training for class teachers and teachers' assistants in the teaching methods needed.
- Involvement by the school principals of the methods and resource teachers in regular discussions concerning issues of school management generally, not just in relation to special needs.
- Parent involvement as active participants in the education process, not just as its clients.

Devolved Government Structures

There are strong arguments to be made for devolving government responsibilities to the local level. It enables services to be adapted to local needs, and allows for greater local democracy and accountability. It also lends support and encouragement for innovative practices to meet the specific needs of communities, schools and learners within local communities. It can be argued that decision-making should, 'take place at the level most appropriate for the issue, usually the lowest level possible'.[18] However, there are challenges in devolution:

- It can result in wider variations in quality and type of services, resulting in inequalities.
- Local decision-makers may establish priorities and make decisions that act to exclude rather than include children with disabilities from education.
- The capacity at local level for developing inclusive education may be limited.
- The devolved budgets need to be sufficient to enable local authorities to provide adequate levels of service.

In order to overcome these potential challenges, the following policies are needed to help ensure that standards of provision are consistent across the country:

- National policy frameworks for inclusive education that support the policy, practice and culture of inclusion across all levels of the mainstream system.
- Principles of universal entitlement to inclusive education established at national level, and supported by clear guidance on how they must be applied at the local level.
- Provision of capacity-building for local officials, together with dedicated budgets for investing in the necessary services and programmers.
- Transparent reporting and enforcement mechanisms to ensure accountability, and policies that provide incentives for innovative and promising practice that build on local strengths.

If these policies are in place, it is possible to both guarantee a consistent commitment to inclusive education and create opportunities for innovation and responsiveness to local needs within a devolved education structure.

Activity Four

1. Make a list of all the barriers you think children with disabilities face in your country in trying to access inclusive education. If you have the time, discuss it with colleagues or approach local organizations for people with disabilities to find out their views.
2. How do you think those barriers would differ according to what impairment the child has?

Discussion on Activity Four
The barriers will obviously vary significantly in different countries and according to both their relative wealth and political commitment. However, the types of barriers likely to be identified might include:

- **Inaccessible buildings** – steps into the school, no lift to classrooms above the ground floor, narrow doors into toilets.
- **Difficulties in getting to school** – lack of adapted buses available for wheelchair users, lack of wheelchairs for children to get themselves to school, rough or hilly terrain.
- **Bullying and violence** – children fear assaults and taunts from other children on their way to school as well as within the school environment.
- **Lack of learning facilities** – no assisted devices, Braille books, universal design.
- **Hostility from teachers** – who think that children with disabilities should be in special schools and are reluctant to have them in their classes. Experience of hostility and feeling humiliated can result in children with disabilities not wanting to go to school, and also in parents seeking to keep them away in order to protect them.
- **Assumptions by teachers** that children with disabilities are incapable of learning.
- **Lack of awareness of parents** – who do not appreciate either that their children are capable of learning or that they have a right to education.
- **Poverty** – many poor parents will view the costs associated with school for a child with a disability as an overwhelming barrier and instead prioritize education for non-disabled children, who they consider a better 'investment'.

Once you have analyzed the range of barriers children with disabilities are facing, you can begin to examine the laws and policies needed to begin to remove those barriers.

Clearly, all children with disabilities face many barriers in accessing education. But they can differ. For children with physical impairments, requiring a wheelchair, it is likely that the environmental, play and transport barriers will be the major challenges they face. If those are removed, there is no reason why they should not be able to participate in school without significant difficulty. For blind and partially sighted children, the barriers may also be physical, with adaptations needed to ensure they can negotiate the school environment safely. But they also need adapted learning facilities such as Braille or large-print books, tape and audio formats, and computers. For deaf and hearing-impaired children, the physical environment is not a barrier, but the lack of interpretation, signing and listening devices will serve to exclude them. For children with learning disabilities, without sensitivity to their learning needs, and appropriate teaching methods, they too will experience significant barriers to learning. And, of course, many children have multiple impairments and experience all the associated barriers. In addition, whatever the disability, children may face negativity and resistance to their presence in the school.

V. General Legislation and Policies to Support Inclusive Education

So far in this module, we have examined the specific education-focused legislation and policies that are needed to introduce and sustain inclusive education, as well as the government structures needed to underpin those policies. However, meaningful inclusion will not happen without a strong government commitment to create or introduce more general legislation and policies that can support and strengthen an inclusive education environment. Inclusive education involves a profound shift in values and approach for most governments, with significant implications for many different ministries. A pro-active approach from governments needs to be adopted in order to create a common sense of purpose, and to understand the need for coherent and consistent legislation and policies throughout all departments.

