**WORLD BLIND UNION**

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**WBU submission to OHCHR on the study on right to education of persons with disabilities**

Human Rights Council session, March 2014

**The World Blind Union (WBU) is a global organisation that represents** theworldwide community of 285 **million** blind and partially sighted persons. “We envision ***a community where people who are blind or partially sighted are empowered to participate on an equal basis in any aspect of life they choose”.*** We have been working for more than 3 decades to make significant difference in the lives of millions of Blind/Partially sighted persons through our work in the areas of **Representation, Capacity Building, Resource Sharing and Accessibility** which includes our efforts to influence the policies and regulations of the UN and other international agencies to reflect the needs and views of blind and partially sighted persons. WBU operates through 6 regional unions who are comprised of organizations of and for the blind in some 190 countries.

The WBU is one of the key, active and founding members of the International Disability Alliance and also has consultative status with UN ECOSOC, WHO and a number of other relevant UN and international agencies.

The WBU has closely working with International Council for the Education of Visually Impaired (ICEVI) and has been striving to promote the quality education of children with visual disabilities at national, regional and international levels. WBU members have been closely working with ICEVI in order to strengthen the education initiatives for children with visual disabilities in their respective countries. ICEVI has been providing both technical and financial support to our members in many countries to promote the quality of education of persons with disabilities. Our response is mainly focusses on the general issues of education of children with visual disabilities. ICEVI will make detailed submission with regard to the specific issues and concerns of the education of children with disabilities since they have technical expertise.

The WBU wholeheartedly welcomes and sincerely appreciates the initiative of Office of the High Commissioner for Human Rights (hereinafter referred as OHCHR) to prepare a study on the right to education of persons with disabilities in consultation with relevant stakeholders, including civil society organizations and organizations of persons with disabilities, and to present the study to the Human Rights Council in March 2014.

**Background:**

Children with disabilities in general and visual disabilities in particular have very lowest education outcomes. World report on disability by the WHO and WB 2011 reaffirms the fact that less than 10% children with disabilities in general and visual disabilities in particular have access to quality education. Attitudinal, institutional, structural, informational, technological barriers coupled with lack of support systems in the regular schools in order to address the specific needs of children with visual disabilities have significantly contributed in deprivation of right to education of children with visual disabilities in the world.

Access to special education is also very limited in the developing countries since there not many special schools, even though there few such schools, they are located in cities and towns. Apathy of the parents, negative attitudes, fear and ignorance do not encourage them to send their children with visual disabilities, particularly girls with visual disabilities to these schools located very far from their villages and towns. The investment made on specific schools in developing countries is also very limited. There fore WBU supports both forms of education depending upon the choice of the child with visual disability.

Children with low vision have specific issues to access quality education in both special/specific and inclusive regular schools. Lack of access to text books in large print, appropriate low vision aids, magnifiers and other devices which facilitate them to use their residual vision has resulted in dropouts or poor involvement in curricular and extracurricular activities in the school. The teaching method which does not encourage them use their residual vision restrict their participation.

Children with visual disabilities require specific support in order to maximise their academic performance. The specific support include; trained teacher who is equipped to teach braille, use braille kit, mathematical devices, assistive technology, teaching and learning materials specific to children with visual disabilities; Orientation and mobility instructor to train children in orientation and mobility skills; text books in braille, large print, audio, DAISY, electronic and other accessible formats; peer support; accessible transport system; braille kit, mathematical and other specific devices, assistive devices and technology, teaching and learning materials; change in pedagogy and evaluation systems.

**Methodology:**

The questions were sent to 7 countries one each from WBU regions except north America and Caribbean region where two countries were selected in order to capture the critical glimpses of situation of right to education of children with visual disabilities from both the developed and developing world. Responses were received from 5 countries are consolidated and synthesised for each questions. The responses of each individual country are also annexed at the end of this document.

