



HUMAN
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“I Would Like To Go To School”

Barriers to Education for Children with Disabilities in Lebanon



“I Would Like To Go To School”

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Summary

“We are always scared of tomorrow because the school could say we need to remove him.”

—Huda, the mother of Wael, a 10-year-old boy with autism, Beirut, April 13, 2017

Under the law, all Lebanese children should have access to education free from discrimination. Lebanon’s Law 220 of 2000 grants persons with disabilities the right to education, health, and other basic rights. It set up a commission dedicated to optimizing conditions for children registered as having a disability to participate in all classes and tests.

In reality, the educational path of children with disabilities in Lebanon is strewn with logistical, social, and economic pitfalls that mean they often face a compromised school experience—if they can enroll at all.

Basmah, a 9-year-old girl with Down Syndrome, puts on her own backpack every day as she gets in the car to accompany her siblings to school—but despite her enthusiasm, no school has accepted her because of her disability. Human Rights Watch interviewed 33 children or their families, who said they were excluded from public school in Lebanon on account of disability, in what amounts to discrimination against them. Of these, 23 school-age children with disabilities in Beirut and its suburbs, Hermel, Akkar, Nabatieh, and the Chouf districts, were not enrolled in any educational program.

In the cases Human Rights Watch investigated, most families said children with disabilities were excluded from public schools due to discriminatory admission policies, lack of reasonable accommodations, a shortage of sufficiently trained staff, lack of inclusive curricula (including no individualized education programs), and discriminatory fees and expenses that further marginalize children with disabilities from poor families.

There is no clear data on the total number of children with disabilities in Lebanon or on how many children with disabilities are in school. According to Rights and Access, the government agency charged with registering persons with disabilities, there are currently 8,558 children registered with a disability aged between 5 and 14 (the age of compulsory education in Lebanon). Of these, 3,806 are in government-funded institutions, with some

others spread among public and private schools. But many of those registered do not attend any type of educational facility. Furthermore, these figures are low, given that the United Nations children’s agency (UNICEF), the World Health Organization (WHO), and the World Bank estimate that at least 5 percent of children below the age of 14 have a disability. Based on this statistic, a conservative estimate is that at least 45,000 children ages 5 to 14 in Lebanon have a disability. This discrepancy raises concerns that tens of thousands of Lebanese children with disabilities are not registered as such and many of these may not have access to education.

According to the Convention on the Rights of the Child (CRC), which Lebanon ratified in 1991, children with disabilities have the right to education, training, health care, and rehabilitative services. The Convention on the Rights of Persons with Disabilities, which Lebanon has signed but not ratified, promotes “the goal of full inclusion” while considering “the best interests of the child.” Law 220 mirrors this principle in requiring the best interest of the learner when it comes to inclusive versus special education.

As detailed by the UN High Commissioner for Human Rights, inclusive education has been acknowledged as the most appropriate means for governments to guarantee universality and nondiscrimination in the right to education. Inclusive education is the practice of educating students with disabilities in mainstream schools with the provision of supplementary aids and services where necessary to allow children to achieve their full potential. It involves the recognition of a need to transform the cultures, policies, and practices in schools to accommodate the differing needs of individual students and an obligation to remove barriers that impede that possibility.

The affirmation of the right to inclusive education is part of an international shift from a “medical model” of viewing disability to a “social model,” which recognizes disability as an interaction between individuals and their environment, with an emphasis on identifying and removing discriminatory barriers and attitudes in the environment. In Lebanon, however, authorities still seem to generally treat disability as a defect that needs to be fixed.

This report focuses on the barriers to quality and inclusive education for Lebanese children with disabilities who are at the age of compulsory education in Lebanon. It also assesses the segregated system of Ministry of Social Affairs (MOSA)-funded institutions, which is supposed to be the educational resource for children with disabilities kept out of school.

Although Lebanese law explicitly prohibits schools from discriminating against children with disabilities in enrollment decisions, admission to public and private schools continues to depend on the discretion of teachers and school directors, which leads to the exclusion of many children. When Huda tried to enroll her son Wael, a 10-year-old boy with autism, she went to many schools in the Beirut area. But she said one after another, they turned her away with explanations that included: “We don’t take handicap [sic]” and “We cannot accept your son, because the other parents might not approve.”

Most public and private schools that Human Rights Watch researched lack reasonable and appropriate accommodations that ensure a learning environment in which all children can participate fully. In Akkar, for example, Jad, a 9-year-old, music-loving boy who uses a wheelchair, attends a private school where the bathrooms are not accessible. As a result, Jad is forced to wear diapers, which his mother must come to school once a day to change. One of the few public schools in Jad’s district that accommodates children with disabilities has a wheelchair-accessible bathroom located on the second floor, but that floor is not wheelchair-accessible.

A 2009 survey conducted by the Lebanese Physical Handicap Union revealed that only 5 of 997 public schools observed met all of Lebanon’s physical accessibility standards for public buildings.

The education of children with disabilities is also hampered by a lack of reasonable accommodations, including basic physical accessibility in buildings; a lack of adequately trained teachers; a lack of an individualized approach to children’s education; and discriminatory fees and other expenses such as transportation.

Ahmed, a 5-year-old boy with a speech disability, attends a public school in Akkar. When he started his teachers could not understand him. In order for him to remain at the school, the school required his family to take Ahmed for speech therapy, and cover the costs, including transportation. The school did nothing to provide assistance or accommodations to Ahmed and his family. Possible classroom accommodations could include written assignments or written responses that someone else could read aloud.

A lack of community-based services and support means that many children with physical, sensory, or intellectual disabilities must travel long distances—spending up to six hours a

day in a car—or sleep in residential institutions in order to access any educational, health care, or other support services, such as early childhood education.

Imad, a 4-year-old who has a hearing disability, was denied admission to a school by local school administrators in Hermel, a district in northeastern Lebanon, because he uses a hearing aid. His only educational options are either to enroll at a residential institution in Beirut, about 150 kilometers away, or to make daily trips to a school in the nearest large town, Baalbek—amounting to a 10-hour school day at a cost of US\$100 per month. Both options were out of the question for Imad’s mother. “I have three other children to take care of,” she explained. With no alternative, Imad will stay out of school for the foreseeable future.

Under Lebanese law, specialized segregated institutions funded by MOSA—some of which are residential—are supposed to serve as the educational alternative to school exclusively for children with disabilities, yet the educational resources at these institutions are often of poor quality. Most of the specialized institutions are not even classified as schools by the Ministry of Education and Higher Education (MEHE). Lack of monitoring for quality education, a reliance on poor evaluation mechanisms, and a dearth of appropriate resources raises serious concerns about whether these institutions fulfill children’s right to education. “Most of them are just day care centers—nothing more,” a disability rights expert told Human Rights Watch.

Conditions in some of the institutions are problematic. At two institutions that Human Rights Watch visited, there was no separation between children and unrelated adult residents. At one institution, boys and men ages 5 to 50 slept in the same dormitory-style bedrooms. At another, the ages of residents in the same room ranged from 8 to 30.

The obstacles that children with disabilities face are not unique to Lebanon. Approximately 90 percent of children with disabilities in low income and lower-middle income countries do not go to school. The United Nations Educational, Scientific and Cultural Organization (UNESCO) estimates that children with disabilities represent more than one-third of the 121 million children at the primary and lower secondary level who are out of school worldwide.

In recent years, the Lebanese government has taken steps in the right direction. MEHE has made some efforts to include children with learning disabilities in public schools, and is

planning a pilot program for 2018 to have 30 inclusive public schools around the country that will accept children with learning disabilities and 6 that will accept children with visual, hearing, physical, and moderate intellectual disabilities. The right to education applies to all children with disabilities. No matter how high their support needs are, every child, without exception, has the right to an education.

Private nongovernmental organizations and UNICEF have tried to make public schools accessible through building modifications that can help accommodate children with physical disabilities. Other private nongovernmental organizations pay for trained teachers and materials that allow children with visual disabilities to be integrated into the classroom. Some private schools have also made significant efforts to include children with disabilities in classrooms, including by providing them with a shadow teacher and additional supportive material, although usually at a financial cost to the child's family.

Inclusive education benefits all students, not only students with disabilities. A system that meets the diverse needs of all students benefits all learners and is a means to achieve high-quality education. Inclusive education can promote a more inclusive society. As Khalil Zahri, the school director of Zebdine Public School put it, "the classes with children with disabilities are the most successful."

Inclusive education stands in sharp contrast to the special education model, in which children with disabilities are taught in segregated schools outside the mainstream, in special programs and institutions and with special teachers. In this system, children with and without disabilities have very little interaction, which can lead to greater marginalization within the community, "a situation that persons with disability face generally, thus entrenching discrimination."

While an inclusive education system cannot be achieved overnight, Lebanon should introduce new legislation to bring its national laws and practices in line with international law and standards. At the same time the Lebanese government should implement and enforce existing disability rights legislation, such as Law 220 of 2000, passed 18 years ago but never fully implemented. While Lebanon should dedicate more funds to make schools inclusive of all children, inclusive education does not have to be costly. A global World Bank study from 2005 found that even where modifications are necessary to ensure that buildings are physically accessible to people with disabilities, making the necessary

adjustments usually costs only 1 percent of the overall building cost. A key step toward inclusion is to train teachers on inclusive education methods, which can be integrated into existing training.

While Lebanon has a history of laws that promote the rights of people with disabilities and recently has made some progress in providing education for children with disabilities, significant work is needed to implement those laws and bring Lebanon into line with international standards. By taking specific steps to protect the rights of children with disabilities and ensuring they have equal access to quality education in inclusive schools, the Lebanese government and its international partners could radically enhance the quality of life for many children with disabilities in Lebanon.

Recommendations

To Parliament

- Amend Law 220 or pass new legislation that would require schools to take all necessary steps to accommodate children with disabilities.

To the Ministry of Education and Higher Education (MEHE)

- Implement inclusive education in such a way as to achieve maximum inclusion of children with disabilities, including children with high support needs, in mainstream public and private schools. The Ministry should create a focal point, or directorate, with the responsibility to ensure inclusive education.
 - Develop and implement a longer-term inclusive education plan that clarifies the concept of inclusive education in line with international standards and outlines steps to include all children with disabilities, including those with high support needs, into mainstream schools.
 - Take necessary measures to provide individualized support to students with disabilities who attend public schools.
 - Add a disability-focused component to the Back-to-School information dissemination initiative detailed in the Reaching All Children With Education II (2017-2021) documents.
- Hire personnel with required expertise and experience to ensure the general educational system is inclusive and capable of providing quality education to students with disabilities.
- Develop guidelines and standards on inclusive classrooms for teachers and school administrators and develop procedures to ensure that they are met. Allocate adequate funding for inclusive education for children with disabilities, including targeted funding, in budgets and requests for development assistance.
- Adapt school curricula for inclusive education. Develop a curriculum and assessment systems suitable for all learners, including children with intellectual or developmental disabilities.
 - Provide adapted academic material for children learning in sign language and Braille.

- As per the law, ensure all official examinations accommodate the needs of all children with disabilities.
- Ensure every school has a team dedicated to developing individualized education plans and to discussing accommodations and modifications when needed to meet a student's needs.
- Lay out standards and conditions for private sector schools for the inclusion of students with disabilities and supervise the application of such standards and conditions.
- Revise the teacher training materials to reflect inclusive education methods and increase awareness about children with disabilities.
 - Train all teachers and school administrators on inclusive education methods and practical skills, including on the use of appropriate languages, modes, and means of communications, such as basic sign language.
 - Provide continuous training, support, and mentoring of teachers and assistants, including through resource centers and professional exchange.
 - Train teachers and school administrators on how to avoid and address bullying, teasing, or other discriminatory and degrading treatment of children with disabilities in the classroom, transportation, and the rest of the school.
 - Provide training for school directors on how to maintain an inclusive school.
- Train and support parents of children with disabilities, including through regular parents' meetings to exchange information and provide peer support.
- Develop or strengthen early identification and intervention programs consistent with the inclusive approach to education and take steps to ensure children with disabilities have access to early childhood development programs.
- Strengthen and regulate monitoring of schools, including special schools, to ensure that children have access to quality education.
- Involve children with disabilities and their parents or family members in consultations and decision-making and monitoring processes. Develop strategies to increase community and family participation.

To the Ministry of Social Affairs (MOSA)

- Allocate sufficient resources for the development and sustainability of a range of services and support for children with disabilities and their families so that they can attend schools on an equal basis with other children. Services should include assistance so that families of children with disabilities can look after their children and have full access to assistive devices, transportation, healthcare, and other necessary services. The services and support need to take into account those children who require intensive support or may be at risk of remaining in institutions indefinitely.
 - Ensure children with disabilities, their families, and disabled persons organizations are included in the development of services.
- Create and implement a deinstitutionalization policy and a time-bound action plan for deinstitutionalization, based on the values of equality, independence, and inclusion for persons with disabilities.
 - Make sure that necessary services and support in communities focusing on inclusion of persons with disabilities is an important part of the deinstitutionalization plan and that persons with disabilities, disabled people's organizations, and organizations working on deinstitutionalization are invited to participate in the formation of this plan.
 - Redefine the role of MOSA-funded institutions, including residential institutions, from places responsible for the education of children with disabilities to, instead, centers that provide extracurricular support and other necessary support services to meet educational and developmental needs of children with disabilities, including speech therapy, physical therapy, and educational support for children with disabilities when necessary.
 - When necessary, seek out the experiences of other countries that have fully undergone deinstitutionalization.
- Recognize institutionalization based on disability as a form of discrimination and that institutionalization against the consent of older individuals might be a form of detention.
- Develop procedures and tools to more proactively collect data on persons with disabilities in communities and provide more incentives for persons to register for a disability card.

- Create standard procedures, policies, and a unified database of services and resources at the Ministry.
 - Publicize what resources (MOSA supported or private) are available for persons with disabilities in each region. Conduct needs assessments to determine where there are gaps in services.
- Together with the Ministry of Education, carry out awareness-raising campaigns on the right to education, nondiscrimination, and other rights of persons with disabilities, targeting the public at large, teachers, school administrators, and parents.
 - Launch an information campaign to inform parents about what resources are available to their children.
- Provide accessible and affordable transportation to enable children with disabilities to access schools, especially in rural areas where distances to schools may be greater.
 - Work together with other relevant ministries to ensure public transportation is free from violence against all children.
- Encourage teachers and classroom assistants trained on inclusive education and with practical skills to include and support children with disabilities in mainstream public and private schools to live and work rural areas that are under-served.
- Make funds available for public schools or private schools, if the family opts to send their child to a public or private school rather than a MOSA-funded institution.
- Allow parents to receive financial support that would otherwise be distributed to residential institutions, if a family wants and can support a child with disabilities in the home.
- Strengthen existing or establish new channels for people with disabilities to lodge complaints on laws that are not implemented or enforced.

To Multilateral and Bilateral Donors, UN agencies, and International NGOs

- Include children with disabilities and inclusive education in existing and future programs and policies, especially teacher training.
- Strengthen the capacity of the Lebanese government to implement an inclusive education approach through the development of stronger planning, implementation, and monitoring and evaluation processes and by encouraging greater collaboration among relevant ministries.

- Ensure sufficient funding for inclusive education. Consider funding the government, organizations for people with disabilities and NGOs for programs to support children with disabilities and realize their rights, particularly the right to education.
- Strengthen data collection on children with disabilities.
- Help the Ministry of Education and Higher Education achieve inclusive education by developing, distributing, and raising awareness of appropriate and easy-to-use inclusive education materials and encouraging public discussion.

To the Government

- Ratify the Convention on the Rights of Persons with Disabilities.

Methodology

This report is based on research conducted by Human Rights Watch researchers between January and June 2017 in the city of Beirut and its suburbs, Hermel, Akkar, Nabatieh, and the Chouf districts in Lebanon. Of the twenty-six districts spread throughout Lebanon's eight governorates, Human Rights Watch selected these five districts to document the range of barriers children with disabilities face in areas that differ in population density, socioeconomic levels, religious affiliation, level of urbanization, and distance from major health care service centers.

Evidence used in this report is based on the experiences of 105 children and young adults with disabilities shared by them or their families. Human Rights Watch visited and conducted interviews in 6 public schools, 5 private educational service-providing centers, and 17 Ministry of Social Affairs (MOSA) funded institutions. We also interviewed 30 disability rights and education experts and advocates and 13 government officials.

In Akkar, Hermel, Nabatieh, and the Chouf, Human Rights Watch visited 9 of the 10 MOSA-funded institutions that offer education for children with disabilities in those regions, and spoke with 63 staff and in some cases students and their parents there.

Due to the size of Beirut and its suburbs, researchers consulted with experts in the disability rights field to select a representative range of educational opportunities to visit. These institutions included Dar al-Aytam al-Islamiya, Blessed, Mabarrat's al-Hadi, and al-Zawark.

Aside from these districts, researchers visited additional institutions in Baalbek, Saida, and two in Zahle. In total, Human Rights Watch visited 17 institutions, 7 of which were residential.

Researchers also visited six private facilities that fill some gaps in government services in these areas, including speech therapists, physical therapists, physiotherapists, psychologists, after-school tutoring, and in-home services.

In all cases, Human Rights Watch informed interviewees of the purpose of the interview, that they would receive no personal service or benefit, and that the interviews were

completely voluntary. Participants gave informed consent to participate and informed consent for their story to be shared.

Interviews with children were conducted in Arabic with the assistance of an interpreter, fluent in Arabic and English. Interviews with parents, institution staff, government officials, and representatives of Lebanese nongovernmental organizations (NGOs) were largely conducted in English or Arabic with the assistance of an interpreter. In two cases, a teacher from an institution used sign language to facilitate communication between researchers and children with a hearing disability at the institution.

