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*Accountability in education: Meeting our commitments*

## Inclusive Education and Accountability Mechanisms

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## Introduction<sup>1</sup>

A rights-based approach to education for people with disabilities seeks to raise levels of accountability by identifying ‘rights holders’ and corresponding ‘duty bearers’ and to enhance the capacities of those duty bearers to meet their obligations ([https://www.unicef.org/ceecis/Background\\_NoteFINAL\(1\).pdf](https://www.unicef.org/ceecis/Background_NoteFINAL(1).pdf)).

The adoption of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and in particular Articles 24, 31 and 33, which requires countries to develop an inclusive education system for all children as well obliging them to implement and monitor the process, presents both a challenge and an opportunity to the countries of the world. This report discusses the advances that have been made in terms of the implementation of inclusive education system for people with disabilities, as well as the challenges that are still ahead.

The UNCRPD requires ratifying countries to submit Country Reports on the implementation of the Convention to the UN Committee on the Rights of Persons with Disabilities. The present report is unique in that it is based on a thorough analysis of these Country Reports. In addition, it is based on a thorough review of literature about inclusive education for people with disabilities. The aims of this report are as follows:

- To review the concept of inclusive education as well as the existing international legal frameworks on the right to education for people with disabilities (Section 1);
- To analyse the current legislation, legal and policy frameworks of ratifying countries in terms of compliance to international standards (Section 2);
- To present a number of case studies that illustrate a) countries’ interpretations of Article 33; b) practices of inclusive education from the accountability perspective; and c) country practices related to domestic financing of inclusive education (Section 2);
- To present a number of policy recommendations on education opportunities for people with disabilities effectively promoted through the operation of information-based accountability mechanism (Section 3).

### *Understanding inclusive education*

Over the past 20 years, increasingly the discourse around Special Education Needs (SEN) has become synonymous with inclusive education and the elimination of barriers for all children (Wapling, 2016, p. 4). In the course of the development of special needs education the concept of inclusion substituted other terminologies, such as “mainstreaming”. The term “integration” has also been used for a long period of time. Integration refers to the process of transferring children with special needs from special schools to mainstream schools. Integration implies that the child has to change to be able to participate in the existing school system (Rieser, 2012, p. 43). This process urges children “to fit in” to the classroom setting and school environment. The overall results of the process is assimilation, and this education format still exists in some countries (Suleymanov, 2015, p. 3).

Unlike integration, the emergence of *inclusion* or *inclusive education* concentrates on the *transformation of profoundly rooted structural obstacles*. In other words, it implies a shift from seeing the child as the problem to seeing the *education system* as the problem (UNESCO, 2009a, p. 14). It means facilitating education of students with special needs with a whole suite of *provisions* which include curriculum adaptation, adapted teaching

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<sup>1</sup> This paper was developed by the Influencing Unit and LCD and was written by Ola Abu Alghaib and Rosanne Tromp

methods, modified assessment techniques, and accessibility arrangements (Suleymanov, 2015, p. 4). Inclusion is seen as a process of addressing and responding to the diversity of needs of *all children, youth and adults* through increasing participation in learning, cultures and communities, and reducing and eliminating exclusion within and from education. Inclusive education ensures quality outcomes for *all learners* and excludes no-one (European Agency for Special Needs and Inclusive Education, 2014, p. 12). It involves *changes and modifications in education content, approaches, structures and strategies*, with a common vision that covers all children of the appropriate age range and a conviction that it is the responsibility of the regular system to educate all children (UNESCO, 2009a, p. 9). Teachers' *attitudes* are central in any reform designed to improve inclusion. However, to achieve inclusive education a change in attitude and awareness is needed in the entire education community, including managers, staff, pupils, parents and the local community (Rieser, 2012, p. 43; UNESCO, 2009a, p. 18). Lastly, inclusive education systems and societies can only be realized if governments are aware of the nature of the problem and are committed to solving it (UNESCO, 2009a, p. 21).

Thus, inclusive education is about responding to diversity in all its forms and creating an education system to accommodate all. However, inclusive education is *widely associated with the inclusion of people with disabilities*, and with the concept of 'special educational needs' (Wapling, 2016, p. 12). It can be argued that people with disabilities are the most universally excluded from education: 90 per cent of children with disabilities are not accessing school (Stubbs, 2008, p. 20). Disability is a leading cause of marginalization in education, with enrolment, primary school completion and literacy rates consistently falling below those of non-disabled children (Groce and Bakhshi, 2011; UNESCO, 2010 in Wapling, 2016, p. 3). Despite the fact that the number of children excluded from education has been decreasing since the launch of Education for All (EFA) and the Millennium Development Goals (MDGs), children with disabilities remain disproportionately excluded from school. Currently, they account for one third of all out-of-school children (UNESCO, 2009a, p. 5). Moreover, if children from these groups are at school, they are often segregated in special settings, denied the opportunity to access the regular curriculum and kept apart from those in the mainstream system (Inclusion International, 2009 in European Agency for Special Needs and Inclusive Education, 2014, p. 12).