Ending Institutionalisation

In many countries, the only provision for children with disabilities is their placement within an institution. It is clearly not possible to guarantee the right of every child to inclusive education while significant numbers of children with disabilities are living in institutional care. Accordingly, governments need to begin to develop a systematic approach to bringing an end to this practice.

The Problem of Institutional Care

A broad consensus now exists across the international community that large residential institutions are damaging for children.[19] Psychiatric and psychological research has consistently demonstrated the severely negative impact on children of placement in such institutions, with children under the age of four at particularly high risk of cognitive and psychological damage.[20] All available data show that children in institutions do far worse socially, educationally, medically and psychologically than children raised in supportive community settings. The World Report on Violence against Children notes that the impact of institutionalisation can include "poor physical health, severe developmental delays, disability and potentially irreversible psychological damage".[21]

Contemporary research has documented many problems in young children adopted out of institutions in Eastern Europe. Abnormalities include a variety of serious medical problems, physical and brain growth deficiencies, cognitive problems, speech and language delays, sensory integration difficulties, social and behavioural abnormalities, including difficulties with inattention, hyperactivity, disturbances of attachment and a syndrome that mimics autism.[22]

In its General Comment on children with disabilities, the Committee on the Rights of the Child outlines its concern that the care provided in institutions is, too often, of an inferior standard, lacks adequate monitoring and exposes children with disabilities to physical and sexual abuse, and neglect.[23] The CRPD also acknowledges the problem and affirms, in Article 19, the right of people to live in the community and, in Article 23, the equal right of children with disabilities to family life. The latter is backed up by specific obligations on governments to undertake measures to prevent segregation and support families to care for children with disabilities at home and, where families cannot care for children, to make efforts to provide alternative care within the community in a family setting. Furthermore, the right to education without discrimination, on the basis of equality of opportunity and in inclusive systems at all levels, as demanded by Article 24 of the CRPD, cannot be provided for children living in institutions.

Moldova[24]

The Government of Moldova recognises that policies to achieve de-institutionalisation and inclusive education need to work hand in hand. It is working towards ensuring that all children have a chance to experience mainstream education, regardless of their physical or intellectual abilities or financial difficulties, and as part of the life of their families, mainstream schools and communities. It has also recognised that inclusive education is helping to change the mindsets of parents, teachers and people in the community, building a more understanding and integrated society.

It has developed a regulatory framework in which children who are transferred from institutions to live with families are placed within mainstream education. The promotion of inclusive education is helping to change the wider system, thus having the potential to improve the lives of thousands more children. In 2012, the Moldovan Government approved the Inclusive Education Development Programme for 2011-2020, developed with the support of the NGO Lumos, which reflects the reform of education in Moldova.

The assessment of children who had been reunited with their families and reintegrated into mainstream schools found that they have become healthier and achieved better school results. Children who had been previously mis-diagnosed with intellectual disabilities now study together with their peers and get good and very good marks. Most importantly, they feel happier.

The success to date has led to the Government committing to: piloting the inclusive education model in two regions to reintegrate children from residential institutions; working on the prevention of the institutionalisation of children with special needs; developing support services; supporting teaching staff by organizing continuous professional development; and encouraging support for children's families.

However, the reality is that hundreds of thousands of children across the world remain in institutions and the demand for places is, in some regions, increasing. In the CEE/CIS region, for example, it is all too common for hospital staff to continue to recommend such placements from birth for babies born with impairments, and to discourage mothers from breastfeeding in order to facilitate the separation. These practices reflect not a lack of concern for children, but rather the perpetuation of outdated practices based on inadequate understanding and knowledge about child development. Strategies to bring the practice to an end are a prerequisite for fulfilling the right to inclusive education for every child with a disability.

The Measures Needed to End Institutionalisation

De-institutionalisation needs to be recognized as a long-term process that requires a well-planned and structured transition process, involving government departments with responsibility for all policy areas that affect the lives of children with disabilities. Simply closing institutions without appropriate planning, support, information and community-based infrastructure is likely to be counterproductive. Children themselves might suffer further damage, exclusion and loss of education where this happens. The following actions need to be considered in order to achieve a properly managed transition towards de-institutionalisation.[25]

- **Managing the transition**: investment needs to be made in a gradual process in which plans are made to address resistance to change, to challenge prejudices and remove barriers. During this process, a continued focus must be given to children with disabilities to ensure that they are not left behind in

institutions while other children are found community-based alternatives. Priority must also be given to preventing children under three years old being placed in institutions. It will almost always be necessary to run the systems in parallel until the policies, services and capacities are in place to enable the closure of institutions. During the process of transition, measures should be introduced to ensure the equal recognition of the rights of children living in institutions. For example, their situation should be subject to periodic review – with the best interests of the child as the paramount consideration – and the child's parents should be supported as much as possible to support the harmonious reintegration of the child into the family and society.