Unless otherwise noted, we have used pseudonyms for all children, young people, and their families in order to protect their privacy. In some cases, we have withheld other details, such as the name of the institution where an interview took place. We have also withheld names and other details about some institutional staff to protect them from possible reprisal.

Children with disabilities and their families who were interviewed were selected through outreach via MOSA-funded institutions, services providers, community leaders, and NGOs.

This report focuses on Lebanese children, and may not account for additional barriers faced by Syrian or Palestinian refugee children with disabilities.

I. Background

Globally, around 90 percent of children with disabilities in low income and lower-middle income countries do not go to school.¹ The United Nations Educational, Scientific and Cultural Organization (UNESCO) estimates that children with disabilities represent more than one-third of the 121 million children at the primary and lower-secondary level who are out of school worldwide.² There is no clear data on the total number of children with disabilities in Lebanon or on how many are out of school. In fact, data on both the size of the overall school-age population in Lebanon and age-specific prevalence of disability within populations throughout the world is so scarce that only general estimates of the total number of children with disabilities are available. According to the Lebanese government's figures, there are 8,558 compulsory school-age children registered with a disability in the country.³ But based on global estimates by international agencies finding that at least 5 percent of children below the age of 14 have a disability, and that 17.4 percent of Lebanese nationals are between 5 and 14 years old, the reality may be that more than 45,000 Lebanese children of compulsory school age have a disability.⁴

Global statistics from 2013 showed that of the 10 percent of all children with disabilities who were in school, only half completed their primary education, with many leaving after only a few months or years, because they were gaining little from the experience.⁵ Children with disabilities who attended school were more likely to face exclusion in the classroom and to drop out.⁶

¹ "Children with Disabilities," Global Partnership for Education, accessed March 7, 2018, <https://www.globalpartnership.org/focus-areas/children-with-disabilities>.

² UNESCO, "Leaving no one behind: How far on the way to universal primary and secondary education?," July 2016, <http://unesdoc.unesco.org/images/0024/002452/245238E.pdf> (accessed March 7, 2018), p. 1.

³ Letter from Hyam Fakhoury, director of Rights and Access, to Human Rights Watch, August 7, 2017.

⁴ UN Department of Economic and Social Affairs, Population Division (2015). World Population Prospects: The 2015 Revision - Special Aggregates, DVD Edition; World Health Organization and World Bank, "World Report on Disability," 2011, http://www.who.int/disabilities/world_report/2011/report.pdf (accessed October 30, 2017), p. 30.

⁵ UN Children's Fund (UNICEF), "Children and Young People with Disabilities: Fact Sheet," May 2013, https://www.unicef.org/disabilities/files/Factsheet_A5_Web_NEW.pdf (accessed February 28, 2018), p. 20.

⁶ Ibid.

Lebanese Education System

The education system in Lebanon is overseen by the Ministry of Education and Higher Education (MEHE). Education in Lebanon is split into three phases: pre-school, basic, and secondary.⁷

The basic phase, for children ages 5-14, is compulsory and is divided between grades 1-3 (cycle one), grades 4-6 (cycle two), and grades 7-9 (cycle three). At the culmination of cycle three, students take a national exam called the *Brevet*. The *Brevet* score helps to determine a student's placement in further education and whether they will continue on an academic or technical track for secondary school, which comprises grades 10-12. After grade 12, students take the official Lebanese baccalaureate exams, which are required for admission to most universities in the country.⁸

Academic establishments are broadly divided into public, semi-private, and private schools, and are accredited by MEHE. There are 1,279 public schools in Lebanon, which MEHE funds and supervises.⁹

Law 220 guarantees equal opportunities within all public and private educational or learning establishments for persons with disabilities, and stipulates that MEHE shall cover the educational and occupational costs of specialized institutions when called for by the Ministry of Social Affairs (MOSA).¹⁰

MOSA-Supported Institutions

Article 61 of Lebanese Law 220/2000 stipulates that MEHE is charged with financing special schools and education for children with disabilities.¹¹ However, MEHE

⁷ Ministry of Education and Higher Education (MEHE), "Achievements: 2010," 2011, [http://www.mehe.gov.lb/uploads/file/Reports/2011/Progress_Report_of_Ministry_of_Education_18_5_2011_\(Repaired\).pdf](http://www.mehe.gov.lb/uploads/file/Reports/2011/Progress_Report_of_Ministry_of_Education_18_5_2011_(Repaired).pdf) (accessed April 1, 2016), p. 7.

⁸ MEHE, "Lebanon – Education System," undated, http://www.higher-edu.gov.lb/arabic/Guides/Other-Guides/Educ_Sys.pdf (accessed March 1, 2018), pp. 2-3.

⁹ UN and Government of Lebanon, "Lebanon Crisis Response Plan 2017-2020 (2018 update)," January 2018, <https://reliefweb.int/report/lebanon/lebanon-crisis-response-plan-2017-2020-2018-update> (accessed March 1, 2018), p. 105.

¹⁰ Rights of Persons with Disabilities Law No. 220 of 2000.

¹¹ UNESCO, "Assessment of the Level of inclusiveness of Public Policies in Lebanon," September 2013, http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Beirut/images/SHS/Assessment_of_level_of_Inclusiveness_of_

representatives told Human Rights Watch that children with physical and intellectual disabilities are not part of the MEHE school system.¹² Although Human Rights Watch found that some children with disabilities attended public schools, the vast majority of children with a disability who were receiving any educational support from the government were securing it through the MOSA-funded institutions.

Through contracts with private organizations, MOSA provides funding for a limited number of children to attend one of the 103 segregated institutions it supports across the country. Many children with disabilities are not even able to attend a MOSA-funded institution due to limited capacity.¹³

There is little uniformity among these different institutions, which may be religiously affiliated, politically affiliated, or both. Some of the institutions offer residential spots. Institutions that Human Rights Watch researched vary in size from 32 residents to 600, and in the ages of their residents. One institution Human Rights Watch researched accommodated children from 1 to 12 years old; another accommodated residents from 4 to 80 years old.

While the characteristics of these institutions vary greatly, their contracts with MOSA are largely standardized. Where the contracts do vary is in the number of children with certain disabilities that the institution will accept, the type of services the institution offers, and how many residential or non-residential spots an institution can have. MOSA provides funding according to a daily rate, which varies based on the factors mentioned above, but which has not changed since 2012. These contracts are not determined by the needs in particular regions, but rather they are often the result of a negotiation between institutions and MOSA.¹⁴

While some of these institutions provide academic services, there is no mechanism that monitors for quality of education at institutions. According to interviews with MEHE, MOSA,

Public_Policies_in_Lebanon.pdf (accessed September 11, 2017), p. 34; Rights of Persons with Disabilities Law No. 220 of 2000, art. 61.

¹² Human Rights Watch interview with Rita Gahreeb and Mayssa Itani, MEHE's Special Education Center, Beirut, March 22, 2017.

¹³ Human Rights Watch interview with Marie El Hajj, Beirut, June 13, 2017.

¹⁴ Ibid.

and institutions, no institutions are supervised or monitored by MEHE. Only 1 of the 17 that Human Rights Watch visited was registered with MEHE as an official school. MOSA conducts monitoring visits to check the quality of the facilities, but not their educational standards.

Inclusive Education Model

In an inclusive education system, all students learn in the same schools in their communities regardless of whether they are “disabled and non-disabled, girls and boys, children from majority and minority ethnic groups, refugees, children with health problems, working children, etc.”¹⁵ Inclusivity requires that the content and methods of education are modified and that the system provides support, as needed, to meet the diverse needs of all learners.¹⁶ Inclusive education therefore is not only relevant for the education of students with disabilities, but should benefit all children and be “central to the achievement of high-quality education for all learners and the development of more inclusive societies.”¹⁷ Studies have shown that students with disabilities achieve better academic results in an inclusive environment when given adequate support than they do in segregated, “special education” settings.¹⁸

Inclusive education focuses on removing the barriers within the education system itself that exclude children with special educational needs and cause them to have negative experiences within school.¹⁹ It requires teachers and classrooms to adapt, rather than for the child to change. Support services should be brought to the child, rather than relocating the child to the support services.²⁰ In an inclusive classroom, children with disabilities

¹⁵ Enabling Education Network, “Report to Norad on desk review of inclusive education policies and plans in Nepal, Tanzania, Vietnam and Zambia,” November 2007, http://www.eenet.org.uk/resources/docs/Policy_review_for_NORAD.pdf (accessed October 15, 2017), p. 9.

¹⁶ UNESCO, “Guidelines for Inclusion: ensuring access to education for all,” 2005, <http://unesdoc.unesco.org/images/0014/001402/140224e.pdf> (accessed October 15, 2017), p. 18.

¹⁷ UNICEF, “The Right of Children with Disabilities to Education: A Rights-based Approach to Inclusive Education,” 2012, http://www.unicef.org/ceecis/IEPositionPaper_ENGLISH.pdf (accessed October 15, 2017), p.4.

¹⁸ UNESCO, “Inclusive Education,” 2011, <http://www.unesco.org/new/en/education/themes/strengthening-educationsystems/inclusive-education/>; Inclusion International, “Better Education for All: A Global Report,” October 2009, http://inclusion-international.org.cluster.cwcs.co.uk/wp-content/uploads/Better-Education-for-All_GlobalReport_October-2009.pdf (accessed June 6, 2013).

¹⁹ Save the Children, “Making Schools Inclusive,” 2008, <http://www.eenet.org.uk/resources/docs/Making%20schools%20inclusive%20SCUK.pdf> (accessed February 27, 2018), p. 10.

²⁰ UNICEF, “Examples of inclusive education: Nepal,” 2003, <http://www.unicef.org/rosa/InclusiveNep.pdf> (accessed February 27, 2018), p. 1.

have individual education programs to guide the teacher, parents, and student on how to achieve the best educational outcomes for the child.

Inclusive education is distinct from two other approaches to educating people with disabilities.²¹ One is segregation, where children with disabilities are placed in educational institutions that are separate from the mainstream education system. Another is integration, where children are placed in mainstream schools, but only if they can adapt to these schools and meet their demands. Unlike inclusive education, integration tends to regard the child with a disability rather than the school as the one who needs to change.²² Inclusion focuses on identifying and removing the barriers to learning and changing practices in schools to accommodate the diverse learning needs of individual students.

Specialized classes within mainstream schools may be beneficial for some students with disabilities to complement or facilitate their participation in regular classes, such as to provide Braille training or physiotherapy.²³

The Convention on the Rights of Persons with Disabilities (CRPD) requires states parties to take measures to ensure the full and equal participation of children with disabilities in education, including:

- (a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- (c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and

²¹ "Integration is not Inclusion," Alliance for Inclusive Education, accessed March 6, 2018, <http://www.allfie.org.uk/pages/useful%20info/integration.html>.

²² Specialized classes within mainstream schools, such as to provide Braille training or physiotherapy, may be beneficial for students with disabilities if the special classes complement or facilitate their participation in mainstream classes or environments. UNESCO, "Guidelines for Inclusion: ensuring access to education for all," 2005, <http://unesdoc.unesco.org/images/0014/001402/140224e.pdf> (accessed October 15, 2017), p. 9.

²³ Sightsavers International, "Policy Paper: Making Inclusive Education a Reality," July 2011, p. 4.

means of communication for the individual, and in environments which maximize academic and social development.²⁴

Inclusive education stands in sharp contrast to the special or separate education model, in which children with disabilities are taught in segregated schools outside the mainstream, in special programs and institutions and with special teachers.²⁵ In this system, children with and without disabilities have very little interaction, which can lead to greater marginalization within the community, “a situation that persons with disability face generally, thus entrenching discrimination.”²⁶

Disability Laws and Education

Lebanon still adheres to an outdated “medical model” that regards disability as an impairment that needs to be “treated,” “cured,” “fixed,” or at least rehabilitated.²⁷ In contrast, the United Nations adopted a rights-based approach, enshrined in the CRPD, which views disability as a result of the interaction between persons with physical, sensory, intellectual, or psychosocial impairments and attitudinal, communication, and environmental barriers that hamper their full participation in society.²⁸ Article 19, a human rights organization, points to this difference in approach as one of the reasons Lebanon has a significantly lower official recorded prevalence of disability than the global average: 2 percent, versus the World Bank and World Health Organization statistic that 15 percent of the world’s population has a disability.²⁹

²⁴ Convention on the Rights of Persons with Disabilities (CRPD), adopted December 13, 2006, G.A. Res. 61/106, entered into force May 3, 2008, signed by Lebanon June 14, 2007, art. 24.

²⁵ “Inclusion in Education,” UNESCO, accessed February 28, 2018, <http://www.unesco.org/new/en/education/themes/strengthening-education-systems/inclusive-education/10-questions-on-inclusive-quality-education/>; UN Human Rights Council, “The Right to Education of persons with disabilities: Report by the UN Special Rapporteur on the Right to Education Vernor Muñoz,” February 2007, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/4/29 (accessed February 27, 2018), p. 7.

²⁶ *Ibid.*

²⁷ Human Rights Watch interview with Hyam Fahkoury, director of Rights and Access, Beirut, March 28, 2017; Article 19, “Lebanon: Disability and Access to Information,” May 2015, <https://www.article19.org/data/files/medialibrary/37983/Disability-and-access-to-information-in-Lebanon,-31-May-2015,-English.pdf> (accessed March 1, 2018), p. 12.

²⁸ Convention on the Rights of Persons with Disabilities, adopted December 13, 2006, G.A. Res. 61/106, entered into force May 3, 2008, signed by Lebanon June 14, 2007, Preamble (e).

²⁹ Article 19, “Lebanon: Disability and Access to Information,” May 2015, <https://www.article19.org/data/files/medialibrary/37983/Disability-and-access-to-information-in-Lebanon,-31-May-2015,-English.pdf> (accessed March 1, 2018); World Health Organization and World Bank, World Report on Disability, 2011, http://www.who.int/disabilities/world_report/2011/report.pdf (accessed February 28, 2018), p. 27.

Lebanon has signed and ratified the Convention on the Rights of the Child, which obligates states to make primary education compulsory and free to all without discrimination.³⁰ It specifies that states should ensure that children with disabilities have effective access to and receive education, training, health care services, and rehabilitative services.³¹ Lebanon has also signed, but not ratified, the CRPD, which promotes “the goal of full inclusion” at all levels of education, and obliges State parties to ensure children with disabilities have access to inclusive education, and that they are able to access education on an equal basis with others in their communities.³² Inclusive education involves children with disabilities studying in their community schools with reasonable support for academic and other achievement.

In Lebanon, the National Committee for the Disabled was established in 1993 and was restructured by Law 220 in 2000 to be composed of four MOSA officials, two disability experts appointed by the Minister of Social Affairs, four elected representatives of disabled people’s organizations, four elected persons representing institutions, and four elected persons with disabilities.³³ In 1994, the committee created an implementing body—Rights and Access—charged with defining and ensuring the rights of persons with disabilities and facilitating access to these rights.³⁴

Rights and Access developed a card identification system for persons with disabilities in Lebanon. A person may obtain such a card by going to one of seven centers around the country, operated by MOSA.³⁵ Lebanon recognizes 165 disabilities, based on the World Health Organization’s *International Classification of Impairments, Disabilities and Handicaps* from 1980.³⁶ Lebanon still uses this publication even though in 2001, the World Health Organization replaced this diagnostic tool with the *International Classification of*

³⁰ Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 UN GAOR Supp. (No. 49) at 167, UN Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Lebanon on May 14, 1990, art. 28, 1(a).

³¹ *Ibid.*, arts. 23, 3.

³² Making Lebanon part of the 4 of the 22 members of the Arab League who have not ratified the convention. See Article 19, “Lebanon: Disability and Access to Information,” May 2015, <https://www.article19.org/data/files/medialibrary/37983/Disability-and-access-to-information-in-Lebanon,-31-May-2015,-English.pdf> (accessed March 1, 2018), p. 9; CRC arts. 1(a) 28; CRPD, art. 24.

³³ Human Rights Watch interview with Hyam Fakhoury, director of Rights and Access, Beirut, March 28, 2017.

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

*Functioning, Disability and Health.*³⁷ Persons who receive a disability card are legally entitled to a range of benefits, such as life insurance, tax benefits, and assistance paying for healthcare, educational, and rehabilitative services.³⁸ However, instead of a right to inclusive quality education on an equal basis with other children, educational services include specialized education, learning, or occupational training until the age of at least 21.³⁹

Law 220/2000

In 2000, the Lebanese parliament passed Law 220 on the Rights of Persons with Disabilities, guaranteeing “adequate opportunities for the education and learning of all, from children to adults, within all educational or learning institutions of any kind, within their regular classes and in special classes if called for.”⁴⁰

Law 220 bans schools or learning institutions from making admissions decisions based “upon the soundness of an individual’s constitution, body, or abled-ness, or lack of handicap, infirmity, defect or other formulations.”⁴¹

The law further states that “any applicant with a disabled ID card” has the right to “pursue studies in the educational or learning institution of his choice, by ensuring favorable conditions to allow him to take entrance exams and all other testing during the school year in every occupational or university stage.”⁴²

The law sets out accessibility standards for the construction of buildings intended for public use, sets a hiring quota of three percent for persons with disabilities for public and private businesses, creates committees to write and implement rules that would support people with disabilities, and codifies the right to health, transportation, and education—among others—for people with disabilities.⁴³

³⁷ Article 19, “Lebanon: Disability and Access to Information,” May 2015, <https://www.article19.org/data/files/medialibrary/37983/Disability-and-access-to-information-in-Lebanon,-31-May-2015,-English.pdf> (accessed March 1, 2018), p. 13.

³⁸ Rights of Persons with Disabilities Law No. 220 of 2000.

³⁹ *Ibid.*, art. 61.

⁴⁰ *Ibid.*, art. 59.