### **“Barriers to inclusive education for people with disabilities”**

- Failure to understand or implement the human rights model of disability. The problem is located with people with disabilities and not with wider society. Subsequently, the transition to inclusive education is not accompanied by fundamental transformative thinking;
- Inadequate policies and standards. Education policy design does not always take into account the needs of people with disabilities, or existing policies and standards are not enforced;
- Negative attitudes and/or discrimination towards people with disabilities. Beliefs and prejudices constitute barriers when teachers do not see the value of teaching children with disabilities, or family members have low expectations of their relatives with disabilities;
- Lack of knowledge about the nature and advantages of inclusive education;
- Lack of political will, technical knowledge, and capacity in implementing the right to inclusive education. This can lead to problems with service delivery. Issues such as poor coordination among services, inadequate staffing, staff competencies, and training affect the quality and adequacy of services for people with disabilities;
- Inadequate funding. Resources allocated to implementing policies and plans are often inadequate. Strategy papers on poverty reduction, for instance, may mention disability without considering funding;
- Lack of accessibility. Built environments, transport systems and information are often inaccessible. A lack of access to transport is a frequent reason for a person with a disability being discouraged from seeking work or prevented from accessing health care. The communication needs of people with disabilities are often not met. Information is frequently unavailable in accessible formats, and some people with disabilities are unable to access basic information and communication technologies such as telephones and television;
- Lack of consultation and involvement. Often, people with disabilities are excluded from

## **1. International and national legal frameworks on the right to education for people with disabilities – bridges and gaps**

### *1.1 Article 24 of the UNCRPD: the right to inclusive education*

Article 24 of the UNCRPD requires the development of an inclusive education system at all levels, where children and students with disabilities can be part of their local school alongside their non-disabled peers, with the right support and accommodation to develop academically and socially (Rieser, 2012). It places a clear focus on the obligations of States in ensuring that the rights of children with disabilities are protected.

#### **“Article 24 of the UNCRPD: key points”**

- States Parties should carry out a screening exercise to ensure that legislation is in place to promote the right to education for persons with disabilities of all ages, and is directed at providing equal educational opportunities at all levels of education (primary, secondary, general tertiary education, academic, vocational training, adult education, lifelong learning, or other).
- States Parties’ legislation should advance inclusive education systems that allow children with disabilities to learn alongside their peers in inclusive schools (at primary and secondary school levels), for example through individual educational plans.
- States Parties should adopt specific measures to ensure persons with disabilities are not excluded from the general education system. Specific measures may include, inter alia, the specific development or strengthening of laws and policies enabling persons with disabilities to reach their fullest potential in mainstream educational settings.
- States Parties’ legislation should provide for persons with disabilities to benefit from reasonable accommodation to facilitate their ability to learn in general education settings. Legislation should also provide for the provision of individual support for persons with disabilities to reach their fullest potential in the classroom. Legislation should further require that persons with disabilities have the right to receive education in a manner that is accessible to them (e.g. Braille, sign language or other appropriate means).
- States Parties should employ teachers who are qualified to teach persons with disabilities. To best promote inclusive education, States Parties should ensure that all teachers are well trained in teaching methods for persons with disabilities and that teacher training schools are encouraged, and given incentives, to provide quality inclusive education training.
- Furthermore, States Parties should provide disability-specific training to all staff working in the education system.

Based on (Rieser, 2012).

The fact that inclusive education has been formally promoted as a right in a disability convention, rather than a general education or human rights convention, creates a challenge. Some argue this holds back inclusive education from moving beyond its association only with disability. It can be very helpful from the perspective of campaigners for disability rights, but ultimately inclusive education needs to be established as a right within mainstream education and human rights domains (Stubbs, 2008).

#### *1.2 Article 31 and 33 of the UNCRPD: data, implementation and monitoring*

Inclusive education systems and societies can only be realized if governments are aware of the nature of the problem and are committed to solving it. This must be reflected in the willingness to undertake in-depth analysis of the size and character of the out-of-school populations and ensure their integration into quality school and other kinds of education and training programmes. Such analysis would frequently require improved data systems and data collection methods. Its priority in national policy, planning and implementation should be reflected in the comparative allocation in national budgets and in requests for development assistance from international partners and the private sector. Appropriate monitoring and evaluation mechanisms need to be put in place to evaluate the impact of inclusive education policies as regards the learner, the education system and wider societal development (UNESCO, 2009a, pp. 21–22).