The countries and organisations which have participated in the study are as follows:

1. United States of America, North America and Caribbean union of the Blind, WBU north America and Caribbean region;
2. Switzerland, Swiss Federation of the Blind and Visually Impaired (SFBVI), WBU European region;
3. Liberia, Liberia Christian Association of the Blind (LCAB), WBU African region;
4. Malaysia, Asia Pacific Union of the Blind, WBU Asia Pacific region;
5. Sri Lanka, Sri Lanka Council of the Blind (SLNCB), WBU Asia region;

**Questions and summary of the responses:**

1. Are you aware of any restrictions for persons with visual disabilities to attend to regular schools? Please detail whether they exist in laws or policy, or if they exist only as a result of social barriers.

The respondents have reported that There are no legal or policy restrictions for children with visual disabilities to attend regular schools. But the negative attitudes, lack of support services, trained teachers, transport system and accessibility are the major factors both in developing and developed world restrict children with visual disabilities from accessing quality education in regular schools.

2. Does your country have or is currently developing a program or plan to promote inclusion of children with disabilities in regular schools and discourage education in special schools or social institutions? If so, were persons with disabilities and their representative organizations, and other disability related organizations directly involved in the design and application of said program or plan? Please, briefly describe the program (no more than 500 words).

All the countries have specific legislation and policy to promote the inclusive education for children with visual disabilities in regular schools. Apart from specific legislation and policy, the general law with regard to education also has explicit mention of education of children with visual disabilities in different forms including inclusive education. Majority of the countries, particularly those from the developed world have specific plan and programmes to promote the education of children with visual disabilities in regular schools. These programmes include; teacher training in special education, school accessibility, teaching and learning materials, production of text books in most accessible formats, change in curriculum, pedagogy and evaluation systems.

There are no plans or programme to discourage special education in these countries except Sri Lanka where only children with severe disabilities are admitted in to specific schools.

All the countries have reported that the organisations of persons with disabilities, particularly members of the world blind Union have been consulted in the policy formulation processes.

3. Is the Ministry of Education the only ministry in charge of education or other ministries (e.g. Health and Social Affairs) are involved when it comes to persons with disabilities? Please describe how other ministries get involved and specify if their involvement results on the denial of access to mainstream schools. (No more than 250 words).

All the 5 respondents have reported that Ministry of education is the in charge of the education of children with visual disabilities which coordinates with other ministries such as health, social welfare, social services in order to address the specific needs of children with visual disabilities in regular schools. The coordination between ministry of education and other ministries has not resulted in the denial of education of children with disabilities in regular schools.

This is true only in the case of respondents but the fact of the matter is that the majority of the developing countries, ministry of social welfare are some other ministry which is responsible for the social welfare of marginalised sections including persons with disabilities is the in charge of education of children with visual disabilities which is a huge issue since the ministry of education has completely ignored the education of children with visual disabilities and more over ministry of social welfare has not been taking adequate measures to promote the inclusive education of children with disabilities.

1. Does your country have effective mechanisms to successfully claim in case of rejection of students with visual disabilities from mainstream schools? If so, do those Mechanisms guarantee for reasonable accommodation when services or support needed are not in place? Please provide information on good practices.

The specific legislations concerning persons with disabilities have effective mechanism to address the instances of rejection of children with visual disabilities to access education in regular schools. Except developed world, there is no effective mechanism to ensure reasonable accommodation for children with visual disabilities in regular schools in the developing world.

 5. Are you aware if your country is involved in international cooperation programmes related to the promotion and implementation of inclusive education systems? If so, is your organization involved in any such programme?

The WBU has been closely working with International Council for the Education of Visually Impaired (ICEVI) which has been striving to promote the quality education of children with visual disabilities in many parts of the world. ICEVI has been actively supporting WBU members to undertake specific initiatives, research and advocacy to promote the education of children with disabilities in their respective countries. The respondents have reported that There are inclusive education initiatives supported by international aid, bilateral, multilateral and UN agencies which are implemented by civil society agencies particularly organisations of persons with visual disabilities who are the members of WBU.