⁴¹ *Ibid.*, art. 60.

⁴² *Ibid.*

⁴³ *Ibid.*, arts. 37, 59, 63, 68-82.

According to Law 220, the Ministry of Education and Higher Education is responsible for costs associated with the education of children with disabilities.⁴⁴ Law 220 stipulates that MOSA is responsible for all decisions related to whether an individual receives a disability card and what services, equipment, or tax benefits that person receives.⁴⁵

The law also creates a number of commissions charged with developing and implementing policies to support persons with disabilities. The Disabled and Special Needs Education Commission, for example, which must include a person with a disability from the National Committee for the Disabled, is charged with organizing all matters related to the education of persons with disabilities, including procedures and techniques for setting optimal conditions to allow every student who holds a disability card to participate in all classes and tests in all academic, occupational, and university stages.⁴⁶

The commission is also charged with providing advice, technical and educational assistance, and necessary guidance to all educational institutions where persons with disabilities access education.⁴⁷ Finally, the commission is supposed to establish a national audio library, a national raised-print library, and a unified sign language.⁴⁸ Further commissions exist to create and implement policies around different areas of life for persons with disabilities such as sports and transportation.⁴⁹

However, while Law 220 is wide ranging and ambitious, 18 years after it was passed only a fraction of its provisions have been implemented, particularly with regard to education.⁵⁰ The commissions, for instance, have rarely met, and they have implemented almost no policies to ensure access to education or reasonable accommodations while in school.⁵¹ Neither the Ministry of Education and Higher Education nor the Ministry of Social Affairs

⁴⁴ Ibid., art. 61.

⁴⁵ Ibid.

⁴⁶ Ibid., art. 63(A)-(B).

⁴⁷ Ibid., art. 63(B).

⁴⁸ Ibid.

⁴⁹ Ibid., arts. 44, 67.

⁵⁰ Lebanese Physical Handicapped Union et al., "Submission to the Office of the High Commissioner for Human Rights on the occasion of the 9th Session of the Universal Periodic Review 2010 Lebanon," 2010, http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LB/LPHU_LebanesePhysicalHandicapped.pdf (accessed September 12, 2017), pp. 4-5.

⁵¹ UNESCO, "Social Inclusion of Young Persons with Disabilities (PWD) in Lebanon: Where do we stand and what should be done to promote their rights?" September 2013, <http://unesdoc.unesco.org/images/0024/002442/244263e.pdf> (accessed September 11, 2017), p. 13; Human Rights Watch interview with MOSA official, Beirut, November 27, 2017 (details withheld).

have implemented the articles on reasonable accommodation in Law 220. Furthermore, the law still perpetuates the idea of segregated, special schools and should be revised to reflect the current global thinking on inclusive education.

Recent Developments

There have been some positive developments in recent years to improve access to education for children with physical, sensory, and learning disabilities—although not children with intellectual or psychosocial disabilities—in public schools in Lebanon.⁵²

The Ministry of Education and Higher Education has begun working on a project for the 2018 academic year to provide 30 of the public schools in Lebanon with full-time specially-trained teachers and a mobile team of school aides that can provide extra support for children with learning disabilities and physically accessible facilities for children with physical disabilities. In addition, with the help of the UN Children’s Agency (UNICEF) and a German development organization, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), 20 public schools have been refurbished so their physical infrastructure is accessible to children with physical disabilities.

To cover some of the gaps in educational services provided by the government to children with physical, sensory, and learning disabilities, nongovernmental organizations have in recent years provided accommodations for children with certain disabilities in public schools. For example, the Youth Association for the Blind (YAB) provides typewriters and academic material in Braille as well as trained teachers who can shadow children with visual disabilities and teach children to read and write in Braille. This past year, YAB supported 22 students, and their parents, so the children could attend public school.⁵³ Organizations like Trait d’Union and the Lebanese Center for Special Education have also conducted trainings and provided some resources in public schools to help children with

⁵² Learning disabilities refer to difficulties in learning specific skills, such as reading, language, or math. They affect people’s ability to either interpret what they see and hear or to link information. Children with learning disabilities may also have difficulties with paying attention and getting along with their peers. Learning disabilities are not related to intelligence or educational opportunity. An intellectual disability refers to a condition characterized by significant limitations both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behavior, which covers a range of everyday social and practical skills. Intellectual disability forms a subset within the larger universe of developmental disability, but the boundaries are often blurred as many individuals fall into both categories to differing degrees and for different reasons. Examples of intellectual disability include Down Syndrome and some forms of cerebral palsy.

⁵³ Human Rights Watch telephone interview with Amer Makarem, director of Youth Association for the Blind, Beirut, June 8, 2017.

“learning difficulties” receive extra support.⁵⁴ This normally involves break-out classrooms where children receive more personalized attention in smaller group settings.

⁵⁴ “Lebanese Center for Special Education (CLES) homepage,” September 5, 2017, <https://www.cles.org> (accessed March 3, 2018). Learning difficulties is a term used by MEHE and MOSA to describe children who are having trouble in school leading to children falling behind on the curriculum. While this delay is normally caused by a learning disability, it could also be caused by social issues at home or other factors unrelated to a disability. A MOSA official and Lebanese learning disability expert told Human Rights Watch that this term has mixed meanings and has no internationally-recognized meaning. Children diagnosed with a learning difficulty are given a temporary card rather than the more permanent disability card. Human Rights Watch interview with Rita Gahreeb and Mayssa Itani, MEHE’s Special Education Center, Beirut, March 22, 2017; Human Rights Watch telephone interview with learning specialist at MOSA-funded Institution, March 29, 2017.

II. Barriers to Inclusive and Quality Education

“While exclusion might not be a policy, it has become the custom.”

—Sylvanna Lakkis, President of the Lebanese Physical Handicap Union, Beirut, July 5, 2017

Under international human rights law, all children have a right to free, inclusive, quality primary education, free from discrimination. However, many children with disabilities in Lebanon find themselves completely excluded from any educational opportunities.

Children with disabilities in Lebanon are often denied admission to schools because of their disability. Families said school officials gave different, sometimes brutal, reasons for denying their children admission.

Rana, a 25-year-old with an intellectual disability, was told at 8 years old that she had to leave school because she was “taking the spot of another student,” her mother recalled. “They would sit her in the courtyard.” Rana never returned to school.⁵⁵

Cultural stigma around disability in Lebanon is an underlying factor for this denial of education. One family said that a teacher told them their child, who has a learning disability, “should sell gum or graze cattle” rather than be in school.⁵⁶ A Ministry of Social Affairs official in Hermel estimated that 80 percent of families with children with disabilities do not send them to school but rather keep them at home, and that the main motivation for this is shame. Such an assessment is consistent with UNICEF’s finding that globally, “The greatest barriers to inclusion of children with disabilities are stigma, prejudice, ignorance and lack of training and capacity building.”⁵⁷

The UN Committee on the Rights of Persons with Disabilities has stated, “it is necessary to change attitudes towards persons with disabilities in order to fight against stigma and

⁵⁵ Human Rights Watch interview with family, Baalbek, February 2, 2017 (details withheld).

⁵⁶ Human Rights Watch interview with family, Akkar, March 2, 2017 (details withheld).

⁵⁷ United Nations Children’s Fund (UNICEF), “Children and Young People with Disabilities: Fact Sheet,” May 2013, https://www.unicef.org/disabilities/files/Factsheet_A5_Web_NEW.pdf (accessed February 28, 2018), p. 6.

discrimination, through ongoing education efforts, awareness-raising, cultural campaigns and communication.”⁵⁸

Even when children with disabilities are allowed to attend school, they are not provided a quality education because of a lack of reasonable accommodations, accessible materials, and discriminatory fees and expenses.

Public Schools

“In public schools, the government doesn’t allow children with disabilities. Especially if they look like they have a disability, they will not be allowed in.”

—Public school teacher, Hermel, February 16, 2017

There are 1,279 public schools in Lebanon, which the Ministry of Education and Higher Education (MEHE) funds and supervises.⁵⁹ In an interview with Human Rights Watch, ministry officials conceded that few schools in the country are inclusive or are even accessible to children with any kind of disability.⁶⁰ In the cases Human Rights Watch investigated, most families said children with disabilities were excluded from public schools due to discriminatory admission policies, lack of reasonable accommodations, a shortage of sufficiently trained staff, lack of inclusive curricula (including no individualized education programs), and discriminatory fees and expenses that further marginalize children with disabilities from poor families.

Denial of Admission Due to Disability

Since 2000, Lebanese law has prohibited any restrictions on admissions or entry into any institution of education or learning based on disability.⁶¹ However, Human Rights Watch interviewed 33 children, or their families, who said they were excluded from public schools as a result of discrimination on account of disability.

⁵⁸ Convention on the Rights of Persons with Disabilities, adopted December 13, 2006, G.A. Res. 61/106, entered into force May 3, 2008, signed by Lebanon June 14, 2007, General Comment No. 2, Accessibility, CRPD/C/GC/2.

⁵⁹ United Nations and Government of Lebanon, “Lebanon Crisis Response Plan 2017-2020 (2018 update),” January 2018, <https://reliefweb.int/report/lebanon/lebanon-crisis-response-plan-2017-2020-2018-update> (accessed March 1, 2018), p. 105.

⁶⁰ Human Rights Watch interview with Rita Gahreeb and Mayssa Itani, Beirut, March 22, 2017.

⁶¹ Rights of Persons with Disabilities Law No. 220 of 2000, art. 60(A).

Sylvanna Lakkis, President of the Lebanese Physical Handicap Union, an advocacy and support group for persons with disabilities, told Human Rights Watch that school directors and teachers who refuse to accept children with disabilities due to their own biases or social stigma face no ramifications. “While exclusion might not be a policy, it has become the custom,” she said.⁶² In many cases, the stigma and misconceptions associated with disabilities lead parents, teachers, and school directors to fear having children with disabilities mixed into their student bodies.⁶³ According to Lakkis, this fear is so widespread that even parents with children who have a disability do not want children with other disabilities in the same class as them.⁶⁴

Amer Makarem, director of the Youth Association for the Blind (YAB), told Human Rights Watch that teachers or school directors have the final say as to whether to include a child: in a number of cases, YAB has either not been able to include a child in a public school or had to stop providing assistance because a school director said he or she did not want a child with a visual disability in the classroom even though YAB was paying for the accommodations.⁶⁵

The perceived cost and burden of including a child with a disability was another factor that excludes children from public schools. One public school director explained that most other directors have the misconception that “including children with disabilities in your school will be a financial burden.”⁶⁶

Arbitrary decisions by local school staff appear to especially harm children with intellectual disabilities. A MEHE representative told Human Rights Watch that children with intellectual disabilities were not included in the public-school system, adding that while this is not official policy, it is the de facto reality since the decision is left to teachers and school directors.⁶⁷

⁶² Human Rights Watch telephone interview with Sylvanna Lakkis, president of the Lebanese Physical Handicap Union, Beirut, July 5, 2017.

⁶³ Human Rights Watch interview with family, Akkar, March 2 and April 13, 2017 (details withheld).

⁶⁴ Human Rights Watch interview with family, Akkar, March 2, 2017 (details withheld).

⁶⁵ Human Rights Watch interview with Amer Makarem, Beirut, January 16, 2017.

⁶⁶ Human Rights Watch interview with Khalil Zahri, school director at Zebdine public school, Nabatieh, May 16, 2017.

⁶⁷ Human Rights Watch interview with Rita Gahreeb and Mayssa Itani, Beirut, March 22, 2017.

Basmah is a 9-year-old girl with Down Syndrome from Akkar who does not attend public school.⁶⁸ Basmah’s parents told Human Rights Watch that she puts on her backpack every day as her siblings get ready for school—but has nowhere to attend.⁶⁹ “I would like to go to school,” Basmah said. According to her parents, Basmah was denied enrollment by the principal at her local public school three years ago—the principal said that she “moves a lot” and so she cannot be in class with other children.⁷⁰

Zahraa, a 5-year-old girl living in Hermel, has an intellectual disability.⁷¹ Her mother told Human Rights Watch that she tried to enroll Zahraa in a public school the previous year, but the principal called after a month to inform her that Zahraa had to leave because, “[the teachers] cannot leave all the other children and just take care of her.”⁷²

Children with learning disabilities are also excluded from public schools. Human Rights Watch spoke with the mother of Rabih, a 9-year-old living in Beirut who is hyperactive.⁷³ He used to attend a private school, where “they used to put me out of the class,” Rabih told a Human Rights Watch researcher.⁷⁴ His mother tried to enroll him in a public school after the private school’s fees became too high for the family to afford.⁷⁵ Rabih’s family said they could not find a public school that would admit him.⁷⁶ He was out of school for two years before starting at a MOSA-funded institution.⁷⁷

Barriers to Legal Redress

Although Law 220 has outlawed disability-based discrimination, Ghida Frangieh, a lawyer at Legal Agenda, a Lebanese non-profit that monitors and analyzes law and public policy, said few of the law’s components have been enforced.⁷⁸ “While there have been lawsuits focused on the right to work, the right to housing and accessibility of courts, I am not

⁶⁸ Human Rights Watch interview with family, Akkar, March 3, 2017 (details withheld).

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Human Rights Watch interview with family, Hermel, April 2, 2017 (details withheld).

⁷² Ibid.

⁷³ Human Rights Watch interview with family, Beirut, April 13, 2017 (details withheld).

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Human Rights Watch telephone interview with Ghida Frangieh, lawyer at Legal Agenda, Beirut, July 31, 2017.

aware of any lawsuit aiming at enforcing the right to education for persons with disabilities,” she told Human Rights Watch.⁷⁹

According to the law, the National Committee for the Disabled should undertake the task of filing or intervening in any lawsuit defending the rights of persons with disabilities.⁸⁰ However, according to officials who work for the implementing arm of the committee, no lawyer has ever been hired to fill that task.⁸¹

The law also states that anyone bringing a legal case to enforce their rights can have court fees waived.⁸² “A lot of people are not aware of their rights and of the availability of judicial remedies. For instance, few people are aware that judicial fees are waived for complaints related to the disability law,” Frangieh told Human Rights Watch.⁸³

Lack of Reasonable Accommodations in Public Schools

Human Rights Watch found that even when children were not explicitly denied admission to a public school, a lack of reasonable accommodations became a barrier to education. In the cases Human Rights Watch documented, it appeared that little to no accommodation is provided in mainstream schools for children with disabilities. One school director told a Human Rights Watch researcher that even though several students with physical disabilities were enrolled at the school, the school building does not meet the basic accessibility standards for persons with physical disabilities as set out in Lebanese law.⁸⁴

In addition to a lack of physical accessibility, public schools lack sufficient, trained staff and appropriate material for a range of learners. Meanwhile, the lack of an individualized approach to children’s education and social development impedes many children with disabilities’ access to a quality education.

A prominent psychiatrist in Lebanon told Human Rights Watch that in general, public school teachers did not give children with learning disabilities extra time to finish an

⁷⁹ Ibid.

⁸⁰ Rights of Persons with Disabilities Law No. 220 of 2000, art. 7.

⁸¹ Human Rights Watch interview with Hyam Fahkoury, director of Rights and Access, Beirut, March 28, 2017.

⁸² Rights of Persons with Disabilities Law No. 220 of 2000, art. 97.

⁸³ Human Rights Watch telephone interview with Ghida Frangieh, lawyer at Legal Agenda, Beirut, July 31, 2017.

⁸⁴ Human Rights Watch telephone interview with school director, May 10, 2016 (details withheld).

assignment or teach techniques which would allow children to participate in their education on an equal basis with their peers.⁸⁵

According to information provided by MEHE to Human Rights Watch, only four public schools in Lebanon accommodate children with visual disabilities. MEHE officials were not aware of a single school that provided accommodations for children with hearing disabilities. They said less than a tenth of all public schools provide services for children with learning disabilities.⁸⁶

Children with disabilities and their parents told Human Rights Watch that few teachers take the initiative to provide the children with reasonable accommodations and that, in some cases, teachers neglected them.⁸⁷

A child's right to receive appropriate and reasonable accommodations in school should not depend on whether they have a diagnosis or not. Accommodations in schools should be made by a group of individuals who are knowledgeable about a student's abilities (parents, older siblings, teachers, counsellor – if there is one) and the types of accommodations that may meet the student's needs. The teams may review information from the official evaluation, but more importantly, observations, student work samples, report cards, and medical records, to understand the student's abilities, needs, behaviors, and achievements. The child, parents, and school staff should be included and bring any information they believe best describes the student's abilities and needs.

According to an assessment of the situation in Lebanon conducted by UNESCO in 2013:

“The majority of schools, at least public schools, are still not fit to accommodate ... students with disabilities. Deficiencies are related to the unavailability [of] proper equipment, buildings, special teaching aids, and qualified special education educators.”⁸⁸

⁸⁵ Human Rights Watch interview with psychiatrist, Beirut, November 18, 2017 (details withheld).

⁸⁶ Human Rights Watch interview with Rita Gahreeb and Mayssa Itani, Beirut, March 22, 2017; Human Rights Watch telephone interview with Amer Makarem, Beirut, June 8, 2017.

⁸⁷ Human Rights Watch interview with families in Baalbek, Beirut, and Chouf, February 2, April 13, and March 31, 2017 (details withheld).