- **Creating the necessary legislative and policy framework**: consideration should be given to the introduction of specific legislation backed up by policies and services to underpin the ending of institutional care. This should potentially involve:
    - No further funding or approvals being given to proposals for building new institutions. All future policy needs to be directed towards the creation of community-based services and the de-institutionalisation of those who are currently in institutions.
    - Mandating the responsible authorities to develop community-based care provision. A deadline needs to be established at which point the admission of children to institutionalised forms of care will cease.
    - Coordinating all new legislation, policy and guidance to ensure that they are applied equitably on behalf of children with disabilities, and that a commitment to children with disabilities, and the promotion of their best interests, is implicit in all legislation and government protocols.
    - Appointing, or strengthening, the role of a children's ombudsperson or commissioner to ensure that children and families have accessible opportunities for complaints and investigation when their rights are violated.
    - Introducing a timescale for legislative change with specific objectives and milestones against which progress can be monitored.

- **Strengthening cross-sectoral community-based services**: services need to provide coordinated multidisciplinary interventions, underpinned by effective social work which is at the core of the support to children with disabilities and their families. This would necessitate:
    - A national, multidisciplinary system for identifying and assessing abilities and needs as early as possible.
    - Case management as the key intervention to ensure inter-sectoral cooperation from birth, alongside the whole lifecycle, with access to diagnosis, health-care and rehabilitation, individual care, social assistance allowances, individual education plans and targeted job opportunities.
    - Improved governance of social services and NGOs working in the social care field in order that they are transparent and accountable to the children and families to whom they provide services.
    - Providing guidance and training to all relevant staff to ensure that their practice supports, rather than hinders, the overall goal of community-based care.

- **Transforming residential institutions into inclusive resource centres** that recognize that the needs of children, including those with disabilities, are not uniform and that they require differentiated services. This might include combinations of short-term care, respite care, fostering and adoption support services as alternatives for full-time residential care of children with disabilities, as well as support services for schools and community services. The advantages of this conversion are:
    - Everyone formally working within institutions can then be looked to as resource persons.

  - The centres can support children, parents and communities, and help ease the transition for children formerly living in such residential care.

- **Support for families**: families will need considerable additional community-based support if they are to be able to support their children at home. Such support needs to be available as soon as a child is born to help them deal with possible feelings of shame and rejection. Therefore, systems need to be introduced to provide:
  - Peer support programmes for parents.
  - Provision of psychosocial, educational, respite and pedagogical support services.
  - Appropriate consideration of the individual needs of children and their families.
  - Continuity of services and planning of periods of transition (childhood to adolescence, pre-school to school, school to adulthood).
  - Active involvement in, and ownership of, the situation by families.
  - Social protection measures to address poverty and the reduction of social exclusion in order that families are able to support their children effectively within the community.

- **Consultative participatory processes**: Throughout the process of de-institutionalising and developing community-based alternatives, it is imperative that the views, concerns and experiences of children and their families inform the process. Organizations of parents and NGOs representing them, as well as children themselves, should be consulted throughout and their expertise used throughout the process of transition.

Activity Five

Read the following case study:

In 1999, a policy initiative was undertaken in Romania to assess all children in special schools as a means of speeding up the process of inclusion. Data from 2001 indicate that nearly 50,000 children were assessed, as a result of which 18,000 children were placed in mainstream settings. However, only 16 per cent were still in those settings one year later and a large number of children ended up with no education at all.

Now consider the following questions:

1. Why do you think that so many children dropped out of education?
2. Can you think of the measures that could have been taken to support the children to remain in school?

Discussion on Activity Five

- It seems evident from the description of what happened that no additional work was done to support the transition from special schools to inclusive learning environments. However, the transition to inclusion requires significant investment in:
    - Community-based services to provide support and help to the families.
    - Preparation training and support for staff on building inclusive learning environments.
    - Provision of experienced staff to work in the mainstream schools to help in the induction and on-going support for the children.
    - Preparatory work with the children – both the children being moved to the mainstream schools and those already there.
    - Involvement of parents of both the children with disabilities and those of children already in mainstream schools.
    - Time for planning and adaptation of schools.
    - Commitment to the necessary policies for building inclusive schools.
    - Provision of the necessary aids and adaptations to support the children's learning.

Without these commitments, the outcomes for children with disabilities in mainstream settings are inevitably going to be poor.