The UNCRPD is not only the first international human rights treaty of the twenty-first century, it also provides for the creation of national mechanisms for its implementation and monitoring. At the international level, it established the UN Committee on the Rights of Persons with Disabilities, whose tasks are to examine State reports on the implementation of the Convention, handle individual complaints and conduct enquiries. Two articles are of particular relevance to the implementation of inclusive education. Article 31 on statistics and data collection requires States to gather disaggregated data on students with disabilities. In addition, Article 33 on implementation and monitoring requires that States have a plan for implementing the UNCRPD and make regular reports to the United Nations Committee responsible for its monitoring on progress. It exists of three sub-sections:

Article 33 (1) provides that:

States Parties, in accordance with their system of organization, shall designate one or more *focal points* within government for matters relating to the *implementation* of the present Convention.

The purpose is to appoint a governmental department for handling matters relating to the implementation of the UNCRPD. The focal points should both have the necessary resources to carry out their function and be sufficiently accessible to persons with disabilities. States may also designate several focal points or sub-focal points (De Beco, 2014, p. 4).

Article 33 (1) further provides that:

States Parties (...) shall give due consideration to the establishment or designation of a *coordination mechanism* within government to *facilitate related action in different sectors and at different levels*.

Coordination mechanisms aim to boost cooperation between ministries and to avoid policymakers adopting isolated measures. The establishment or designation of a coordination mechanism, however, is not a legal obligation (De Beco, 2014, p. 4).

Article 33 (2) requires that States designate or establish a *framework including one or more independent mechanisms to promote, protect and monitor the implementation* of the UNCRPD. Independence means that the mechanism should be free from governmental interference, which means that the mechanisms must be created by law. Moreover, organizations of persons with disabilities should either be represented in the independent mechanisms or be able to cooperate closely with these mechanisms. It is advisable that persons with disabilities be appointed to their board. Other actors, such as trade unions, social and professional organizations as well as experts, should also be involved. However, how States have to designate or establish a “framework”, still has to be clarified (De Beco, 2014, p. 6).

In line with this, Article 33 (3) requires States to ensure the *participation of persons with disabilities in monitoring the implementation* of the UNCRPD. Given its novelty, there is little experience to draw from on the implementation of this provision (De Beco, 2014, p. 4).

### *1.3 National legislative and policy frameworks*

This section explores whether and how countries have translated the right to education in national legislative and policy frameworks.

When States have ratified or acceded to international treaties that recognise the right to education, they must guarantee and implement this right at the national level. States are strongly encouraged to incorporate the right to education into their constitutions and to implement it further through the adoption of laws and policies. While the right to education is universally recognised, implementation at national level may vary according to the needs of each State. For example, curricula may reflect cultural and linguistic needs (<http://www.right-to-education.org/page/national-implementation>).

In order to understand and analyse how the right to education is implemented and enforced at the national level, it is necessary to look at which human rights treaties the State in question is committed to and how the provisions of these treaties are incorporated and translated into domestic laws and policies. The following scheme is helpful when assessing this situation:

- Ratification of international and regional treaties guaranteeing the right to education: For a treaty to be legally binding on the State, the State must ratify or accede to the treaty. When a State signs but does not ratify a treaty, it is only bound by the treaty in a moral and political sense until it ratifies. Ratification usually involves approval from the relevant national organ of the State (e.g., Parliament or the Head of State) and formal consent at the international level.
- The constitutional guarantee of the right to education is the highest protection that can be accorded at the national level. The constitution serves as a framework for all other laws and policies, which have to be in conformity with it. National constitutions vary from State to State, which results in variations in the way that the right to education is guaranteed constitutionally. Generally, constitutions provide for legal recourse when the guaranteed human rights are violated.
- National laws on education: Laws do not provide as strong protection as constitutions, but they guarantee the right to education in more precise detail and are more frequently updated to reflect society's changing needs. States may establish different laws for different aspects of the right to education. For instance, it is common to have specific laws for the different levels of education. National laws on education should be adopted through a democratic process and enforced by the judicial system. This means that if a law is not followed, those responsible for breaking the law can be held to account, and policies or actions of the government that do not conform to the law can be challenged. In decentralised or federal States, laws on education may also be adopted and enforced at the sub-national or provincial level.
- National policies on education: Policies on education, which must comply with laws, are developed by the government and outline its main priorities. They are more flexible than laws and can be changed more easily. They inform how the right to education is implemented in a particular context. Again, in decentralised or federal States, policies on education may also be developed and implemented at the sub-national or provincial level (based on: <http://www.right-to-education.org/page/what-information-look>).

Every country will be at a different stage of development in relation to appropriate legislation and policies for inclusive education, as well as in securing the necessary political will and attitudinal change. In addition, there are wide variations in how states have traditionally responded to children with disabilities. These variations will influence the measures that are needed to promote inclusive education. In recent years, there has been



significant progress in many developed countries towards inclusive education, backed up by legislation, community-based services and specialized teaching support (UNICEF, 2014a). The following section discusses in detail the state of inclusive education in countries around the world.