⁸⁸ United Nations Educational, Scientific and Cultural Organization (UNESCO), “Assessment of the Level of Inclusiveness of Public Policies in Lebanon,” September 2013,

Reasonable Accommodation in Practice: Openminds

Private actors have taken some positive steps to improve access to an inclusive education for children with disabilities in Lebanon. Openminds, a nonprofit organization established in 2013, donates equipment, pays to refurbish schools and train teachers so that a school can open or expand their inclusive education programs. So far, they have dedicated US\$750,000 to six private schools and nine public schools throughout Lebanon. They have given \$750,000 for research and \$1 million for rehabilitative services for more than 200 persons with disabilities. The organization is helping to facilitate the employment of persons with disabilities, advocating with the government for greater respect for their rights, and providing training to teachers working with children with disabilities. The board, comprised mainly of parents of children with disabilities, is interested in helping fund schools dedicated to providing inclusive educational settings. While this is an important initiative, it is the responsibility of the government to ensure access to quality education for children with disabilities on an equal basis as others.

Physical Accessibility

Under international human rights and Lebanese law, public buildings, including schools, should, with limited exceptions, be accessible for people with physical disabilities.⁸⁹ In fact, few schools in Lebanon are accessible and the government does little to provide accommodations such as structural modifications or ramps.⁹⁰

In 2009, the Lebanese Physical Handicap Union studied public schools in the Beirut and Mount Lebanon governorates—the two governorates considered by advocates and experts to be the most accessible for children with disabilities—and found that only five of the public schools surveyed met all six basic accessibility requirements for persons with physical disabilities: a wheelchair-accessible entrance, ramps where necessary, elevators

http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Beirut/images/SHS/Assessment_of_level_of_Inclusiveness_of_Public_Policies_in_Lebanon.pdf (accessed March 7, 2018), p. 163.

⁸⁹ Rights of Persons with Disabilities Law No. 220 of 2000, art. 37.

⁹⁰ Ibid.

where necessary, rooms spacious enough for wheelchair mobility, wheelchair-accessible bathrooms, and disability parking.⁹¹

MEHE representatives acknowledged that not all schools were accessible to students with physical disabilities but said that since 2002, all new schools were built for wheelchair accessibility.⁹² However, Human Rights Watch visits to six public schools in the Beirut, Akkar, Nabatieh, and the Chouf districts, and discussion with an administrator about accessibility at a public school in the Hermel district, found that even some of the newer school buildings are currently inaccessible. Two of the schools were constructed after 2002, and—although originally accessible—were no longer accessible by 2017 due to subsequent physical adjustments.⁹³ For example, one school was split into two separate facilities by a wall, which blocked accessibility to the wheelchair-accessible bathroom for public school students. Human Rights Watch visited a public school in Beirut that used to be accessible but no longer is. According to the school director at Mohammad Chamel Elementary Public School, Mrs. Faten Edelby, there used to be an accessible garage and elevator that provided wheelchair access to pupils, but the municipality rented it in April 2013 and now the school cannot use that entrance.⁹⁴

In Akkar, George Khalil, director of Forum of the Handicapped, a non-governmental group that works toward a better life for persons with disabilities and a more inclusive society, said that he knew of only two out of 166 public schools in the district that admit children who use a wheelchair.⁹⁵ Nidal Khoury, the director of Arc En Ciel in Halba, a non-profit dedicated to providing services for persons with disabilities, told Human Rights Watch that he had spoken with multiple families who were moving from Akkar to Tripoli in order to find schools that are physically accessible for their children.⁹⁶ Human Rights Watch visited Hrar public school, which according to Ahmad Othman, its director, is one of the only public schools in Akkar that accepts children with physical disabilities.⁹⁷ While the school

⁹¹ Lebanese Physically Handicapped Union, "The monitoring of the accessibility of voting centers in Beirut and Mount Lebanon," February 2009.

⁹² Human Rights Watch interview with Rita Gahreeb and Mayssa Itani, Beirut, March 22, 2017.

⁹³ Human Rights Watch interview with Reem Bedran, architect at UNICEF, Beirut, July 21, 2017.

⁹⁴ Human Rights Watch interview with director of Mohammad Chamel public school, Beirut, May 15, 2017.

⁹⁵ Human Rights Watch telephone interview with George Khalil, director of Handicap Forum, February 28, 2017.

⁹⁶ Human Rights Watch telephone interview with Nidal Khoury, director of Arc En Ciel, February 28, 2017.

⁹⁷ Human Rights Watch interview with Ahmad Othman, director of Hrar public school, Akkar, May 17, 2017.

had a wheelchair-accessible bathroom, it is located on the second floor—which is not wheelchair-accessible.

Only two of the six schools Human Rights Watch visited had children with physical and sensory disabilities. Five of the schools failed to meet MEHE’s standards—the ministry’s codification of Article 37 of Law 220 which ensures public buildings are accessible the persons with physical disabilities—because they lacked accessible bathrooms, entrances, classrooms, or lifts when necessary.⁹⁸

According to a 2013 UNESCO report, only five public schools in the country had been made accessible to people with physical disabilities by MEHE.⁹⁹

A public-school director in Akkar told Human Rights Watch that his school accommodates seven students with physical disabilities and two with speech disabilities. However, the school does not meet MEHE’s wheelchair accessibility standards, or provide reasonable accommodations and related support to children with disabilities, according to the director.¹⁰⁰

In Hermel, municipality officials pointed Human Rights Watch to the largest public school, where 1,430 Lebanese children are enrolled in the “morning shift” and 767 Syrian children are enrolled in the “afternoon shift,” as the best example of a school that provides education to children with disabilities in the area.¹⁰¹ However, an administrator at the school said that while there is an elevator in the school, the government does not allow its use because of the cost of electricity to run it.¹⁰²

In the Chouf district, Human Rights Watch visited two schools that officials or non-governmental staff had said they believed were accessible. One of these schools, Mazraat El Chouf Mixed Intermediate Public School had a ramp and wheelchair-accessible

⁹⁸ Human Rights Watch interview with Reem Bedran, Beirut, July 21, 2017.

⁹⁹ UNESCO, “Social Inclusion of Young Persons with Disabilities (PWD) in Lebanon: Where do we stand and what should be done to promote their rights?” September 2013, <http://unesdoc.unesco.org/images/0024/002442/244263e.pdf> (accessed February 28, 2018), p. 14.

¹⁰⁰ Human Rights Watch telephone interview with Abd El Hafiz Al Saj, school principal at Blat El Meniyyeh public school, May 29, 2017.

¹⁰¹ Human Rights Watch interview with municipality official, Hermel, February 15, 2017.

¹⁰² Human Rights Watch interview with a public school teacher, Hermel, February 16, 2017.

bathroom on the ground floor, but no designated parking or accessibility to other parts of the school. The other, Baaklin public school, had a ramp in the front, but the one wheelchair-accessible bathroom was now part of a different facility, no longer accessible to the public school.¹⁰³ Neither of the school's enrolled students included any children with physical disabilities.

The one public school Human Rights Watch visited that met a majority of the wheelchair accessibility standards was Zebdine public school in Nabatieh, which had an accessible ramp entrance, bathrooms, classrooms, and an elevator. The school also had wheelchairs available for students who entered without one, but needed one for the day.¹⁰⁴ According to Khalil Zahri, the school director, Zebdine is the only accessible school in the Nabatieh district.¹⁰⁵

In 2016, UNICEF launched a project to refurbish public schools across Lebanon. Of the 61 refurbished in 2016-2017, nine were made wheelchair-accessible.¹⁰⁶ According to UNICEF, 55 of the 123 scheduled to be refurbished in 2017-2018 are supposed to be made wheelchair-accessible.¹⁰⁷ Other organizations such as the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) are engaged in similar projects, where they are working to make another 10 schools accessible for at least the ground floor.¹⁰⁸

Inclusive education does not have to be costly. For example, to improve physical accessibility it might be sufficient to move a class to the ground floor with no further building modifications necessary. Even where modifications are necessary to ensure that buildings are physically accessible to people with disabilities, making the necessary adjustments usually costs only 1 percent of the overall building cost, according to the World Bank.¹⁰⁹

¹⁰³ Human Rights Watch interview with the director of Baaklin public school, Chouf, May 16, 2017.

¹⁰⁴ Human Rights Watch interview with Khalil Zahri, school director at Zebdine public school, Nabatieh, May 16, 2017.

¹⁰⁵ Ibid.

¹⁰⁶ Human Rights Watch interview with Reem Bedran, Beirut, July 21, 2017.

¹⁰⁷ Ibid.

¹⁰⁸ Human Rights Watch interview with Amne Badreddine, architect at GIZ, Beirut, July 31, 2017.

¹⁰⁹ World Bank, "Education for All: The Cost of Accessibility," August 2005, <http://documents.worldbank.org/curated/en/185031468178138911/Education-for-All-the-cost-of-accessibility> (accessed July 29, 2011), p. 1.

Lack of Accessible Educational Materials

Human Rights Watch found that public schools are not equipped with materials, tools, and systems that would enable the inclusion of children with disabilities in mainstream education. This includes a lack of textbooks and learning materials in accessible formats, such as Braille or audiotape, Braille machines, or sign language interpreters.

Lebanon's local law guarantees these tools and services for children to access education. Law 220 specifically ensures reasonable accommodations for any academic tests including extended time, adjusted test materials (raised letters, large font, etc.), and assistance from other or specific techniques, such as Braille machines, and sign language interpreters. Without these accommodations children with disabilities cannot access a quality education on an equal basis with their peers.

Children and families told Human Rights Watch that visual aids and large print materials are not readily available for children with visual disabilities in public schools.¹¹⁰ They also do not offer Braille and are not equipped with Braille teachers, except in rare cases.¹¹¹ As a result, most students who are blind or have low vision go to MOSA-funded institutions because mainstream schools are reluctant to accept them and provide reasonable accommodations.¹¹²

In some cases, it is only with the help of NGOs that public schools offer any accessible materials to students with disabilities. Representatives from MEHE told Human Rights Watch that the financial support and training assistance of the Youth Association for the Blind (YAB) was critical for public schools to enroll children with visual disabilities.¹¹³ Amer Makarem, director of YAB, said the organization provides materials such as Braille typewriters and trains teachers to include children with visual disabilities in public schools.¹¹⁴ He said that for the 2016-2017 school year, YAB helped 22 students in 4 different schools across the country.¹¹⁵ MEHE representatives told Human Rights Watch

¹¹⁰ Human Rights Watch interview with family, Akkar, April 3, 2017 (details withheld); Human Rights Watch telephone interview with Amer Makarem, director of Youth Association for the Blind, June 8, 2017.

¹¹¹ Ibid.

¹¹² Human Rights Watch telephone interview with Amer Makarem, director of Youth Association for the Blind, June 8, 2017.

¹¹³ Interview with Rita Gahreeb and Mayssa Itani, Beirut, March 22, 2017; Human Rights Watch telephone interview with Amer Makarem, director of Youth Association for the Blind, June 8, 2017.

¹¹⁴ Human Rights Watch telephone interview with Amer Makarem, director of Youth Association for the Blind, June 8, 2017.

¹¹⁵ Ibid.

that the YAB-assisted students were the only students with visual disabilities enrolled in public schools across the country.¹¹⁶ There is no accurate data on how many out-of-school children with visual disabilities there are in the country.

In one case, Mustafa, a 26-year-old living in Akkar, told Human Rights Watch that he could not complete school because he did not receive any accommodations for his visual disability, such as raised letters or larger print.¹¹⁷ Mustafa's sight deteriorated in the fifth grade, when he began to have trouble seeing the board and reading his textbooks.¹¹⁸ He dropped out of school two years later.¹¹⁹ His 28-year-old sister Yasmine, who also has a visual disability, said she also dropped out of primary school because she did not receive any assistance.¹²⁰ She believed that in their case, the only benefit they were eligible to receive from their disability card was a tax exemption for purchasing a car. "What am I supposed to do with a car? I'm blind."¹²¹ Neither of them completed primary education.¹²²

According to Makarem, it costs US\$4,000 per year to include a child with a visual disability in public school by providing accessible materials, equipment, and teacher training—half the cost of a child attending and sleeping at one of the three main MOSA-supported institutions for children with visual disabilities.¹²³

Makarem argued that MEHE should take responsibility for including more children with visual disabilities in public schools. He suggested that MEHE's Center for Educational Research and Development (CERD), which is charged with setting the curriculum, could print textbooks in Braille to make public schools accessible for blind children.¹²⁴ CERD reported that they are working on a new, more interactive and inclusive curriculum.¹²⁵

¹¹⁶ Interview with Rita Gahreeb and Mayssa Itani, Beirut, March 22, 2017; Human Rights Watch telephone interview with Amer Makarem, June 8, 2017.

¹¹⁷ Human Rights Watch interview with family, Akkar, April 3, 2017 (details withheld).

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Human Rights Watch telephone interview with Amer Makarem, June 8, 2017.

¹²⁴ Ibid.

¹²⁵ Email from Dr. Samar Ahmadieh, head of department of psycho-social services in Ministry of Education and Higher Education's Center for Educational Research and Development (CERD), to Human Rights Watch, August 8, 2017.

What Inclusive Education Can Look Like: Zebdine Public School in Nabatieh

Human Rights Watch researchers visited Zebdine public school, the only YAB-supported school in Nabatieh. As we arrived, Abbas, a 13-year-old, blind boy in sixth grade, was in the courtyard being led by a female classmate as they played tag with other students. “Sometimes the other children are jealous because everyone wants to be friends with [the children with disabilities],” Khalil Zahri, the school director, told Human Rights Watch. Abbas said that he loved school. “Honestly all the topics are great ... I am friends with everyone in my class.” Abbas works privately with a specialist to read and write in Braille on a machine that YAB provides. He also receives all his academic material in Braille.

Shortage of Sufficient, Trained Staff

“We lack people who can teach my daughter.”

—Mother of a 7-year-old girl with an intellectual disability, Hermel, April 2, 2017

An important part of ensuring reasonable accommodation is training teachers, school administrators, and education officials in methods to support children with disabilities in the classroom. Without this support, a child’s education will be hindered at best, and completely denied at worst.

Maher, a 7-year-old boy with a speech disability living in Hermel, attends a local public school there.¹²⁶ “It gets him really angry and sad when someone mocks him [about his speech],” Maher’s mother said.¹²⁷ Maher’s parents said that he memorizes the material, but the teachers do not understand him in class.¹²⁸ “I like my friends at school and math class, but I don’t like my Arabic teacher. She gives me Xs,” Maher told a Human Rights Watch researcher. The school does not provide Maher with speech therapy, his parents said, yet school officials told them that if his speech does not improve, he will be

¹²⁶ Human Rights Watch interview with family, Hermel, April 2, 2017 (details withheld).

¹²⁷ Ibid.

¹²⁸ Ibid.

expelled.¹²⁹ The family cannot afford a speech therapist.¹³⁰ Without this support, Maher's educational progress is suffering and the chances of him being able to stay in school are slim, his parents fear.¹³¹

The consequences of failing classes that do not accommodate children with disabilities is borne by the children and their families. A school director informed Human Rights Watch that it is MEHE policy to expel a child if they fail three years of school.¹³²

Human Rights Watch visited schools and families across Lebanon, and found in nearly all cases that teachers and school administrators lack training in inclusive education methods and schools lack funding to provide support to teachers to make accommodations. The few teachers who were trained to support children with disabilities were restricted from dedicating time to do so. For example, one school had just one teacher who was trained to provide additional support for children with disabilities, but the teacher could only dedicate 25 percent of her time to that task, as the rest of her time was needed elsewhere.¹³³ The school's administrator told Human Rights Watch that the school would need four full-time teachers to meet the needs of students with disabilities.¹³⁴

Layal, a 12-year-old girl with a hearing disability living in Saida, told Human Rights Watch that she would like to go to the public school close to home with her six siblings.¹³⁵ But because no one in the school can communicate with her in sign-language, she said, each day she travels 40 minutes to a MOSA-funded institution, where she receives an education alongside other children with disabilities.¹³⁶ The specialized institution provides education only until 9th grade and does not prepare children for the *brevet*, the test required for admissions to secondary school.¹³⁷ Layal wants to become a doctor, but is worried that she will not have academic opportunities after grade 9.¹³⁸

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² Human Rights Watch interview with public school teacher, May 17, 2017 (details withheld).

¹³³ Human Rights Watch interview with school administrator, Hermel, February 15, 2017 (details withheld).

¹³⁴ Ibid.

¹³⁵ Human Rights Watch interview with Layal, Saida, February 1, 2017.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid.

According to Rima Allawi, director of Child First Association in Hermel, a private facility that offers speech therapy, academic help, and physical therapy, the children with hearing disabilities in public schools in the Hermel district do not receive reasonable accommodations, such as speech therapy. Without such support services, children are not able to participate in the classroom and eventually are expelled.¹³⁹

Most of the children with hearing or speech disabilities whom Human Rights Watch researchers met did not have the help of a speech therapist. Many schools also lack staff who are trained to effectively communicate material to children with different learning styles. One public school administrator summarized a viewpoint common to all the administrators whom Human Rights Watch spoke with about children with disabilities: “We are trying to do the best we can, we don’t have resources or the tools we need. We need specialists.”¹⁴⁰

A child psychiatrist confirmed to Human Rights Watch that the public schools are severely understaffed and under-resourced.¹⁴¹ He noted that the lack of trained staff and early screening in public school is highly problematic because when disabilities go undedicated and unaddressed, more damage is done to the child’s educational progress.¹⁴²

Ahmed, a 5-year-old with a speech disability, attends a public school in Akkar. His mother told a Human Rights Watch researcher that Ahmed does not have access to speech therapy in the school and she cannot pay for a private therapist—around LBP50,000 a month (US\$33) for one session every other week. The local public school has already made him repeat a year and told her that Ahmed will be asked to leave at the end of the year if he does not significantly improve. Aside from the cost, his mother said that bringing Ahmed to the speech therapist is difficult due to the distance. “There should be a speech therapist in the school,” she said. Ahmed’s access to education will be impeded if the school does not provide the educational support he needs.

¹³⁹ Human Rights Watch interview with Rima Allawi, director of Child First Association, Hermel, February 15, 2017.