6.    Is there any additional information you wish to provide?

The respondents have reported that Serious and conscious attempts have been made both in the developing and developed countries to promote inclusive education of children with visual disabilities but the quality of education and academic performance is not up to the mark due to lack of support services and trained professionals and teachers in regular schools. All the members of WBU strongly believe in both forms of education such as special education through specific schools and inclusive education through regular schools. They strongly feel that specific school should also exist to provide quality education for children with visual disabilities and do not support the argument of discouraging specific schools.

**Annexure-I Individual country responses:**

1.    Are you aware of any restrictions for persons with visual disabilities to attend to regular schools? Please detail whether they exist in laws or policy, or if they exist only as a result of social barriers.

A. United States of America:

Since the early 1970's, thanks to Federal legislation known as the Individuals with Disabilities Education Act (IDEA), children with disabilities - including children who are blind or visually impaired - have had the legal right to attend schools in what is referred to as "the least restrictive environment"; United States of America: dely defined as regular, integrated  or mainstream schools.  Since each of our 50 states and the numerous local school districts in those states has considerable autonomy in establishing curriculum and other education-related criteria, there are still occasional instances wherein blind or visually impaired children have been denied access.  However, other, far more serious impediments to the education of our children exist which are outlined below sections.

 B. Switzerland:

* The national disability equalization law, the nondiscrimination rule in the Swiss constitution and the cantonal school laws have to be mentioned. All these regulations promote an integrative education and serve as a rule to nondiscrimination of people with a (visual) disability in the school context.
* The national disability equalization law defines in the correspondent article that each canton has to promote integrative education in their public schools (until the age of 20 years). The welfare of children or youth is always the reference point (in the choice between integrative or separate education).
* Children with need for special education have the right for adequate arrangements in public school. Including consultation and support (for example auxiliary means) and special childhood education.
* Despite general promotion to integrative education a bigger part of children with (visual) disabilities still visit separate school settings.

C. Liberia:

There are no such legal or policy restrictions for persons/children with disabilities to attend regular schools however, the regular schools are not adequately equipped to deal with the specific educational issues and needs of persons/children with disabilities. There are specific bodies and legislations such as national commission on disability and national policy on inclusive education of children/persons with disabilities facilitate education of children with disabilities in regular schools.

D. Malaysia:

There are no such legal or policy restrictions which prevent children with visual disabilities from attending regular schools. Persons with disabilities act 2008 and national policy on special education encourage children with visual disabilities to attend regular schools through inclusive education programmes.

E. Sri Lanka:

Sri Lanka has an inclusive and universal educational policy. Yet, many educational personnel doubt the practicability of inclusive education due to the inadequacy of existing resources in the school system and thus hesitate to admit a child with disabilities to a mainstream school. The Report of the Country Study on Out-of-school Children in Sri Lanka prepared by the Ministry of Education (2013) reveals that lack of facilities for children with disabilities has been identified as one of the barriers and bottlenecks that result in children being excluded from school or in dropping out. The uneven distribution of schools, inadequate school infrastructure facilities, problems with teacher deployment and training, deficiencies in the teaching learning process, corporal punishment and poor teacher behaviour which are the other barriers and bottlenecks identified in the same study also indirectly affect proper inclusion of children with disabilities.

The same report recommends that the National Education Commission should formulate a policy to meet the needs of children with disabilities and request the Ministry of Education to sensitize the provincial and zonal authorities regarding this policy, especially on the need for resource allocations sufficient for effective implementation and that the Ministry of Education and Provincial Ministries of Education should establish Special Education Units in schools, which can cater to severely disabled children, and train a cadre of teachers for such units. In addition, as present policy is to include children with special needs that are not severely affected in mainstream classes, inclusive education should be offered as an optional subject in all teacher education programmes.

In addition to the above mentioned factors, social stigma, misconceptions and ignorance of educational personnel and parents also deter children with disabilities from entering mainstream educational institutions. Therefore, it is apt that the Country Study on Out-of-school Children in Sri Lanka - 2013 recommends that awareness programmes should be conducted to address stigma surrounding disability.

2.    Does your country have or is currently developing a program or plan to promote inclusion of children with disabilities in regular schools and discourage education in special schools or social institutions? If so, were persons with disabilities and their representative organizations, and other disability related organizations directly involved in the design and application of said program or plan? Please, briefly describe the program (no more than 500 words).