Guaranteeing the Right to Non-Discrimination

A fundamental step in securing the rights of children with disabilities to inclusive education is for governments to ratify the CRPD, and to enact legislation to ensure that it is applicable under domestic law. This means that an individual can then use the law to claim their right to education and hold the government accountable to its commitments.

Activity Six

Find the CRPD at the following link.
http://www.un.org/disabilities/convention/conventionfull.shtml

1. Read it through and list all the articles that you think are relevant to the right of children with disabilities to inclusive education.
2. Find out whether your government has ratified the CRPD, and whether it has entered any reservations relevant to the right to inclusive education.

Discussion on Activity Six
You will probably have identified a number of relevant articles. Some specifically address the issue of the right to education, while others are important in removing the barriers that impede the possibility of children with disabilities being able to realize this right.

For example:
The details of the right to education are contained in **Article 24,** which states that children with disabilities have the right to education without discrimination and on the basis of equality of opportunity, and places an obligation on states to ensure an inclusive education system at all levels. It also requires the provision of appropriate aids and adaptations, and individualized support measures for children, as well as reasonable accommodation to make education accessible for children with disabilities. The Committee on the Rights of Persons with Disabilities has emphasized that "denial of reasonable accommodation constitutes discrimination and that the duty to provide reasonable accommodation is immediately applicable and not subject to progressive realization".[26] Article 24 also requires that teachers are qualified to work in inclusive environments.

However, many other articles are relevant:
Article 4, which sets out general obligations and stresses that states must take all measures to abolish laws or policies that discriminate against people with disabilities. It also requires the promotion of training for professionals, including teachers, working with children with disabilities.
Article 7 demands that children with disabilities must be able to enjoy their rights on an equal basis with all other children.
Article 8 outlines the measures needed to challenge prejudice and stereotypes, and particularly to foster an attitude of respect for the rights of people with disabilities in the education system.
Article 9 addresses the need to promote accessibility in, for example, the physical environment, transport, and information and communications.
Article 23 outlines the support that families of children with disabilities must be given to enable them to care for their children at home, and to avoid institutionalisation.
Article 26 focuses on habilitation and rehabilitation, requiring states to provide services to enable people with disabilities to attain and maintain maximum independence.

In addition to ratifying the CRPD, governments need to introduce explicit provisions, within their constitutions and legislation, prohibiting discrimination on grounds of disability, and introducing accessible mechanisms through which children with disabilities and their families can challenge violations of their right to non-discrimination. The Committee on the Rights of the Child emphasizes the importance of such measures in its General Comment on children with disabilities.[27]

To be effective, such provisions must be widely known about and understood. Children with disabilities and their families need access to information about their rights to non-discrimination, as well as where to go and what to do if those rights are not respected. Support to enable them to become self advocates, in claiming their rights and challenging governments when those rights are neglected or violated, is an important part of building self-reliance and autonomy. They can be supported in this process by ombudspersons and human/children's rights commissioners, where they exist, as well as national and international NGOs working on human rights. Compliance with the right to non-discrimination also relies on lawyers and judges being appropriately trained in the relevant national, regional and international human rights legislation, and the obligations it places on governments and how to hold them to account through the courts.

Right to Respect for Personal and Physical Integrity

The CRC demands not only that children are protected from all forms of violence, but also that school discipline is administered in a manner consistent with the child's dignity.[28] Physical and other forms of humiliating and abusive treatment, whether perpetrated by teachers or other children, are not only a violation of the child's right to protection from violence, but also can result in long-term physical harm, emotional distress and mental illness, as well as being highly counter-productive to learning.[29] Bullying and sexual violence can serve to limit the participation of children with disabilities in education, and diminish their capacity to live healthy, safe and enjoyable lives.

Violence and abuse by teachers and bullying from both teachers and other students are problems experienced by many children in countries around the world. In the Regional Consultations for the UN Study on Violence Against Children, physical and psychological punishment, verbal abuse, bullying and sexual violence in schools were repeatedly reported as reasons for absenteeism, dropping-out and lack of motivation for academic achievement.[30] However, the problems are even more acute for children with disabilities. The Global Survey on HIV/AIDS and Disability notes that people with disabilities have a significantly elevated risk of physical violence, sexual abuse and rape, yet enjoy little or no access to the police or legal system for protection, and have less access to medical interventions and counselling than their non-disabled peers.[31] The UN Study on Violence Against Children confirms this evidence, further noting that children with disabilities are often targets of violence within institutions, and both on the way to and from school, as well as once they arrive. It points out that children with disabilities are particularly vulnerable owing to the combination of the stigma they endure and their physical and intellectual impairments. This limits their capacity to fend off attacks and often means their testimony is questioned when reporting abuse. The study further observes that many children with disabilities, already marginalized and stigmatized, are desperate to make friends and be accepted, leading to a greater willingness to endure physical violence, sexual abuse or bullying, as long as they feel included as part of the group.[32]

School violence based on disabilities[33]

Teachers: Children with disabilities are often beaten, abused or bullied by teachers. Sexual abuse by teachers is also widely reported for both male and female students.