¹⁴⁰ Human Rights Watch interview with director of Mohammad Chamel public school, Beirut, May 15, 2017.

¹⁴¹ Human Rights Watch interview with psychiatrist, Beirut, November 18, 2017 (details withheld).

¹⁴² Human Rights Watch interview with psychiatrist, Beirut, November 18, 2017 (details withheld).

Rami, a 14-year-old boy living in Beirut who has a physical and an intellectual disability, does not receive adequate support in school.¹⁴³ His mother, Nour, told Human Rights Watch that she is concerned about Rami staying in his current school because “there is no one to help him,” and that “seeing friends getting high grades affects him negatively when he struggles and does not.”¹⁴⁴ Rami said that he does not want to leave his school, but his remarks imply that he relies more on his friends than on school staff for support: “I want to stay at the same school. My friends help me and are always beside me,” he said proudly.¹⁴⁵

Kareem is a 12-year-old boy living in the Chouf region.¹⁴⁶ He has a learning disability, but although he has already changed schools and repeated two years of school, he still does not have access to trained teachers and educational support.¹⁴⁷ According to Kareem’s mother, the school he currently attends says that he is not learning in class.¹⁴⁸ However, when Kareem’s mother asked the school to provide classroom support, they responded: “One teacher cannot sit with him and leave the rest of the class.”¹⁴⁹ Kareem’s mother is worried that without some change, he will continue to fail and be asked to leave school.¹⁵⁰

Five of the schools Human Rights Watch visited had implemented the Lebanese Centre for Special Education (CLES) program, and teachers said they found it helpful. CLES is one of four programs (including SKILD, Restart, and Trait d’Union) that provide educational training to teachers so that they are prepared to give support to children who struggle academically.

The CLES program is also establishing learning support classrooms in 200 of Lebanon’s 1,279 public schools.¹⁵¹ Children attend one-on-one or small group instruction in these learning support classrooms. The program is geared toward first, second, and third graders

¹⁴³ Human Rights Watch interview with family, Beirut, April 12, 2017 (details withheld).

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Human Rights Watch interview with family, Chouf, April 1, 2017 (details withheld).

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

¹⁵¹ “Lebanese Center for Special Education (CLES) homepage,” accessed March 6, 2018, www.cles.org; United Nations and Government of Lebanon, “Lebanon Crisis Response Plan 2017-2020 (2018 update),” January 2018, <https://reliefweb.int/report/lebanon/lebanon-crisis-response-plan-2017-2020-2018-update> (accessed March 1, 2018), p. 105.

with what MEHE terms “learning difficulties.” Children do not receive this potentially vital support unless they have been diagnosed with a learning difficulty, fall into that age range, and are at one of these schools. Many have a learning disability but have not been assessed as needing the support.

Teachers said that children who did receive extra help from the CLES program benefited substantially. “We wish this CLES program would spread all over Lebanon,” a CLES instructor said.¹⁵² “It gives us motivation that the children are happy and want to learn. Sometimes children outside the program want to join.”¹⁵³ However, the same teachers said they still did not have the resources they needed to appropriately accommodate all students and that there was not enough follow-up from CLES to ensure the quality and implementation of the program.¹⁵⁴

Human Rights Watch found that the lack of trained teachers and other academic staff to support children with disabilities was partially due to a lack of opportunities to obtain that training. According Asma Azar, senior lecturer in special education at the University of Saint Joseph (USJ) in Beirut, there are only six centers in Lebanon that train teachers on inclusive education methods.¹⁵⁵ Azar estimates that around 60 students graduate from these programs every year, but many change fields or go to other Arabic-speaking countries.¹⁵⁶ “We do not have enough teachers in relation to the students,” she said.¹⁵⁷ “Most of the [instructors] in special education are not qualified.”¹⁵⁸

Instead, all teachers should be trained in inclusive education methods, which have a track record of benefitting all children, not just children with disabilities.¹⁵⁹

¹⁵² Human Rights Watch interview with teachers at Zebdine public school, Nabatieh, May 16, 2017.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

¹⁵⁵ Human Rights Watch interview with Asma Azar, senior lecturer in special education at Université Saint-Joseph, Beirut, April 12, 2017.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ UNICEF, “The Right of Children with Disabilities to Education: A Rights-based Approach to Inclusive Education,” 2012, http://www.inclusive-education.org/system/files/publications-documents/UNICEF_Right%20Children%20Disabilities_En_WebACCESS.pdf (accessed July 2, 2015), p. 10.

In Akkar, representatives at First Step Together Association (FISTA) North, an association of schools for children with intellectual disabilities based in north Lebanon, told Human Rights Watch that “there is a lack of human resources,” including just one speech and one psychomotor therapist in the Akkar district, for an estimated population of around 330,000 people.¹⁶⁰ A MOSA official told Human Rights Watch that there were only two psychotherapists, one specialist in ergotherapy (a form of therapy that uses physical activity to support persons with disabilities in basic life activity), and no speech therapists in the Chouf (with a population of some 166,140 people).¹⁶¹

According to the same official, specialists mainly came from Beirut to service the district.¹⁶² Dr. Weam Abou Hamdan, director of the National Rehabilitation and Development Center in the Chouf, similarly told Human Rights Watch that it was particularly difficult to find a qualified team of specialists.¹⁶³

Human Rights Watch found an even worse situation in Hermel, a district with an estimated 48,000 people.¹⁶⁴ According to a MOSA official, there is only one speech therapist who travels regularly to Hermel from Beirut.¹⁶⁵ The same official told Human Rights Watch that there were no speech therapists in Baalbek, the nearest city.¹⁶⁶ Heba lives in Hermel with her 6-year-old, Nadine, who has a physical and an intellectual disability. Heba explained to Human Rights Watch, “We lack people who can teach my daughter.... We wish they offered physical therapy or ergotherapy in the area.”¹⁶⁷

¹⁶⁰ Human Rights Watch interview with Juliette Dadah, administrator at FISTA North, Akkar, March 2, 2017; “Akkar District,” Localiban: Centre de ressources sur le developpement local au Liban, accessed March 1, 2018, <http://www.localiban.org/rubrique529.html>.

¹⁶¹ Human Rights Watch telephone interview with Ministry of Social Affairs (MOSA) official, March 21, 2017 (details withheld); “Chouf District,” Localiban: Centre de ressources sur le developpement local au Liban, accessed March 1, 2018, <http://www.localiban.org/rubrique574.html>.

¹⁶² Human Rights Watch telephone interview with MOSA official, March 21, 2017 (details withheld).

¹⁶³ Human Rights Watch interview with Dr. Weam Abou Hamdan, director of the National Rehabilitation and Development Center, Chouf, March 17, 2017.

¹⁶⁴ “Hermel District,” Localiban: Centre de ressources sur le developpement local au Liban, accessed March 1, 2018, <http://www.localiban.org/rubrique535.html>.

¹⁶⁵ Human Rights Watch telephone interview with MOSA official, March 21, 2017 (details withheld).

¹⁶⁶ Ibid.

¹⁶⁷ Human Rights Watch interview with family, Hermel, April 2, 2017.

Discriminatory Fees and Expenses

“If you don’t have a good income, the child has no hope.”

—Mother of a 12-year-old child with a disability, Beirut, April 13, 2017

Children with disabilities who attend public schools must often pay more fees than children without disabilities. These include additional transportation fees (i.e., specially outfitted vehicles or assistants), fees for classroom assistants, homework helpers, speech therapists, and other related support services outside school. These services are not only necessary to ensure a quality education, but in some cases, are required by schools for students to remain enrolled.

Under the UN Convention on the Rights of Persons with Disabilities (CRPD), discrimination is any “distinction, exclusion or restriction ... which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms.”¹⁶⁸

Human Rights Watch spoke with 29 families who had children paying for or hoping to find supplemental services to compensate a lack of reasonable accommodations at their public school in Akkar, Beirut, the Chouf, Hermel, and Nabatieh.

Tarek, a 9-year-old boy with a learning disability in the Chouf, is struggling in school, his mother told Human Rights Watch.¹⁶⁹ She had been sending him to an afterschool academic program, but after two years, could no longer afford the additional US\$200 a month.¹⁷⁰ She said Tarek’s school administration told her that if he fails this year, he will have to leave the school.¹⁷¹ Tarek’s mother said he gets no educational support in school and his grades are not improving. “He’s really smart. I just want to get him the help he needs,” she said.

¹⁶⁸ Convention on the Rights of Persons with Disabilities (CRPD), adopted December 13, 2006, G.A. Res. 61/106, entered into force May 3, 2008, signed by Lebanon June 14, 2007, art. 2.

¹⁶⁹ Present from early childhood, autism is a developmental disability characterized by great difficulty in communicating and forming relationships with other people and in using language and abstract concepts. Human Rights Watch interview with family, Chouf, March 17, 2017 (details withheld).

¹⁷⁰ Human Rights Watch interview with family, Chouf, March 17, 2017 (details withheld).

¹⁷¹ Ibid.

Cost-related barriers to children’s attendance at public schools undermine the purpose of inclusive education, which is to “respond to the diversity of needs of all learners,” and to ensure the “full development of human potential and sense of dignity and self-worth.”¹⁷²

Private Schools

Article 60 of Law 220 bars “any educational or learning institution, official or private, of any kind” from making admissions decisions based on a student’s disability.¹⁷³

However, Human Rights Watch found that children with disabilities are regularly denied admission to private schools and, if allowed to attend, are required to pay discriminatorily higher fees than other students. Human Rights Watch spoke with seven parents who said that their child had been denied admission due to disability by at least one private school, and often by several.

In Beirut, Human Rights Watch spoke with the mother of Wael, a 10-year-old boy with autism.¹⁷⁴ Huda, his mother, said she went to 10 schools, “most of the schools in the Beirut area,” but that one after another they turned her away with explanations that included: “We don’t take handicap [sic]” and “We cannot accept your son because the other parents might not approve.”¹⁷⁵

Huda said she finally found a private school in Beirut that would accept Wael. But she is concerned her son will be dismissed by the principal because of his disability.¹⁷⁶ “We are always scared of tomorrow because the school could say we need to remove him,” she said.¹⁷⁷

Additional Fees

Human Rights Watch found that when children with disabilities were able to attend a private school, they paid significantly higher fees for tuition or additional services than

¹⁷² CRPD, adopted December 13, 2006, G.A. Res. 61/106, entered into force May 3, 2008, signed by Lebanon, June 14, 2007, art. 24.

¹⁷³ Rights of Persons with Disabilities Law No. 220 of 2000, art. 60.

¹⁷⁴ Human Rights Watch interview with family, Beirut, April 13, 2017 (details withheld).

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

children without disabilities, often as an explicit condition for their enrollment. All 11 children with disabilities whose cases are documented in this report and who attended private schools had an additional expense or needed to pay for an additional service if they had a disability. These extra fees for an essential right constitute a form of discrimination against children with disabilities, under both Lebanese and international law.

Rita's 9-year-old son Mustafa is hyperactive and has difficulty learning.¹⁷⁸ He is now at a private school, at a cost of US\$7,000 per year, which is twice the regular tuition, because of the support the school says his disability requires.¹⁷⁹ Rita told Human Rights Watch that Mustafa is happy at this school, but because she is unable to make all the payments he ends up staying at home for several months out of the year.¹⁸⁰ The costs weigh heavily on the family: Rita has removed her other two children from private school and moved in with her husband's family in order to pay all the bills.¹⁸¹

Nisreen Chamseddine, an education coordinator at Lebanese Autism Society, told Human Rights Watch that in order to enroll in their program, which provides shadow teachers for certain private schools, families must pay US\$13,000 a year, on top of the regular private school tuition of \$3,000-\$5,000.¹⁸²

Leyla Raouda, the school director of Heritage College in Beirut, told Human Rights Watch that children with disabilities start off by paying twice the regular tuition fee of US\$4,000 per year at the school in order to cover accommodations such as shadow teachers, speech therapists, etc., but that the price is sometimes lowered if the school finds that the child does not need a lot of resources.¹⁸³

Zahraa, the 5-year-old girl from Hermel, could not find a public school or a suitable MOSA-funded institution.¹⁸⁴ Her mother told Human Rights Watch that she attends a private

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

¹⁸² Human Rights Watch telephone interview with Nisreen Chamseddine, education coordinator at Lebanese Autism Society, April 7, 2017.

¹⁸³ Human Rights Watch interview with Leyla Raouda, school director of Heritage College, Beirut, January 9, 2017.

¹⁸⁴ Human Rights Watch interview with family, Akkar, April 1, 2017.

school.¹⁸⁵ However, due to the high costs, Zahraa is not able to regularly attend.¹⁸⁶ With the cost of speech therapy taking priority, Zahraa was not regularly attending school when Human Rights Watch met her in April 2017.¹⁸⁷

Human Rights Watch found that at some private schools, families had to pay for accommodations themselves in order to make the school accessible for their child.

In Akkar, Human Rights Watch spoke with Jad, a 9-year-old boy in a wheelchair.¹⁸⁸ According to his mother, Jad attends a private school because it is the only one in the area with an accessible entrance.¹⁸⁹ She explained, “Schools here do not have children who use wheelchairs.”¹⁹⁰ The school has no elevator, so Jad’s family had to hire a person to carry him up and down the stairs between classes until the school arranged for all his classes to be held on the ground floor.¹⁹¹ His mother told Human Rights Watch that the school’s bathrooms are not accessible, so Jad must wear a diaper. His mother comes to school once a day to change it.¹⁹² Despite the distraction and adversity that Jad must cope with on a daily basis, when talking with a Human Rights Watch researcher, he displayed a positive attitude about school, his friends, and playing the piano.¹⁹³

Other Obstacles

In cases Human Rights Watch investigated, several other factors also led to the exclusion of children with disabilities from quality education. These factors include a lack of community-based support services, information, awareness, and poor data collection.

Denial of Support Services

Human Rights Watch found that many communities lack affordable resources for children with disabilities who need additional support. According to Nisreen Chamseddine, from

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ Human Rights Watch interview with family, Akkar, March 2, 2017.

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ Ibid.

the Lebanese Autism Society, communities need more rehabilitation centers, homework centers, and informative resources for parents to educate themselves on good practices for raising children with disabilities at home.¹⁹⁴

International law obligates Lebanon to provide services to children and families so that children with disabilities can be “fully included in the family and community.”¹⁹⁵

For children who are able to attend public school, this extra support can be essential for keeping them in school. Human Rights Watch spoke to 21 children and their families who were able to attend a public school, but were either struggling to stay or had been expelled because they did not receive tutoring, speech therapy, or other needed types of support.

These services can also serve as the only form of support that many children with disabilities receive. A mother in Nabatieh told Human Rights Watch that her daughter, Sarah, 7, who has a developmental disability, was expelled from four public schools since she was not able to communicate in class.¹⁹⁶ Out of school, the only service Sarah has access to is occasional private therapy sessions.¹⁹⁷ “She needs more, but there are not enough resources to give her,” her mother said.¹⁹⁸ This issue more severely affects populations in underserved districts far from the capital, such as Hermel and Akkar.

¹⁹⁴ Human Rights Watch telephone interview with Nisreen Chamseddine, April 7, 2017.

¹⁹⁵ UN Committee on the Rights of the Child, General Comment No. 9, The Rights of Children with Disabilities, UN Doc. CRC/C/GC/9/Corr.1, (2006); Convention on the Rights of Persons with Disabilities (CRPD), adopted December 13, 2006, G.A. Res. 61/106, entered into force May 3, 2008, signed by Lebanon June 14, 2007, art. 26.

¹⁹⁶ Human Rights Watch interview with family, Nabatieh, March 23, 2017 (details withheld).

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

The Case for Community-based Services: Children First Association and Borj El Barajneh’s Social and Health Center

Families that live in areas where community-based services are present say there is a positive impact. Centers in Hermel and Beirut offer various resources, none of which are supported by MOSA. In Hermel, eight families said that the Children First Association, a private therapy and after-school program, was a great resource for many children and parents. There, children received homework help, speech therapy, and other assistance. Rima Allawi, its director, said many more children could benefit from a center like hers, but their families cannot afford the costs. In the Beirut suburb of Borj El Barajneh, a Social and Health Center hosts free or highly discounted physical therapy, sensory therapy, vocational therapy, and other programs for persons with physical and intellectual disabilities. A family that takes advantage of these services told a Human Rights Watch researcher that with regular physical therapy, their 3-year-old daughter who formerly could not stand or walk on her own had made significant improvements.

Poor Identification of Needs and Support

“It is very common for MOSA [reports] to be wrong.”

—Administrator of MOSA-funded institution, Akkar, March 2, 2017

The current system for assessing children’s needs and creating individualized education programs in Lebanon is not sufficient. Currently the reports produced by MOSA simply state the doctors’ classification of a child’s disability. A diagnosis from one of MOSA’s seven centers is required to receive a disability card, which is needed to access all services and accommodations provided by the government.

“Sometimes a child will come with a report, but it is not precise, comprehensive, or clear,” an administrator of a MOSA-funded institution told Human Rights Watch.¹⁹⁹

¹⁹⁹ Human Rights Watch interview with Juliette Dahdah, Akkar, March 2, 2017.

Administrators at MOSA-funded institutions reported that children’s diagnoses were occasionally wrong and lacked detail.²⁰⁰ For example, nine administrators from institutions whom Human Rights Watch spoke with said that some portion of MOSA’s diagnoses were regularly incorrect, for example, the common misdiagnosis of children with autism as having “mental retardation.” Many children’s reports retain this diagnosis, even after their disability card is renewed.²⁰¹ The result is confusion among parents and a significant burden on schools or MOSA-funded institutions to identify a child’s needs and develop an appropriate educational program. Twelve institutional administrators said that they re-test at least a portion of the children at their institutions to check for this.