 A. United states of America:

Since the issue mentioned in this question is not a significant problem in the U.S., I will briefly discuss the other side of this coin.  In the opinion of a significant number of blind and visually impaired advocates, there still exists a need for residential or special schools dedicated exclusively to the education of blind children.  This is particularly so with respect to the increasing number of children who are blind and have other disabilities which adversely impact their education.  Those who zealously advocate for the mainstreaming of all children with disabilities fail to understand that such children can benefit greatly from educational institutions that specialize in teaching multiply-disabled blind children.  Many special schools have closed over the last decade and advocates for their retention continue to fight on the state level for such schools to remain viable and open as part of what IDEA refers to as a continuum of education options.

 B. Switzerland:

* The conference of all cantonal departments of education in Switzerland concluded a concordat for special education (valid since 2011). All joining cantons are obligated to give priority to integrative education and to offer adequate arrangements for children and youth with (visual) impairments.

Swiss organizations for blind and visual impaired people were partially involved in developing cantonal programs. In particular schools for blind and visual impaired children act as centers of expertise in the issue of special education for pupils with a visual impairment in the context of regular school.

C. Liberia:

National policy on inclusive education of children/persons with visual and other disabilities in the process of drafting stage which will promote the inclusive education of children with disabilities in regular schools. This policy does not discourage children with visual disabilities from accessing special education in the dedicated schools. Christian National Association of the Blind (CAB) Liberia has been actively involved in the drafting of this policy along with the ministry of education and other organisations of persons with visual and other disabilities.

D. Malaysia:

National policy on special education and blue print of Malaysian GOVT consciously attempts to promote inclusive education through human resource and infrastructure development. The policy also provides the option of special education for specific disabilities and SEIP programme where specific classes in the regular schools are dedicated for children with visual disabilities. World Blind Union of Asia Pacific region has been involved in the drafting of the blue print and national policy on special education.

E. Sri Lanka:

Sri Lanka participates in international conferences relating to inclusive education and initiate action locally according to international directives. Yes, admission to special schools and institutions is discouraged unless the student has severe disabilities. The number of students admitted to special schools for the blind in the recent past has declined considerably.

Yes, the Sri Lanka Council for the Blind has representation on the Advisory Committee on Special Education of the Ministry of Education. Other organizations of and for persons with disabilities are also members of the same committee and are thus involved in decision making and planning.

3.    Is the Ministry of Education the only ministry in charge of education or other ministries (e.g. Health and Social Affairs) are involved when it comes to persons with disabilities? Please describe how other ministries get involved and specify if their involvement results on the denial of access to mainstream schools. (No more than 250 words).

  A. United states of America:

In the U.S., the only Federal entity involved is the Department of Education although as mentioned previously, individual states have a department devoted to education and within each state, there may be scores of districts which can interpret and/or develop education-related policies.

B. Switzerland:

* Besides the cantonal departments of education the disability insurance (federal office of social insurance) can be mentioned. The disability insurance funds auxiliary means (for school) and accessible teaching material.

 C. Liberia:

Earlier ministry of health was the in charge of education of children with visual and other disabilities. This arrangement will change after the adoption of national policy on inclusive education. The ministry of education will coordinate with other related ministries such health, social welfare ETC to address the specific needs of children with visual and other disabilities.

D. Malaysia:

Ministry of education is primarily accountable for the education of children with visual disabilities which coordinates with other ministries such as health and social welfare for appropriate specific support.

E. Sri Lanka:

Yes. All in all other than the Ministry of Education under the Ministry of Social Services the National Council for Persons with Disabilities is the principal body established under act No. 28 of 1996 for the protection of rights of persons with disabilities. The national policy for persons with disability approved by the government has 26 specific areas relating to persons with disabilities an education is one of the key areas. It is therefore the National Council for Persons with Disabilities under the Chairmanship of the Minister of Social Services which has the authority to deal with any such discrimination whether it be education or otherwise.