Fellow students: Teachers that humiliate, bully or beat children not only directly cause harm to the child, but also model such behaviour for other children in their classroom, who may follow the teacher's lead in physically harming, bullying and socially isolating the targeted child with a disability. Sexual abuse by fellow students is also a concern and is often linked to physical violence and bullying behaviours by such classmates.

Travelling to and from school: Children with disabilities are often bullied, teased or subjected to physical violence, such as being beaten, stoned or spat upon, by members of the community on their way to and from school. Students with sensory or intellectual impairments seem to be at particular risk.

Residential schools: In many countries, children with perceived disabilities, are educated in residential schools, where they may live away from their families for months or years. These children are particularly vulnerable. Children who live in dormitories or are boarded out with local families are often subject to both physical violence and sexual abuse.

Lack of reporting mechanisms: Few schools have mechanisms in place that allow any students, parents or caregivers to complain about violence or victimization. Parents/caregivers or children may hesitate to complain about violent or abusive behaviour in the school, fearing that they will be dismissed from a programme when no alternative exists. Of equal concern, few schools have systems in place to allow school staff to report abuse they have observed on the job. Children in residential schools are at particular risk, often with no-one available to whom they can report violence or abuse.

Lack of follow up: Even when children do report, there is often a failure to follow up and/or the child is further victimized as a consequence of having made a report.

A significant majority of countries have now introduced legislation banning corporal punishment in schools.[34] However, building a culture of non-violence requires more than a legal framework of protection. In order to tackle violence in schools, and enable children with disabilities to realize their right to education without fear of violence, legislation needs to be supported by clear policies for action, together with effective mechanisms for implementation. Schools themselves also have an important part to play, both in ensuring that children with disabilities are protected from violence, and also in promoting a culture of peace, tolerance and non-violent conflict resolution. They need to be encouraged to contribute towards breaking patterns of violence by giving children, their parents and communities the knowledge and skills to communicate, negotiate and resolve conflicts in more constructive ways. This involves explicit recognition that all children, including children with disabilities, have equal rights to education in settings that are free of violence, and that one of the functions of education is to produce adults imbued with non-violent values and practices.

Specific action can be taken as follows:

At the Government Level

- Corporal and other humiliating punishments should be explicitly prohibited by law, and reinforced by other necessary measures. The Committee on the Rights of the Child has stressed that this "is an immediate and unqualified obligation of States parties".[35]
- Promoting non-violence should be accompanied by policies with clear enforcement mechanisms. They must also give attention to the particular vulnerability of some groups of children, including children with disabilities, as well as the gender-based dimensions of violence, and take specific measures to ensure their protection. They need to be implemented through violence prevention programmes throughout the education system.
- Governments need to promote a strong message that all forms of violence against children is unacceptable, that schools should be rights-based and promote and practice human rights principles. This should be accompanied by local campaigns to promote zero tolerance of violence against children with disabilities.
- Clear codes of conduct reflecting child rights principles should be established and promoted widely for all staff, students and their families and communities. Governments should ensure that schools have trained and trusted adults to whom students can safely and confidentially report incidents of violence and receive advice. Complaints should always be taken seriously and be seen to do so, as lack of transparent disciplinary actions in case of bullying can serve to encourage its continuation.
- Children, including children with disabilities, should be actively involved in the design, development, implementation and monitoring of policies and programmes, including through access to confidential complaints or reporting mechanisms.

At the Municipal Level

- Schools should be supported as a resource to build closer relationships with the community to address violence in and around schools. Students, staff, parents and other partners such as police, health services, social services, faith-based groups, community recreation groups and cultural groups should all be encouraged to be involved.
- Data collected should ensure that the views of students and potential students are considered along with those of teachers, parents and the wider community, with a special focus on the experiences of vulnerable children. Information should be incorporated into existing education management information systems established at local, district and national levels.
- Specific efforts should be made to address the need for protection for students travelling to and from school – in busy urban areas, zones of significant violence, and rural areas requiring the travelling of long distances.

At the School Level

- All school staff should be trained and supported in the use of effective non-violent and respectful classroom management strategies, as well as specific skills to prevent patterns of bullying and other gender-based violence and to respond to it effectively. They also need to be sensitized to the vulnerability of children, including children with disabilities, to cyberbullying.