A student’s educational program and decisions on what support to provide should not depend upon a diagnosis. Treatment, therapy, or educational support should be tailored to a student’s individual needs, not to the name of their condition. However, because a person with a disability is not entitled to receive benefits unless the person has a diagnosis and a disability card, it is important to ensure that a child’s condition is not misdiagnosed. Incorrect diagnoses should be corrected.

Dr. Moussa Charafeddine, who conducts student evaluations and sits on the National Committee for the Disabled’s diagnostic and rehabilitation committee, described the current process as more of a classification, or labeling, than an evaluation of a child’s needs and strengths.²⁰² He noted that some of the people doing the evaluations are not qualified.²⁰³ He said it is a five-minute procedure, in which he might review another doctor’s paperwork or ask basic questions, so that he can “cover 40 people in 3 hours.”²⁰⁴

Dr. Weam Abou Hamdan, director of the National Rehabilitation and Development Center, a MOSA-funded institution, said the institution is required to routinely re-test children to determine what kind of academic and other support they might benefit from.²⁰⁵

²⁰⁰ Human Rights Watch interview with Bassil Mansour, director of Tamkeen Association, Nabatieh, March 14, 2017; Human Rights Watch interview with Dr. Weam Abou Hamdan, director of the National Rehabilitation and Development Center, Chouf, March 17, 2017.

²⁰¹ Human Rights Watch interview with Bassil Mansour, Nabatieh, March 14, 2017.

²⁰² Human Rights Watch telephone interview with Dr. Moussa Charafeddine, director of Friends of the Disabled, March 24, 2017.

²⁰³ Ibid.

²⁰⁴ Ibid.

²⁰⁵ Human Rights Watch interview with Dr. Weam Abou Hamdan, Chouf, March 17, 2017.

In some cases, children have been barred from receiving government-subsidized care due to a misdiagnosis. Human Rights Watch spoke with the family of Samer, a 7-year-old living in Akkar, whose family said that a MOSA-sponsored doctor determined that Samer had autism after an assessment that Samer's mother said lasted no more than five minutes.²⁰⁶ She explained that the doctor only wrote down what she told him another doctor had told her. Based on interacting with Samer, a specialist at FISTA North, a MOSA-funded institution, disputed that diagnosis, Samer's father said. According to the new FISTA diagnosis, he does not have autism. Nonetheless, the original diagnosis still bars Samer from attending FISTA North, since the institution's contract with MOSA does not include children with autism. Over the last two years, Samer's family has not been able to get a full and adequate assessment from a MOSA-sponsored doctor.²⁰⁷ They have also not found a different institution or a mainstream school that will accept Samer and meet his educational needs nearby, so he remains out of any educational institution.²⁰⁸

As evidenced by this example, the Lebanese system focuses heavily on a medical approach to disability. Instead, a thorough evaluation and comprehensive individualized education program is essential for providing quality education to children with disabilities. Several national disability advocates and experts agreed that more in-depth and individualized evaluations are necessary.²⁰⁹

To best support students, a group of individuals who are knowledgeable about a student's abilities and the types of accommodations the student may need, should conduct an assessment. A dedicated team at each school should invite the student and his or her parents or caregivers to participate, and should include at least two individuals who can speak to the students' abilities and skills, interpret reports or evaluations, and share information about the accommodations necessary and available to meet the student's needs.

The teams may review information from the official evaluation, but also observations, student work samples, report cards, and medical records in order to understand the student's abilities, needs, behaviors, and achievements. Teams should review the

²⁰⁶ Human Rights Watch interview with family, Akkar, March 3, 2017 (details withheld).

²⁰⁷ Ibid.

²⁰⁸ Ibid.

²⁰⁹ Human Rights Watch interview with Bassil Mansour, director of the Tamkeen Association, Nabatieh, March 14, 2017; Human Rights Watch telephone interview with Dr. Moussa Charafeddine, director of Friends of the Disabled, March 24, 2017.

individualized education program on a regular basis and adjust the accommodations and modifications as necessary.

Failure to Collect and Maintain Statistical Information

Collecting and maintaining accurate information about the needs and services available is key to creating and implementing adequate services for children with disabilities.

According to UNICEF, “Consistent and accurate information on children with disabilities helps to make an ‘invisible’ population ‘visible’ by demonstrating the extent and, indeed, the normality of disability.”²¹⁰

Article 31 of the Convention on the Rights of Persons with Disabilities compels states to collect data on persons with disabilities.²¹¹ The Committee on the Rights of the Child called on Lebanon in 2017 to expeditiously improve its data collection system including by disaggregating by disability, among other categories.²¹² Lebanon has not yet collected and maintained adequate data on persons with disabilities and the services available to them.²¹³

MEHE, MOSA, and Lebanon’s Center for Educational Research and Development (CERD) do not collect data on children with disabilities who are attending public school. None of these governmental bodies had a comprehensive list of schools that are attempting to include children with disabilities and providing reasonable accommodations.²¹⁴ MEHE could not produce a list of public schools that were wheelchair accessible. This lack of information undermines attempts to assess Lebanon’s efforts to ensure children with disabilities can access and participate fully in school.

According to the government’s statistics there are only 8,558 Lebanese children aged 5-14 registered with a disability. UNICEF, WHO, and the World Bank estimate that 15 percent of

²¹⁰ UNICEF, “Promoting the Rights of Children with Disabilities,” 2007, http://www.un.org/esa/socdev/unyin/documents/children_disability_rights.pdf (accessed January 2, 2018), p. 4.

²¹¹ CRPD, adopted December 13, 2006, G.A. Res. 61/106, entered into force May 3, 2008, signed by Lebanon June 14, 2007, art. 31.

²¹² UN Committee on the Rights of the Child, “Concluding observations on the combined fourth and fifth periodic report of Lebanon,” CRC/C/ATG/CO/2-4, June 22, 2017, http://www.un.org/en/ga/search/view_doc.asp?symbol=CRC/C/ATG/CO/2-4 (accessed March 1, 2018), para. 13.

²¹³ Article 19, “Lebanon: Disability and Access to Information,” May 2015, <https://www.article19.org/data/files/medialibrary/37983/Disability-and-access-to-information-in-Lebanon,-31-May-2015,-English.pdf> (accessed March 1, 2018), p. 4.

²¹⁴ Letter from Hyam Fakhoury, director of Rights and Access, to Human Rights Watch, August 7, 2017.

the global population has a disability.²¹⁵ Lebanon has not carried out a census since 1932, however the UN estimates the population of Lebanese citizens in Lebanon to be around 4.6 million. 17.4 percent—or 802,000—are between the ages of 5-14 (the age of compulsory education).²¹⁶ Accordingly, there could be more than 45,000 children at the compulsory education age with a disability.²¹⁷

Human Rights Watch observed stark variation in the information that is maintained by governmental bodies. For example, according to CERD, there are 73,793 students with learning difficulties.²¹⁸ Yet according to Rights and Access's records, only 5,277 children have ever been diagnosed with a learning disability since 1998.²¹⁹

MOSA relies on the incentives associated with the disability card to encourage people to notify the government of their disability. However, because of a lack of awareness about the benefits—or even existence—of the card, combined with the stifling stigma attached to disability, many people do not apply for the card.²²⁰ As a result, they do not have access to some social benefits and this contributes to the lack of comprehensive data on people with disabilities in Lebanon.

In addition to inadequate data collection, the Lebanese government does not appear to be properly maintaining records on the services that are available for persons with disabilities, including educational services. Judge Abdallah Ahmad, general director of MOSA, told Human Rights Watch that his office does not keep a record of the services being provided across the country for children with disabilities, including the services provided by

²¹⁵ UNESCO, "Social Inclusion of Young Persons with Disabilities (PWD) in Lebanon: Where do we stand and what should be done to promote their rights?," September 2013, <http://unesdoc.unesco.org/images/0024/002442/244263e.pdf> (accessed March 1, 2018), p. 9.

²¹⁶ United Nations, Department of Economic and Social Affairs, Population Division (2015). *World Population Prospects: The 2015 Revision - Special Aggregates*, DVD Edition; World Health Organization and World Bank, "World Report on Disability," 2011, http://www.who.int/disabilities/world_report/2011/report.pdf (accessed March 1, 2018).

²¹⁷ *Ibid.*

²¹⁸ Email from Dr. Samar Ahmadih, head of department of psycho-social services in CERD, to Human Rights Watch, August 8, 2017.

²¹⁹ Letter from Hyam Fakhoury, director of Rights and Access, to Human Rights Watch, August 7, 2017.

²²⁰ UNESCO, "Assessment of the Level of Inclusiveness of Public Policies in Lebanon," September 2013, http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Beirut/images/SHS/Assessment_of_level_of_Inclusiveness_of_Public_Policies_in_Lebanon.pdf (accessed March 1, 2018); UNESCO, "Social Inclusion of Young Persons with Disabilities (PWD) in Lebanon: Where do we stand and what should be done to promote their rights?" September 2013, <http://unesdoc.unesco.org/images/0024/002442/244263e.pdf> (accessed September 11, 2017), pp. 10-11.

MOSA.²²¹ Human Rights Watch also spoke with a MOSA official who was not aware of all three institutions in the district where they worked.²²² Bashar Abd Al Samad, an architect and urban planner at the Lebanese Physical Handicap Union, said “We need to have a unit that systematically manages the data and implementation.”²²³ The lack of data poses a barrier in accommodating the needs of persons with disabilities.

Access to and Dissemination of Information to Parents and Communities

“MOSA didn’t give us any information.”

—Parent of child with a disability, Baalbek, February 13, 2017

International law requires Lebanon to provide adequate information to children with disabilities, their families, and caregivers about the child’s disability, each child’s unique needs, and available resources.²²⁴ Lebanon does not appear to meet this obligation, a failure that results in discrimination. The Committee on the Rights of Person with Disabilities has stated that discrimination is, “often the result of a lack of information ... rather than a conscious will to prevent persons with disabilities from accessing places or services intended for use by the general public.”²²⁵

Thirty-eight of the families with a child with a disability that Human Rights Watch spoke with said that they were unaware of essential information about their child’s disability, what resources were available, and where they could find guidance or a quality education for their child.²²⁶ This amounted to more than a third of the parents interviewed. Without adequate access to this information, parents feel they cannot support their children.

²²¹ Human Rights Watch interview with Judge Abdallah Ahmad, MOSA Director General, Beirut, March 7, 2017.

²²² Human Rights Watch telephone interview with MOSA official, March 21, 2017 (details withheld).

²²³ Human Rights Watch interview with Bashar Abd Al Samad, an architect and urban planner at the Lebanese Physical Handicap Union, Beirut, July 21, 2017.

²²⁴ UN Committee on the Rights of the Child, General Comment No. 9, The Rights of Children with Disabilities, UN Doc. CRC/C/GC/9/Corr.1, (2006).

²²⁵ Convention on the Rights of Persons with Disabilities, adopted December 13, 2006, G.A. Res. 61/106, entered into force May 3, 2008, signed by Lebanon June 14, 2007, General Comment No. 2, Accessibility, CRPD/C/GC/2.

²²⁶ Human Rights Watch interviews with families in Lebanon, January 31 to June 15, 2017.

When Human Rights Watch asked a MOSA official about awareness raising strategies, the official replied, “There is no strategy for awareness.”²²⁷ Asked what efforts were being made to provide adequate information to families, a MOSA official said there were none.²²⁸

The situation does not appear to have significantly improved since 2002, when the human rights group Article 19 found that a lack of access to information was a major factor in hindering access to rights—including education—for persons with disabilities.²²⁹

Nisreen Chamseddine, from the Lebanese Autism Society, said: “There are scarce resources for family education. They don’t find a place that really answers their questions. [Parents must] do a lot of trial and error.”²³⁰

Some MOSA-funded institutions haven taken on the responsibility of spreading awareness and providing information to parents on their own initiative. Six institutions told Human Rights Watch that they conduct awareness campaigns even though that is not part of their contract with MOSA. Eleven administrators said that they work with parents to educate them on their child’s disability and how to support and care for their child.

A MOSA official, who is also the mother of a child with a disability, told Human Rights Watch, “After 19 years of experience, the most important thing is parents.”²³¹ A public school teacher who works with children with disabilities said that “the biggest hurdle” to her work is when parents are not aware how to support and care for their child.²³²

Zara, who lives in the Chouf, told Human Rights Watch that her son Wassim, 8, was struggling academically but had received mixed information about his disability that failed to pinpoint what services he could benefit from.²³³ Zara said she had “no idea of what to do for Wassim” or where she could turn for guidance.²³⁴ She did not know of any available

²²⁷ Human Rights Watch interview with municipality official, Akkar, March 2, 2017 (details withheld).

²²⁸ Human Rights Watch interview with Marie El Hajj, Beirut, June 13, 2017.

²²⁹ Article 19, “Lebanon: Disability and Access to Information,” May, 2015, <https://www.article19.org/data/files/medialibrary/37983/Disability-and-access-to-information-in-Lebanon,-31-May-2015,-English.pdf> (accessed March 1, 2018), p. 14.

²³⁰ Human Rights Watch telephone interview with Nisreen Chamseddine, April 7, 2017.

²³¹ Human Rights Watch interview with family, Akkar, March 3, 2017 (details withheld).

²³² Human Rights Watch interview with Ahmad Othman, director of Hrar public school, Akkar, May 17, 2017.

²³³ Human Rights Watch interview with family, Chouf, January 4, 2017 (details withheld).

²³⁴ Ibid.

extra-curricular resources for him and was considering moving him to a MOSA-contracted institution.²³⁵ Wassim told a Human Rights Watch researcher that he did not want to switch to the MOSA institution because, “the bus that picks me up says ‘Association for People with Disabilities.’”²³⁶ Zara was desperate for information and said she was considering any option, including leaving the country.²³⁷

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ Ibid.

III. Problems with MOSA-Supported Institutions

According to Article 19, a human rights organization, “Parents of children with disabilities often have no educational alternatives [to institutions] for their children, even though the education in these institutions is of significantly lower quality [than in schools], with many children not even completing primary school.”²³⁸

Even if all children with a disability could access these institutions and the institutions were of a higher quality, offering only these segregated institutions to children with disabilities discriminates against them. As the United Nations expert body on disability rights simply put it, “Inclusive education is incompatible with institutionalization.”²³⁹

Children with disabilities should be guaranteed equality in the entire process of their education, including by having meaningful choices and opportunities to be enrolled in mainstream schools if they choose, and to receive quality education on an equal basis with, and alongside, children without disabilities.

Poor Distribution of Services in the Community

Human Rights Watch found that the distances many children had to travel in order to access an institution required children whose cases we documented to either sleep at an institution or completely precluded them from government support.

Majedah, the mother of 7-year-old Najeeb who has Down Syndrome and lives in Akkar, told Human Rights Watch that her son must travel three hours each way, every day to get to the institution he attends.²⁴⁰ The ride is so long that Najeeb has to wear a diaper.²⁴¹ However, Majedah was grateful for the current bus transportation services, since the previous driver

²³⁸ Article 19, “Lebanon: Disability and Access to Information,” May, 2015, <https://www.article19.org/data/files/medialibrary/37983/Disability-and-access-to-information-in-Lebanon,-31-May-2015,-English.pdf> (accessed March 1, 2018), p.14.

²³⁹ United Nations Committee on the Rights of Persons with Disabilities, General Comment No. 4, The Right to Inclusive Education, UN Doc. CRPD/C/GC/4 (2016).

²⁴⁰ Human Rights Watch interview with family, Akkar, March 2, 2017 (details withheld).

²⁴¹ Ibid.

took Najeeb out of the institution early every day without notifying her, so that he could pick up more children.²⁴²

Marie, the mother of 13-year-old Taymor who has a physical and intellectual disability and lives in the Chouf, told Human Rights Watch that her son had a 10-hour school day at the previous institution he attended, due to four hours of travel.²⁴³ Not only was the trip exhausting, but he would regularly come home with bruises and other injuries because, he told her, other children would beat him up because of his disability on an unsupervised bus.²⁴⁴

The mother of Amal, a 5-year-old girl with a hearing disability living in Akkar, told Human Rights Watch that travel from Akkar to her institution in Tripoli—three hours each way—exhausted Amal.²⁴⁵ “She is always sleeping when she is done with school,” her mother said.²⁴⁶ Even though there are 145 people identified with a hearing disability living in Akkar, there are no educational services for children with hearing disabilities in Akkar.²⁴⁷

The situation is similar in the Bekaa Valley, where one Ministry of Social Affairs (MOSA) official explained, “If [a child] has a hearing problem [and lives in Hermel] they must go back and forth from Baalbek.” The official noted, “[If] their financial situation is hard, [the parents will] just keep [the child] at home.”²⁴⁸ Imad, a 4-year-old boy from Hermel who has a hearing disability, faced the choice of either sleeping in an institution in Beirut or making daily trips to Baalbek—amounting to a 10-hour school day at a cost of US\$100 per month.²⁴⁹ Both options were out of the question for Imad’s mother.²⁵⁰ “I have three other children to take care of,” she explained. With no alternative, she said Imad will stay out of school for the foreseeable future.²⁵¹

²⁴² Ibid.

²⁴³ Human Rights Watch interview with family, Chouf, March 31, 2017 (details withheld).

²⁴⁴ Ibid.

²⁴⁵ Human Rights Watch interview with family, Akkar, March 1, 2017 (details withheld).

²⁴⁶ Ibid.

²⁴⁷ Letter from Hyam Fahkoury, director of Rights and Access, to Human Rights Watch, August 7, 2017.

²⁴⁸ Human Rights Watch interview with Ministry of Social Affairs (MOSA) official, Hermel, February 15, 2017 (details withheld).

²⁴⁹ Human Rights Watch interview with family, Hermel, April 2, 2017 (details withheld).

²⁵⁰ Ibid.