4.         Does your country have effective mechanisms to successfully claim in case of rejection of students with visual disabilities from mainstream schools? If so, do those Mechanisms guarantee for reasonable accommodation when services or support needed are not in place? Please provide information on good practices.

 A. United states of America:

 IDEA requires that an Individualized Education Plan be written for every student with a disability.  In theory, if a child is denied the placement option preferred by his/her parents, or a recommended accommodation is not provided (e.g., regular instruction in braille), there is an appeal process in which parents and/or the child's advocate may engage.  Unfortunately, parents are not always aware of this right, particularly in the case where the family is from another country and hence, unfamiliar with the laws governing the education of children.  This has been a particular problem where the school district has denied the parents' desire for the child to learn braille.  There are numerous reasons this happens, but primarily a belief that with the availability of access technology, braille is no longer necessary.  Such a notion is almost universally opposed by the blind and visually impaired community in the U.S.

B. Switzerland:

One can demand legal advice in the case of discrimination based on a disability in school domain. There exists a service center (Egalite Handicap) for people with a (visual) impairment who need legal support.

C. Liberia:

Presently the national commission on disability is the only option available for children/persons with visual and other disabilities to fight against the violation of right to education in regular schools or any other human rights.

D. Malaysia:

Persons with disabilities act 2008; article 28 provides effective redressel mechanism to fight against discrimination in the matters of right to education of children with visual disabilities in attending regular schools.

E. Sri Lanka:

Act No. 28 of 1996 on the Rights of Persons with Disabilities and Human Right Laws exist for any person who wishes to appeal against rejection to a mainstream school. However, it must be noted that it is rarely that discriminated persons go to courts. Our organisation has conducted many awareness programmes on the rights of PWDs and the UNCRPD but the general public is reluctant to fight for their rights perhaps for financial constraints and social stigma.

 5.    Are you aware if your country is involved in international cooperation programmes related to the promotion and implementation of inclusive education systems? If so, is your organization involved in any such programme?

 A. United states of America:

 I am unaware of any specific initiative of the type mentioned here.

 B. Switzerland:

* Not known.
* C. Liberia:

CAB Liberia, African Union of the Blind (AFUB) in partnership with Canadian agencies have been implementing inclusive education programme for children/persons with visual disabilities.

D. Malaysia:

National policy on special education seeks to build partnership with national, international, bilateral and multilateral agencies to scale up the inclusive education programme for children with visual disabilities through international cooperation.

E. Sri Lanka:

Yes. Sri Lanka has been actively participating in the international conference on education for the vision impaired held by generally once in two years.

Our organisation also has been participating in number of such conferences held in India and Netherland etc. and the experience gain therein has been conveyed in local conferences for the consideration.

6.    Is there any additional information you wish to provide?

 A. United states of America:

Again, the issue here is not one of excluding blind and visually impaired children from so-called integrated schools, but of maintaining special schools for those children who would benefit from such a setting.  While mainstreaming may be a primary goal for advocates in many other countries, the problem here is the opposite.  Further, the percentage of blind persons using braille has been estimated at around 10%, a statistic which is seen as a serious tragedy within our community.  The proliferation of access technology has been a boon to blind and visually impaired persons here and elsewhere, for at least a generation its availability has been used by educators to limit or even eliminate the teaching of the system which makes us literate: braille.

 B. Switzerland:

* Currently the Convention of the United Nations on the rights of persons with disabilities is subject in the national parliament. If Switzerland ratifies this convention, integrative education system will get even more recognition.
* Additional information to integrative education in Switzerland you find here online: [www.integrationundschule.ch](http://www.integrationundschule.ch) (not in English available)

C. Liberia:

Even though the national policy on inclusive education is adopted, it requires coordinated and concerted efforts of multiple stakeholders to ensure quality education for children with visual disabilities in regular schools. The present system of education will have undergo massive systemic and structural changes to ensure quality education to children with visual disabilities.

D. Malaysia:

The blue print on the education attempts to ensure 100% enrolment of children with visual disabilities in all the three models of education such as special education through specific schools, specific classes in regular schools and inclusive education through regular schools.

E. Sri Lanka:

None