- Curriculum, textbooks and teaching methods should promote child rights, and emphasize tolerance, respect, equity, non-discrimination and non-violent conflict resolution.
- Rights-based life-skills programmes for non-violence should be promoted in the curriculum through subjects such as peace education, citizenship education, anti-bullying, human rights education, sexuality education and conflict resolution and mediation.
- Recognition should be given to the involvement of children themselves, including children with disabilities, as active agents in building safe environments, challenging bullying, prejudice and discrimination, and providing peer-to-peer support.
- For children with a disability who are more at-risk of abuse or targeted violence, action is required to reduce vulnerability – including eliminating areas in and around the school grounds that are often overlooked where incidence of violence may occur. This may include unsupervised toilet areas and isolated areas around the school.

Respect for Children's Participation Rights

Article 12 of the CRC establishes that children are entitled to express their views on all matters of concern to them and to have them given due weight in accordance with their age and maturity.[36] Article 7 of the CRPD strengthens this provision for children with disabilities, requiring governments to provide them with 'disability and age-appropriate assistance' to ensure its realization. This principle of participation is also linked with rights to freedom of expression, religion and association. These rights apply to all aspects of education – not simply to the pedagogical relationships within the classroom, but also across the school and in the development of educational legislation and policy.[37] It is of particular importance that children with disabilities, who face widespread social exclusion and discrimination, are able to articulate their views and have them taken seriously in order that they can address those challenges.[38]

In practice, there are significant barriers impeding the rights of all children to get their views heard and to be enabled to influence the decisions that affect their lives. However, the barriers are far greater for children with disabilities, including:[39]

- Lack of recognition of the value of listening to children with disabilities.
- Under-estimation of their capacities.
- Assumptions that they would not have views to express.
- Communication barriers.
- Lack of confidence and skills on the part of teachers.

Accordingly, in addition to the necessity of training for teachers, legislation and policies are needed to establish the mechanisms through which children with disabilities, alongside all other children in schools, can exercise their right to be heard. There are many potential approaches that can be pursued to create opportunities for opening up spaces to give children with disabilities a voice.[40] Many of these opportunities already exist in 'mainstream' schools, but are taken for granted as vehicles that can include the voice of children with disabilities.

At the Governmental Level

- Introduction of legislation guaranteeing school children the right to establish democratic bodies such as school councils, and requiring that such bodies comply with principles of non-discrimination and promote inclusion of children with disabilities, as well as both girls and boys. The Committee on the

Rights of the Child has insisted that such rights "need to be enshrined in legislation, rather than relying on the good will of authorities, schools and head teachers to implement them".[41]

- Development of guidance for ministries, local municipalities and schools on developing opportunities for children to be heard, which emphasizes the necessity for inclusive and non-discriminatory approaches.
- Consideration could be given to the creation of advisory groups of children with disabilities to provide guidance to governments on the development of policies in relation to, for example, accessibility, segregation or promoting inclusive schools. Children with disabilities should also be mainstreamed into existing groups such as junior parliaments, junior city councils, etc.

At the Municipal Level

- Creation of forums where children with disabilities can meet and share experiences, concerns and ideas on how to improve the quality of their school experience. Such forums would need administrative and financial support from the local municipality, which could also encourage and support local organizations for people with disabilities to act as facilitators for the children.
- Establishing dialogue between these children's forums and local policy-making bodies in order that their decisions are informed and influenced by the direct experiences of children with disabilities.
- Introduction of mechanisms for ensuring that children are able to express a view on school placements, and have their views taken seriously in accordance with their age and maturity.
- Support for children with disabilities to undertake audits of schools and local education authorities, based on child rights indicators for inclusion and the right to education they have developed within the local community.

At the School Level

- Establishment of school councils in which both girls and boys with disabilities play an active role.
- Introduction of child-to-child methodologies to promote opportunities for children to learn from each other (see box below for more details on *Child to Child*).
- Development of school policies in partnership with children on rights, inclusion, respect for diversity and non-discrimination.
- Introduction of reflection time, where children can share issues of importance and concern and learn to respect each other's right to be heard and to be treated equally.
- Peer counselling programmes in which children with disabilities play an active part and through which they can access support if they are experiencing problems in school.
- Introduction of safe, accessible and confidential complaints and referral mechanisms through which children with disabilities can raise concerns or report abuse.

Promoting Inclusive Education in Northern Uganda[42]

Since 2013, Child to Child, in partnership with AbleChild Africa, has been implementing a three-year project to improve the access and success of children with disabilities in primary school in Northern Uganda, a region with very high levels of poverty. This holistic project is addressing impairment, alongside environmental, institutional and attitudinal barriers to inclusion.