²⁵¹ Ibid.

In many cases, as MOSA officials conceded, the cost of transportation means that many children end up sleeping at institutions, effectively separating them from their families and communities for significant amounts of time.²⁵²

Hadi, a 9-year-old boy with visual and intellectual disabilities from Nabatieh must sleep at his school in the Beirut suburbs and return home only on the weekends because a daily commute is neither financially nor practically feasible for his family.²⁵³ “I’d like to go to school much closer,” Hadi told Human Rights Watch, adding he misses the love and affection he gets from his family when he is away.²⁵⁴

Judge Abdallah Ahmad, director general of MOSA since October 2016, agrees with the internationally held standard that it is best to have children with disabilities go to school near their homes and communities.²⁵⁵ According to MOSA’s written response to Human Rights Watch’s questions:

“There are no governmental programs to support families of the disabled, for example financial support programs, family awareness-raising programs, social intervention programs, psychological-social support programs, and programs to provide care and support for the disabled within their families.”²⁵⁶

Nadine, a nurse and mother of two children with disabilities, said that the only resources MOSA was offering her two children with disabilities required them to live in an institution, since there was no community-based resource in the Chouf.²⁵⁷ “Why pay people to keep their children in residential institutions when you don’t support us raising our children at home?” she asked.²⁵⁸

²⁵² Human Rights Watch interview with Marie El Hajj, Beirut, August 8, 2017.

²⁵³ Human Rights Watch interview with family, Nabatieh, March 14, 2017 (details withheld).

²⁵⁴ Human Rights Watch interview with Hadi, Nabatieh, March 14, 2017 (details withheld).

²⁵⁵ Human Rights Watch interview with Judge Abdallah Ahmad, MOSA director general, Beirut, March 7, 2017.

²⁵⁶ Letter from Marie El Hajj, MOSA official, to Human Rights Watch, July 7, 2017.

²⁵⁷ Human Rights Watch interview with family, Chouf, March 31, 2017 (details withheld).

²⁵⁸ Ibid.

Indeed, funding community care and support for children with disabilities in other countries has been shown to be more cost-effective in the long term than funding large-scale institutions.²⁵⁹

Problematic Conditions in Residential Institutions

Numerous studies have found that living in a residential institution can be detrimental to a child's psychological and social development.²⁶⁰ According to the UN Committee on the Rights of the Child:

Institutions are also a particular setting where children with disabilities are more vulnerable to mental, physical and sexual and other forms of abuse as well as neglect and negligent treatment.²⁶¹

Amal Bassil, director of Afel—an organization that conducts trainings on child protection policy at institutions—told Human Rights Watch that through her visits, she has learned that, “There have been a lot of children who have been abused and mistreated in the institutions.”²⁶² Bassil's experience is based on conducting 200 trainings in Lebanon and having designed the current child protection protocols for MOSA.²⁶³

Institutional care is also typified by certain other characteristics that are harmful to children. In addition to separation from families and the wider community; confinement to groups homogeneous in age and disability; de-personalization; overcrowding; instability

²⁵⁹ World Health Organization and the Gulbenkian Global Mental Health Platform, “Promoting rights and community living for children with psychosocial disabilities,” 2015, http://apps.who.int/iris/bitstream/10665/184033/1/9789241565004_eng.pdf (accessed March 1, 2018), p. 17.

²⁶⁰ See, for example, EveryChild, “A study of institutional childcare in Central and Eastern Europe and the Former Soviet Union,” 2005, <https://bettercarenetwork.org/sites/default/files/Family%20Matters%20-%20A%20Study%20of%20Institutional%20Childcare%20in%20Central%20and%20Eastern%20Europe%20and%20the%20former%20Soviet%20Union.pdf> (accessed March 6, 2018); Better Care Network and Save the Children UK, “The Risk of Harm to young Children in Institutional Care,” 2009, https://www.crin.org/en/docs/The_Risk_of_Harm.pdf (accessed March 8, 2018); EveryChild and Better Care Network, “Enabling Reform: Why supporting children with disabilities must be at the heart of successful child care reform,” March 2012, https://bettercarenetwork.org/sites/default/files/Enabling%20Reform%20-%20Why%20Supporting%20Children%20with%20Disabilities%20Must%20Be%20at%20the%20Heart%20of%20Successful%20Child%20Care%20Reform_0.pdf (accessed March 8, 2018); Alexandra L. Trout et al., “Overlooked: Children with disabilities in residential care,” *Child Welfare*, vol. 88.2 (2010).

²⁶¹ UN Committee on the Rights of the Child, General Comment No. 9, The Rights of Children with Disabilities, UN Doc. CRC/C/GC/9/Corr.1, (2006), para. 47.

²⁶² Human Rights Watch telephone interview with Amal Bassil, director of Afel, August 8, 2017.

²⁶³ *Ibid.*

of caregiver relationships; lack of caregiver responsiveness; repetitive, fixed, daily timetables for sleep, eating, and hygiene routines not tailored to children's needs and preferences; and sometimes, insufficient material resources.²⁶⁴

In its 2017 report on Lebanon, the UN Committee on the Rights of the Child found that there was a high rate of institutionalization of children with disabilities, inadequate care in residential care institutions, and abuse by service providers.²⁶⁵

In at least one institution people may be deprived of liberty. The staff member in charge of the institution told Human Rights Watch that no one staying there, no matter their age, is allowed to leave for any period of time without permission from the institution.²⁶⁶

Lack of privacy is another issue in Lebanese institutions for children with disabilities. The UN special rapporteur on torture has highlighted the need for children in institutions to enjoy respect for their privacy.²⁶⁷ Human Rights Watch visited seven residential institutions in Beirut, Saida, Baalbek, and Nabatieh and found that the children at those institutions regularly lack personal space, shared rooms with older residents, and were not closely monitored.

Three residential institutions had more than 10 people with disabilities sleeping in one room. At one institution, a supervisor slept in every room, but the ages of the children and unrelated adults sleeping in the same room ranged from 5 to 50 years old. Another residential institution had a supervisor in every other room, and the age of the people sleeping in a single room ranged from 8 to 30 years old. In the third residential institution, a supervisor was reportedly posted outside several rooms that were occupied by 10 boys ranging from 9 to 14 years old. These sleeping arrangements provide inadequate privacy and supervision and leave the children at risk of abuse.

²⁶⁴ World Health Organization and the Gulbenkian Global Mental Health Platform, "Promoting rights and community living for children with psychosocial disabilities," 2015, http://apps.who.int/iris/bitstream/10665/184033/1/9789241565004_eng.pdf (accessed March 1, 2018), p. 16; Marinus H. van Ijzendoorn et al., "Children in Institutional Care: Delayed Development and Resilience," *Monographs of the Society for Research in Child Development*, vol. 76.4 (2001); Megan M. Julian and Robert B. McCall, "The Development of Children within Alternative Residential Care Environments," *International Journal of Child & Family Welfare*, vol. 3.4 (2011).

²⁶⁵ UN Committee on the Rights of the Child, "Concluding observations on the combined fourth and fifth periodic report of Lebanon," CRC/C/ATG/CO/2-4, June 22, 2017.

²⁶⁶ Human Rights Watch interview with staff at Imdad, Baalbek, February 13, 2017.

²⁶⁷ UN Commission on Human Rights, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, A/HRC/28/68, March 5, 2015, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_68_E.doc (accessed March 1, 2018), p. 21.

Lack of Quality Education

“We cannot really say [our institution] is a school.”

—Administrator at a MOSA-funded institution, Hermel, March 15, 2017

Human Rights Watch found that due to a lack of trained staff with adequate support and insufficient monitoring, many MOSA-funded institutions did not provide a quality education. According to a 2002 report by Article 19, a human rights organization, “Lebanon’s system ... often produces under-educated adults with disability who often end up unemployed or in low-paid, insecure jobs facing dependence and isolation.”²⁶⁸ The situation does not appear to have substantially improved since then.

Lack of Educational Materials, Planning, and Support

Administrators, teachers, and government officials interviewed have pointed to the lack of educational materials and planning as a significant factor in the low quality of education for children with disabilities at MOSA-funded institutions.

Under Lebanese law, the Disabled and Special Needs Education Commission is in charge of all matters related to the education of children with disabilities, including creating special units, procedures, and techniques, and setting optimal conditions to allow them to learn.²⁶⁹ However, Human Rights Watch was unable to find any work that has been produced by this Commission and was told by a MOSA official that it last met in 2008.²⁷⁰ The result is that institutions are not prepared or equipped to educate children with disabilities, and each has to develop its own programs and mechanisms for educating children with disabilities. Consequently, the quality of education varies greatly from institution to institution.

In Akkar, Hermel, Nabatieh, and the Chouf, Human Rights Watch visited nine of the ten MOSA-funded institutions for children with disabilities in these districts, and spoke with

²⁶⁸ Article 19, “Lebanon: Disability and Access to Information,” May 2015, <https://www.article19.org/data/files/medialibrary/37983/Disability-and-access-to-information-in-Lebanon,-31-May-2015,-English.pdf> (accessed March 1, 2018), p. 14.

²⁶⁹ Rights of Persons with Disabilities Law No. 220 of 2000, art. 63.

²⁷⁰ Human Rights Watch interview with MOSA official, Beirut, June 13, 2017 (details withheld).

staff and, in some cases, students there. Researchers visited additional institutions in Baalbek, Beirut, Saida, and two in Zahle.

While some classrooms appear to be equipped for learning, others appeared more like day care centers—spaces where children would spend the day, but learn little. In visits to several institutions, children were being taught math, English, Arabic, and geography. In one institution Human Rights Watch visited, however, several children’s workbooks were almost completely empty even though it was towards the end of the school year. One administrator at an institution in Beirut told Human Rights Watch that mornings were dedicated to academic subjects, yet most classrooms had children doing simple arts and crafts, such as putting beads on a string and filling plastic bottles with colored sand.

Administrators at MOSA-supported institutions countrywide told Human Rights Watch that they were unable to use the Lebanese curriculum because it was not adapted for children with disabilities. “MEHE has its own center for research, but we don’t follow their material. We use a strategy developed by our own specialist,” one administrator told Human Rights Watch.²⁷¹ Other institutions Human Rights Watch visited also created their own educational materials.

Administrators acknowledged that institutions were repeating work by creating their own materials, and could learn from each other and establish best practices rather than being left to their own devices.

According to Nisreen Chamseddine from the Lebanese Autism Society, “For each disability there cannot be a generalized curriculum.”²⁷² She explained that children should have tailored individualized educational programs that are adapted to each child’s specific needs. For example, there are basic adaptive international curricula for children with autism.²⁷³ However these tailored tools and curricula are not used at MOSA institutions. The lack of appropriate education materials and individualized plans means that many institutions are not prepared to educate children with disabilities.

²⁷¹ Human Rights Watch interview with Juliette Dahdah, Akkar, March 2, 2017.

²⁷² Human Rights Watch telephone interview with Nisreen Chamseddine, April 7, 2017.

²⁷³ Ibid.

Lack of Monitoring System

Six administrators at institutions pointed to a lack of quality monitoring as a key reason for the poor quality of education at institutions. “MEHE never comes,” said Ismail al-Zain, the director of Al Hadi Institute, one of the few MOSA-funded institutions certified by MEHE.²⁷⁴ According to every institution Human Rights Watch interviewed, MEHE does no monitoring of the MOSA-funded institutions, nor is there any interaction between MEHE and the institutions.²⁷⁵ MOSA does monitor them, and has stated that it does not have the expert capacity to evaluate the quality of education for children with disabilities.²⁷⁶ A MOSA official told Human Rights Watch that the institutions are not funded to provide an education, so the monitoring that they do is focused on the quality of food and other conditions such as cleanliness, since “this is what we pay for.”²⁷⁷

According to MOSA, social workers conduct monthly visits to monitor institutions.²⁷⁸ However, officials at the contracted institutions gave varying reports regarding the frequency of evaluation. While the National Rehabilitation and Development Center in the Chouf told Human Rights Watch that a MOSA official visits weekly, most institutions said that the visits were monthly at best.²⁷⁹ One institution administrator reported that MOSA comes once every four months and stated that “more monitoring is the most important way” to improve the quality of institutions.²⁸⁰

A MOSA supervisor of institution monitors, who used to monitor contracted institutions herself, told Human Rights Watch that monitors do not have the training to evaluate education or resources for people with disabilities. “They check the hygiene of the students and facility,” he said. “I would be lying if I said I know what [educators] are doing. [For example,] I trust that if there is a speech therapist they are doing their job.”²⁸¹

MOSA monitors who visit institutions across the country fill out a one-page ministry form for site visits. The form, a copy of which Human Rights Watch reviewed, asked monitors to

²⁷⁴ Human Rights Watch interview with Ismail al-Zain, Beirut, January 31, 2017.

²⁷⁵ Human Rights Watch interview with Rita Gahreeb and Mayssa Itani, Beirut, March 22, 2017.

²⁷⁶ Human Rights Watch interview with Marie El Hajj, Beirut, June 13, 2017.

²⁷⁷ Human Rights Watch interview with municipality official, Hermel, February 15, 2017.

²⁷⁸ Letter from Marie El Hajj to Human Rights Watch, July 7, 2017.

²⁷⁹ Human Rights Watch interview with Dr. Weam Abou Hamdan, Chouf, March 17, 2017.

²⁸⁰ Human Rights Watch interview with Myriam Kassarji, director of Arc En Ciel school, Zahle, February 2, 2017.

²⁸¹ Human Rights Watch interview with MOSA official, Baalbek, February 17, 2017 (details withheld).

comment on baseline information, consisting mainly of questions regarding how many children are regularly attending, holidays the institution planned to take, and programmatic changes. For example, the form noted that the school would now include breadmaking as part of their vocational training.²⁸² Nothing in the document related to education quality or practices.²⁸³

With little to no oversight, especially of the quality of teaching, some children at these institutions may go for years with little, if any, learning. “The [institution] does not teach reading and writing,” a parent told Human Rights Watch. “I want Samar [a 19-year-old woman with a hearing disability] to learn something.”²⁸⁴

Additional Fees at MOSA-Supported Institutions

“There is one [institution] that required 500,000 Lira [US\$330]. This is not fair. With a disability card, we are not supposed to pay at all.”

—Parent of a child with a disability, Baalbek, February 13, 2017

According to Law 220, MEHE should cover education costs for children with disabilities.²⁸⁵ However, Human Rights Watch documented several cases of children attending MOSA-supported institutions who were paying fees for admission, extra assistance, and transportation ranging from \$70 to \$300 a month.

Staff at almost every institution Human Rights Watch visited said the institution was struggling financially. MOSA told Human Rights Watch that the contractual amount for each child, which is determined by each day of attendance, has not changed since 2012. “What’s really needed is an increase in the amount per day,” Sandra LaFoulaq, the director of Al Zawrak, a MOSA-funded institution, told Human Rights Watch.²⁸⁶ Many institution staff spoke of the need to expand their capacity or provide more services for the children already attending.

²⁸² “MOSA assessment letter,” reviewed during a Human Rights Watch interview with a MOSA-funded administrator, Beirut, February 14, 2017.

²⁸³ Ibid.

²⁸⁴ Human Rights Watch interview with family, Hermel, February 15, 2017 (details withheld).

²⁸⁵ Rights of Persons with Disabilities Law No. 220 of 2000, art. 61.

²⁸⁶ Human Rights Watch interview with Sandra LaFoulaq, director of Al Zawrak, February 2, 2017.

According to institution administrators, MOSA is often months late in paying fees owed. To cope, staff at several institutions said that teachers either go without pay or the institution covers the bill until MOSA submits payment. A teacher at one MOSA-funded institution said that teachers at MEHE-supported public schools have significantly more financial security. The teacher lamented that the government provides stronger protections for public school teachers than “special needs educators.”²⁸⁷ Such shortfalls on the part of MOSA and MEHE make it harder for institutions to run sustainable programs without charging parents.

Nine institutions Human Rights Watch visited said that they charged at least a portion of the children a fee to attend.

Talia, now 22 years old and from Hermel, has a hearing disability. In 2003, then aged 8, Talia said she was expelled from public school, and for the next six years attended a MOSA-supported institution in Zahle.²⁸⁸ Her parents told Human Rights Watch that despite being on a MOSA contract, they still had to pay LBP700,000 (\$466) a year to the institution for tuition.²⁸⁹

Fees for Support Services

Human Rights Watch also spoke to families in Akkar, the Chouf, and Nabatieh, that had a child attending a MOSA-supported institution, but still had to pay for additional services.

In Nabatieh, Human Rights Watch spoke with the family of Dalia, a 7-year-old girl with hearing and physical disabilities. Because no schools in her hometown will accept Dalia, she travels every Sunday to Beirut, where she sleeps at a MOSA-supported institution during the week.²⁹⁰ Dalia’s mother told Human Rights Watch that Dalia needs more speech therapy than she receives there and that her family has to arrange and pay for that therapy during weekends at a cost of LBP50,000 Lebanese pounds (\$33) a week.²⁹¹

²⁸⁷ Human Rights Watch interview with teacher, Saida, February 1, 2017 (details withheld).

²⁸⁸ Ibid.

²⁸⁹ Ibid.

²⁹⁰ Human Rights Watch interview with family, Nabatieh, March 15, 2017 (details withheld).

²⁹¹ Ibid.

Transportation Costs

The Lebanese disability law of 2000 calls for a Committee for the Movement of Persons with Disabilities to study and pass regulations that facilitate transportation for persons with disabilities.²⁹² None of the parents and children whom Human Rights Watch interviewed were aware that any such support exists.