Although in recent years the number of children enrolling in primary schools in Uganda has increased significantly, in line with the Millennium Development Goal of achieving universal primary education, it has come at the cost of education quality. Overcrowded classrooms and untrained teachers result in high drop-out rates: 25-30 per cent of pupils drop out during their first year (UNESCO, 2010). Vulnerable groups – such as children with disabilities – are disproportionately affected. They drop out even earlier or fail to enrol at all.

The Child to Child approach empowers children to become powerful agents of change in their communities. Children identify and engage out-of-school children with disabilities in their communities, identify barriers to their exclusion, and work with schools and communities to ensure they access and stay at school. The local partner, Uganda Society for Disabled Children, has worked to develop the capacity of Parent Support Groups (PSGs). It has also worked with families, teachers and communities to lobby government and advocate for inclusive education to be prioritized and mainstreamed across national primary education services.

The results are significant. There has been an 18 per cent increase in enrolment of children with disabilities in just the first year of the project, directly as a result of teachers using participatory Child to Child approaches to support the learning of their pupils. Teachers are reporting an increased sense of 'agency' and improved motivation to adapt classroom practice to suit the needs of all learners. Children, as a consequence of their participation in Child to Child activities, both in the classroom and in school clubs, are noticing the barriers that children with disabilities face and are identifying ways of overcoming them. Thanks to media messages and parent support group activities, parents and communities are increasingly aware of disability, children with disabilities and the rights and different needs of all community members. Parents of children with disabilities are giving equal importance to the education and inclusion of their disabled children.

Participatory Child to Child approaches are also being incorporated into long-term inclusive education initiatives and pre-service teacher training by the 737369 and Kyambogo University.
This should ultimately ensure that children with disabilities can access primary school and receive a good-quality education.

Notes

VI. Summary of Key Points

3. A rights-based approach to inclusive education requires that recognition is given to:
   - The right to access education.
   - The right to quality education.
   - The right to respect for children's rights within education.

   Each dimension is equally important and interlinked.

4. In order to realize these rights, a broad range of legislative and policy measures is needed. It is not sufficient that ministries of education are engaged in policies to introduce inclusive education: a strategic approach and commitment across government is also required.

5. The specific education legislation and policies required include the introduction of a legal right of every child to inclusive education, backed up by a comprehensive policy or plan to establish the steps and resources necessary for implementation. Support for training for teachers, including teachers with disabilities, working in inclusive environments should be provided, as well as recognition of the right of children to mother-tongue instruction, including sign language.

6. The organization of, and responsibility for, inclusive education is important. Education of children with disabilities must be the responsibility of education ministries, but all government departments need to be involved in contributing to the removal of barriers that impede access to education for children with disabilities. This may include, for example, ministries of finance, transport, health and welfare, as well as those responsible for child protection.

7. Beyond education legislation, a range of legislation and policies are needed to build a culture in which inclusive education can be introduced and sustained. This will include a commitment to de-institutionalisation, ending discrimination, addressing violence in schools, and recognition of the right of children to express views and have them taken seriously in all matters that affect them.