MOSA's contracts do not account for the cost of transportation, so most families must cover that cost.²⁹³ In some cases, this can be a significant amount, up to \$300 per month. Of the 17 institutions whose staff spoke with Human Rights Watch, 16 charged transportation fees for the children who attended. Thirty families told Human Rights Watch that the cost of transportation was problematic. For some, it completely barred attendance, and others feared they would not be able to continue paying.

Amal, a 5-year-old girl living in the northern Akkar district, has a hearing disability. After receiving a cochlear implant she has regained her hearing, but needs speech therapy.²⁹⁴ Her family told Human Rights Watch that there are no schools or institutions in the Akkar district—which covers 788 square kilometers—that will accept her, so she must travel back and forth to Tripoli every day to attend school, a three-hour round trip.²⁹⁵ Her father told Human Rights Watch that since he is a soldier, the army helps with the cost of tuition, but that he must pay \$200 a month for her daily transportation.²⁹⁶ Amal's younger sister also has a hearing disability, and their parents fear they may be unable to meet the cost of her also needing to make the trip every day when she is of school age. "Both daughters doing transportation would be very expensive, my whole salary would go to schooling," Amal's father told Human Rights Watch.²⁹⁷

Employees at MEHE and MOSA acknowledged that transportation fees were unaffordable for many families with children with a disability. However, MOSA officials told Human Rights Watch that there was no plan in place to remedy the problem.²⁹⁸

²⁹² Rights of Persons with Disabilities Law No. 220 of 2000, art. 44.

²⁹³ Human Rights Watch interview with Marie El Hajj, Beirut, June 13, 2017.

²⁹⁴ Human Rights Watch interview with family, Akkar, March 1, 2017 (details withheld).

²⁹⁵ *Ibid.*

²⁹⁶ *Ibid.*

²⁹⁷ *Ibid.*

²⁹⁸ Human Rights Watch interview with Marie El Hajj, Beirut, June 13, 2017.

IV. International and National Legal Standards

Inclusive Education

International human rights law recognizes the right to education as universal. The Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC), affirm the core principles of universality and nondiscrimination in the enjoyment of the right to education.²⁹⁹ A 2013 report of the UN Office of the High Commissioner for Human Rights found inclusive education to be the best way to guarantee universality and nondiscrimination in the right to education, and consequently, that “the right to education is a right to inclusive education.”³⁰⁰

Nondiscrimination in Access to Education

Inclusion in education is rooted in Article 26 of the Universal Declaration of Human Rights, which provides that “everyone has the right to education.”³⁰¹ The concept of inclusive education is also contained implicitly in article 13, paragraph 1, of the ICESCR and articles 23 and 29 of the CRC.

²⁹⁹ See United Nations Committee on the Rights of Persons with Disabilities, “Concluding observations on the initial report of Argentina as approved by the Committee at its eighth session (17–28 September 2012),” CRPD/C/ARG/CO/1, October 8, 2012, http://www.un.org/en/ga/search/view_doc.asp?symbol=CRPD/C/ARG/CO/1 (accessed March 1, 2018); UN Committee on the Rights of Persons with Disabilities, “Consideration of reports submitted by States parties under article 35 of the Convention,” CRPD/C/ESP/CO/1, October 19, 2011, http://www.un.org/en/ga/search/view_doc.asp?symbol=CRPD/C/ESP/CO/1 (accessed March 1, 2018).

³⁰⁰ Office of the UN High Commissioner for Human Rights (UNHCR), “Thematic Study on the Right of Persons with Disabilities to Education,” A/HRC/25/29, December 18, 2013, http://www.ohchr.org/Documents/Issues/Disability/StudyEducation/A_HRC_25_29_ENG.doc (accessed March 1, 2018).

³⁰¹ Universal Declaration of Human Rights, adopted December 10, 1948, G.A. Res. 217A(III), UN Doc. A/810 at 71 (1948), art. 26. Several treaties and normative instruments have reaffirmed this right. The UN Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (CADE), adopted on December 14, 1960, 429 U.N.T.S. 93 (1962), stipulates that States have the obligation to expand educational opportunities for all who remain deprived of primary education. The International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 49, UN Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, reaffirms the right to education for all and highlights the principle of free compulsory education. Finally, the Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 UN GAOR Supp. (No. 49) at 167, UN Doc. A/44/49 (1989), entered into force September 2, 1990, the most widely ratified human rights treaty, spells out the right of children not to be discriminated against. UNESCO, “Inclusive Education,” 2011, <http://www.unesco.org/new/en/education/themes/strengthening-educationsystems/inclusive-education/> (accessed October 10, 2017).

The ICESCR, which Lebanon ratified in 1972, guarantees the right to education to all.³⁰² The Covenant states, “Primary education shall be compulsory and available free to all... [and] shall be made generally available and accessible to all by every appropriate means.”³⁰³

As a state party to the CRC, Lebanon is obligated to provide free and compulsory primary education and access to secondary education without discrimination to all children.³⁰⁴ Article 23 of the convention recognizes the “special needs of a disabled child,” and provides that:

[A]ssistance extended in accordance with paragraph 2 of the present article [granting special care and assistance to children with disabilities and their families] shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.³⁰⁵

According to the Committee on the Rights of the Child, inclusive education should be the goal for educating children with disabilities, and state parties should introduce the necessary measures to achieve inclusive education.³⁰⁶

Lebanon is also a signatory to, but has not ratified, the Convention on the Rights of Persons with Disabilities (CRPD). This convention obligates states to ensure that persons with disabilities are not excluded from the general education system, free and compulsory

³⁰² ICESCR, adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 49, UN Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Lebanon on November 3, 1972, art. 13.

³⁰³ *Ibid.*, art. 13.

³⁰⁴ Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 UN GAOR Supp. (No. 49) at 167, UN Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Lebanon on May 14, 1991, art. 18 (1).

³⁰⁵ *Ibid.*, art. 23.

³⁰⁶ UN Committee on the Rights of the Child, General Comment No. 9, The Rights of Children with Disabilities, UN Doc. CRC/C/GC/9/Corr.1, (2006), para. 66.

primary education, or from secondary education on the basis of disability.³⁰⁷ It also ensures that persons with disabilities can access an inclusive, quality, and free primary education and secondary education on an equal basis with other in their communities.³⁰⁸ The convention goes further by requiring governments to provide reasonable accommodations and the “individual support required, within the general education system, to facilitate their education ... consistent with the goal of full inclusion.”³⁰⁹

The CRPD guarantees the right of persons with disabilities to education and requires state parties to ensure an inclusive education system at all levels. While the CRPD provides for progressive realization, the Committee on the Rights Of Persons with Disabilities clearly states that “state parties have a specific and continuing obligation to` move as expeditiously and effectively as possible towards the full realization of [this provision].”³¹⁰ The Committee also warns the states that full realization of right to inclusive education is “not compatible with sustaining two systems of education: a mainstream education system and a special/segregated education system.”³¹¹

In 2000, Lebanon passed Law 220, which provide rights to persons with disabilities, including to education, “meaning ... adequate opportunities for the education and learning of all [persons with a disability], from children to adults, within all educational or learning institutions of any kind, within their regular classes and in special classes if called for.”³¹² According to the law, the Ministry of Education and Higher Education is responsible for funding this education.³¹³

³⁰⁷ Convention on the Rights of Persons with Disabilities (CRPD), adopted December 13, 2006, G.A. Res. 61/106, entered into force May 3, 2008, signed by Lebanon June 14, 2007, art. 24.

³⁰⁸ *Ibid.*, art. 24.

³⁰⁹ *Ibid.*

³¹⁰ UN Committee on the Rights of Persons with Disabilities, General Comment No. 4, The Right to Inclusive Education, UN Doc. CRPD/C/GC/4 (2016), para. 39.

³¹¹ Convention on the Rights of Persons with Disabilities (CRPD), adopted December 13, 2006, G.A. Res. 61/106, entered into force May 3, 2008, signed by Lebanon June 14, 2007, art. 24.

³¹² Rights of Persons with Disabilities Law No. 220 of 2000, art. 59.

³¹³ *Ibid.*, art. 61.

Law 220 bans schools or learning institutions from making admissions decisions based “upon the soundness of an individual’s constitution, body, or abled-ness, or lack of handicap, infirmity, defect or other formulations.”³¹⁴

The law further states that “any applicant with a disabled ID card” has the chance to “pursue studies in the educational or learning institution of his choice, by ensuring favorable conditions to allow him to take entrance exams and all other testing during the school year in every occupational or university stage.”³¹⁵

Reasonable Accommodation and Accessibility

The Convention on the Rights of the Child states that all schools should be “without communicational barriers as well as physical barriers impeding the access of children with reduced mobility.”³¹⁶

A fundamental way to address these barriers is through “reasonable accommodation.” As defined by the CRPD, reasonable accommodation means “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden ... to ensure to people with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.”³¹⁷ In education, it more specifically means steps that allow students to get an equal education by “limiting as much as possible the effects of their disabilities on their performance,” with the caveat that the steps not impose “significant difficulty or expense” on the government.³¹⁸ State parties also have an obligation to ensure that the education of people with disabilities, especially those who are deaf and blind, is provided “in the most appropriate languages and modes and means of communication for the individual.”³¹⁹ The CRPD also requires that state parties promote the availability and use of assistive devices.”³²⁰

³¹⁴ Ibid., art. 6o.

³¹⁵ Ibid.

³¹⁶ UN Committee on the Rights of the Child, General Comment No. 9, The Rights of Children with Disabilities, UN Doc. CRC/C/GC/9/Corr.1, (2006), para. 65.

³¹⁷ CRPD, art. 2.

³¹⁸ University of Iowa, “Assisting Students with Disabilities: A Guide for Instructors,” accessed March 1, 2018, <https://diversity.uiowa.edu/policies/assisting-students-disabilities-guide-instructors>.

³¹⁹ CRPD, art. 24(3c).

³²⁰ Ibid., art. 26(3).

There is no universal standard for reasonable accommodation. Examples of reasonable accommodation include holding classes on the ground floor; providing note-takers; allowing for additional time for note-taking or during exams; priority seating for students to minimize distractions and enable them to see and hear the teachers; providing assistive devices such as magnifying equipment or tape recorders; providing sign-language instructors; reading aloud written materials for students with visual disabilities; and structural modifications to schools, such as ramps.³²¹

An important part of ensuring reasonable accommodation is training teachers, school administrators, and education officials in methods to support persons with disabilities. According to the CRPD, such training should include “disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.”³²² It is crucial that teachers are given adequate support so that they can provide accommodations to students with disabilities.

However, under Lebanese law the definition and requirements for inclusive education and reasonable accommodation are more limited. Article 37 of Lebanese Law 220 outlines that all buildings intended for public use must meet the minimum accessibility standards and that every three years, or as needed, the Ministry of Social Affairs proposes a list of buildings intended for public use and that need to be improved to ensure access by persons with disabilities, including “daycare centers, schools, educational institutes and universities.”³²³ The minimal accessibility standards are set out in decree no. 7194/2011 and include a wheelchair-accessible entrance, elevators where necessary, wheelchair-accessible bathrooms, and disability parking.³²⁴

³²¹ “Assisting Students with Disabilities: A Guide for Instructors,” University of Iowa, accessed March 7, 2018, <https://diversity.uiowa.edu/policies/assisting-students-disabilities-guide-instructors>; Roger H. Martin, “ABC’s of Accommodations,” *New York Times*, October 30, 2012, <http://www.nytimes.com/2012/11/04/education/edlife/guide-to-accommodations-for-college-students-with-disabilities.html> (accessed March 1, 2018); “What is Reasonable Accommodation in relation to examinations run by the State Examinations Commission?,” Special Education Support Service, accessed March 1, 2018, <https://www.sess.ie/faq/what-reasonable-accommodation-relation-examinations-run-state-examinations-commission>; UN Committee on the Rights of Persons with Disabilities, General Comment No. 4, The Right to Inclusive Education, UN Doc. CRPD/C/GC/4 (2016).

³²² CRPD, art. 24(4).

³²³ Rights of Persons with Disabilities Law No. 220 of 2000, art. 37.

³²⁴ Human Rights Watch telephone interview with Sylvanna Lakkis, July 5, 2017.

Article 62 of Law 220 mandates that children with a disability card receive needed accommodation in all educational assignments and examinations at all academic, technical, and university levels. This includes “assistance from other, or special techniques (braille machines, typing machines, sign language interpreter, etc.).”³²⁵

Quality of Education

Any meaningful effort to realize the right to education should make the quality of such education a core priority. The Committee on Economic, Social and Cultural Rights has maintained that in addition to their obligations to ensure access to education, governments must ensure that the form and substance of education, including curricula and teaching methods, are “acceptable” to students. The Committee explained that acceptability hinges on a range of different factors, including the notion that education should be of “good quality.”³²⁶ The aim of education is to ensure that “no child leaves school without being equipped to face the challenges that he or she can expect to be confronted with in life.”³²⁷ According to the Committee on the Rights of the Child, an education of good quality “requires a focus on the quality of the learning environment, of teaching and learning processes and materials, and of learning outputs.”³²⁸

According to the UN special rapporteur on the right to education, quality education requires authorities to deploy only qualified and trained teachers in schools,” and to ensure:

[A] minimum level of student acquisition of knowledge, values, skills and competencies ... adequate school infrastructure, facilities and environment ... a well-qualified teaching force ... and a school that is open to the participation of all, particularly students, their parents and the community.³²⁹

³²⁵ Rights of Persons with Disabilities Law No. 220 of 2000, art. 62.

³²⁶ UN Committee on Economic, Social and Cultural Rights, General Comment No. 13, The Right to Education, E/C.12/1999/10 (1999), para. 6(c).

³²⁷ UN Committee on the Rights of the Child, General Comment No. 1, The Aims of Education, CRC/GC/2001/1 (2001), para. 9.

³²⁸ *Ibid.*, para. 22.

³²⁹ UN Human Rights Council, Report of the Special Rapporteur on the right to education, Kishore Singh, Normative action for quality education, A/HRC/20/21, May 2, 2012, <https://digitallibrary.un.org/record/726628?ln=en> (accessed March 1, 2018), para. 21; “Quality education,” Right to Education, accessed March 1, 2018, <http://www.right-to-education.org/issue-page/education-quality>.

Article 63 of Law 220/2000 establishes the Disabled and Special Needs Education Commission, tasked with organizing “all matters related to the education of the disabled and those [with] special needs.”³³⁰ Its duties include providing “advice and technical and educational assistance to all educational institutions that wish to receive special needs or disabled people,” and “considering requests for funding related to special equipment and techniques.”³³¹

Affordability of Education

The CRC and the ICESCR both ensure free education. General Comments No. 9 of the CRC outlines that primary and secondary education shall be provided free of costs to children with disabilities whenever possible.³³² The Committee on the Rights of the Child has urged states to: “Set out appropriate policies and procedures to make public transportation safe [and] easily accessible to children with disabilities, and free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child.”³³³

Article 61 of Law 220 states that the costs of “special education, learning or occupational training for the disabled within specialize education and learning institutes, service centers and specialized occupational training sites” will be covered for all individuals with a disability card.³³⁴ This includes costs for educational and social medical assistance programs.³³⁵ The law further states that these costs will be covered until age 21.”³³⁶

Information

Under international law, Lebanon is obligated to conduct awareness raising campaigns and disseminate information about various disabilities and the resources available for

³³⁰ Rights of Persons with Disabilities Law No. 220 of 2000, art. 63.

³³¹ Ibid.

³³² UN Committee on the Rights of the Child, General Comment No. 9, The Rights of Children with Disabilities, UN Doc. CRC/C/GC/9/Corr.1, (2006), para. 65.

³³³ Ibid., para. 39; CRC, art. 23(3).

³³⁴ Rights of Persons with Disabilities Law No. 220 of 2000, art. 61.

³³⁵ Ibid.

³³⁶ Ibid.

persons with disabilities and their families.³³⁷ Article 19 of the International Covenant on Civil and Political Rights (ICCPR), sets out a “right to information.”³³⁸

Lebanese Law holds the government to similar standards. Article 63.3 of Law 220/2000 states the Disabled and Special Needs Education Commission shall, “provide advice and necessary guidance to special needs and disable people in all matters related to education of all stages.”³³⁹ Article 31 of the CRPD holds similar standards for its state parties, requiring data collection and dissemination of information on persons with disabilities for the purpose of formulating and implementing effective policy.³⁴⁰

³³⁷ UN Committee on the Rights of the Child, General Comment No. 9, The Rights of Children with Disabilities, UN Doc. CRC/C/GC/9/Corr.1, (2006), para. 41.

³³⁸ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Lebanon November 3, 1972, art. 19.

³³⁹ Rights of Persons with Disabilities Law No. 220 of 2000, art. 63.

³⁴⁰ CRPD, art. 31.

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“I Would Like To Go To School”

Barriers to Education for Children with Disabilities in Lebanon

In Lebanon, schools often deny admission to children with disabilities. And for those who manage to enroll, most schools do not take reasonable steps to provide them with a quality education. Instead, many children with disabilities in Lebanon attend institutions, which are not mandated to provide an education, or receive no education at all.

Based on interviews with more than 200 children with disabilities and their families, government officials, disability rights experts, and education staff, *“I Would Like To Go To School”* finds that although Lebanese and international law bars schools from discriminating against children with disabilities, public and private schools exclude many children with disabilities. For those allowed to enroll, schools often lack reasonable accommodations, such as modifications to the classroom environment and curricula or teaching methods to address children’s needs. Schools also require the families of children with disabilities to pay extra fees and expenses that in effect are discriminatory.

Human Rights Watch calls on Lebanon to implement and enforce existing disability rights legislation, provide inclusive education in all its schools in a way that achieves maximum inclusion of children with disabilities, and create and implement a time-bound action plan for the deinstitutionalization of children with disabilities.



*(left) Sixth grader at Zebdine Public School works privately with a specialist to read and write in Braille.
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(cover) School-age children in Lebanon.

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