Notes

Endnotes

1. Concluding observations on the initial report of Argentina, CRPD/C/ARG/1, September 2012.
2. Dept of Education, SA (2001), Education White Paper 6, Inclusive Education Status: accompanying challenges and strategic response.
3. UNICEF (2003), *Inclusive Education Initiatives For Children With Disabilities: Lessons From The East Asia And Pacific Regions.*
4. http://inclusiveschools.org/inclusive-education-in-vietnam/
5. http://www.moet.gov.vn/?page=9.6
6. https://www.cia.gov/library/publications/the-world-factbook/
7. http://www.unicef.org/india/education_6144.htm
8. Scope (2007), *Seeing is Believing: Changing Attitudes to Disability*, review of disability awareness campaigns.
9. Marchant R, 'Working with children with disabilities' in P Foley, J Roche and S Tucker (eds) *Children in Society: Contemporary theory, policy and practice*, The Open University, Milton Keynes, 2001.
10. It's About Ability, www.unicef.org/media/files/Its_About_Ability.pdf
11. Reagan, Timothy (2008), South African Sign Language and language-in-education policy in South Africa, Stellenbosch Papers in Linguistics 38: 165–190.
12. The status of sign languages in Europe, Council of Europe, 2005.
13. Light for the world, Inclusion of children and youth with disabilities, Bolivia – Our policy and programme work.
14. GIZ (2014) Inklusive Bildung in Malawi; PPP McKnight Kalanda (2009) Complementary Basic education in Malawi.
15. Mariga, L., McConkey, R. and Myezwa, H. (2014) *Inclusive Education in Low-Income Countries: A resource book for teacher educators, parent trainers and community developmentworkers*. Cape Town: Atlas Alliance and Disability Innovations Africa.
16. Skrtic, T.M., The special education paradox: equity as a way to excellence, Harvard Educational Review, 61 (2), pp.148-206, 1991.
17. OECD (1999), *Inclusive Education at Work: Students with Disabilities in Mainstream Schools*. Paris: OECD. p. 89.
18. Access to Basic Services for the Poor: The Importance of Good Governance, http://www.unescap.org/pdd/publications/MDG-access2basic-service/MDG-access-to-basic-services.pdf
19. See, for example, UN Guidelines for Alternative Care, A/RES /64/142, Feb 2010.
20. Dana Johnson, Medical and Developmental Sequelae of Early Childhood Institutionalization in Eastern Europe Adoptees, in The Effects of Early Adversity on Neurobiological Development 1426 (C. Nelson, ed., 2000); Charles H. Zeanah et. Al. Designing research to study the effects of institutionalization on brain and behavioural development: The Bucharest Early Intervention Project, 15 DEVELOPMENT AND PSYCHOPATHOLOGY 885, 886, 2003, (reviewing five decades of research literature on the damaging effects of institutionalization); Deborah A. Frank et. al., Infants and Young Children in Orphanages: One View from Pediatrics and Child Psychiatry, 95 PEDIATRICS , 1996.
21. World Report on Violence against Children, 2006, UN , New York.
22. End placing children under three years in institutions, UNICEF, 2011, Geneva.
23. Committee on the Rights of the Child, General Comment No.9, The Rights of Children with Disabilities, CRC /C/GC /9, Feb 2007.
24. http://www.wearelumos.org/stories/they-wont-be-invisible-any-more-inclusive-education
25. Adapted from Recommendation CM/Rec(2010)2 of the Committee of Ministers to member states on deinstitutionalisation and community living of children with disabilities, Council of Europe, Feb 2010.
26. Concluding Observations on the Initial Report of Spain CRPD/C/ESP/1,

27. CRC General Comment No.9 The Rights of Children with Disabilities, CRC/C/GC9, September 2006.

28. Convention on the Rights of the Child, Articles 19 and 28.

29. See, for example, Csorba J et al., Family- and School-related Stresses in Depressed Hungarian Children, *European Psychiatry*, 16: 18–26, 2001, cited in: Durrant JE, Corporal Punishment: Prevalence, Predictors and Implications for Child Behaviour and Development, 2005; in: Hart SN (Ed), *Eliminating Corporal Punishment*, 2005, Paris; UNESCO, and Due P et al., Bullying and Symptoms among School-aged Children: International Comparative Cross-sectional Study in 28 Countries, *The European Journal of Public Health*, 15(2): 128–132, 20.

30. Sergio Pinheiro, P, World Report on Violence against Children, UN Secretary General, 2006, New York.

31. See http://cira.med.yale.edu/globalsurvey/index.html.

32. Sergio Pinheiro, P, World Report on Violence against Children, UN Secretary General, 2006, New York.

33. Adapted from the UN Study on Violence Against Children with Disabilities 2005, and cited in Jones N, Moore K, Villar-Marquez E, Painful lessons: The politics of preventing sexual violence and bullying at school, Plan/ODI, 2008, London.

34. See http://www.endcorporalpunishment.org/

35. Committee on the Rights of the Child, GENERAL COMMENT No. 8 (2006), The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia), CRC /C/GC /8, March 2007.

36. CRC General Comment No.12, The Right of the Child to be Heard, CRC/C/GC/12, July 2009.

37. CRC General Comment No.12, The Right of the Child to be Heard, CRC/C/GC/12, July 2009.

38. See Take Us Seriously: Engaging children with disabilities in decisions affecting their lives, UNI*CEDF, New York, 2013.

39. See, for example, Franklin A and Sloper, P (2008), Children and Society VOL 23, 2009, pp. 3–15.

40. For indicators on implementing children's participation rights, see Lansdown G and O'Kane C, (2014) A Toolkit for monitoring and evaluating children's participation, Booklet Two, for indicators on implementing children's participation rights, Save the Children/UNICEF/Plan/WorldVision/CWC, London.

41. Committee on the Rights of the Child, General Comment No.12, The Right of the Child to be Heard, CRC /C/GC /12, July 2009.

42. http://www.childtochild.org.uk/projects/inclusive-education-northern-uganda/

Notes