### 1.3.1 National sources of inclusive education

From the 86 countries for which a country report is available in English and in an accessible format, 63 report information about whether and how their national constitution guarantees the access to education.<sup>2</sup> Most do report information on the laws and policies adopted to include article 24 (with the exception of Greece). Among these countries, there is *diversity in the way in which the inclusivity of this right is formulated*. For example, countries state to guarantee the right to education “to all”, “to everyone”, “to every citizen”, “without any discrimination”, or “regardless of differences of an individual”. Also, countries differ on which levels of education should be free and/or compulsory.

What is striking is a clear narrative inclusion of article 24 in national legislative and policy frameworks. Most countries make *explicit references to the right of people with disabilities to education in their constitutions, laws and/or policies* (68 out of 86), with the exception of Greece, Morocco, Denmark and Paraguay. For example, the Rwandan constitution explicitly states that “all persons with disabilities can access an inclusive, quality and free primary education”. Equally, the Hungarian constitution provides for “equality before the law and human and civil rights for all individuals without differentiating in terms of race, colour, language, religion, political or other opinion, national or social origin, pecuniary, birth or other situations including, among others, disabilities.” For its part, Gabonese legislation fully recognizes the right to inclusive education for children with disabilities.

For an additional 13 countries, the information is somewhat unclear. For example, although in El Salvador the entitlement to “inclusive education and attention to diversity” is laid down in law, no explicit reference to disability, health and/or special needs is made. Similarly, in Lao, Article 22 on Inclusive Education for Disabled Persons of the Decree on Persons with Disabilities states in Item 2 that “education institutes shall have all the necessary facilities for disabled persons, such as suitable classrooms, learning areas, and courses”. However, this is different from stating that the State has the obligation to guarantee the right to inclusive education for people with disabilities, as this would imply going beyond ensuring certain provisions, to include for example teacher training, awareness raising, and financial support.

Notably, very few countries have explicitly included *definitions* of terms related to disability and education in their constitution, laws and/or policies, such as people/persons/students with disabilities, children with special needs, inclusive education or special education. For example, Lithuanian law stipulates that “the purpose of educating pupils with special educational needs is to help a pupil develop and learn according to his abilities and to acquire an education and a qualification by recognising and developing their abilities and capacities. The groups of pupils with special educational requirements shall be defined and their special educational needs shall be divided into low, medium, high and very high in accordance with the procedure prescribed by the Minister of Education and Science, Minister of Health and Minister of Social Security and Labour.”

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<sup>2</sup> The following link provides direct access to the UNCRPD States parties reports:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=29](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=29).

For their part, Georgian and Armenian policy includes definitions of the concept of “inclusive education”. In the case of Armenia, inclusive education is defined as “the joint education at general educational institutions of persons with special educational needs, through the establishment of specific conditions of education, with those having no need for such conditions”. In 2011, Japan revised its constitution to include, among other things, the concept of a so-called “social model” into the definition of “persons with disabilities”. The issue of definitions is important, not only for the types of programmes and services countries subsequently develop, but also for the compliance with the implementation of Article 33, as will be discussed in Section 2.3.

Whereas most countries make a narrative reference to the right of people with disabilities to education, there is huge *diversity* in the way in which national laws and policies *interpret* the right to education for all enshrined in their constitution. Among those countries that report on laws and policies, the areas that are addressed include: infrastructure; specific curricula, methods, techniques, educational resources, organization and training of teachers in specialised education, and awareness raising.

What also differs is the *level of detail* in which countries have laid down the right to education for all in laws and policies. Whereas in some countries only one law or policy addresses this issue, others have several policies that address the right to inclusive education, and moreover, they provide detailed information about existing policies. For example, Slovenian policy provides that inclusion in education at all levels and participation in lifelong learning in their living environment shall be provided to persons with disabilities on an equal basis with others. But beyond that, the specific way in which inclusive education is interpreted is also defined. Slovenian policy stipulates that “adapted curricula; individualised programmes; adjustments regarding organisation, methods of verification and assessment of knowledge, progress and timing of lessons, and provides for additional professional assistance; it introduces development process guidance, and facilitates a more active role of parents and educational institutions in the process of guidance; home education”.

In general, countries have *divided education* for people with disabilities in some way or another between: (a) regular schools with inclusive education projects for students with language disabilities or disorders; (b) regular schools with differentiated groups for students with non-disability-related learning difficulties (temporary special educational needs); (c) special schools that cater to students with sensory, intellectual, motor, interpersonal or communication disabilities or specific language disorders. For example, in Poland “education of disabled children and youth takes place in mainstream preschools and schools, integrated preschools and schools or integrated classes, special preschools and schools or special classes and centres, according to a child’s personal developmental and educational needs and abilities”. In Austria “inclusive education is organised either in the form of integrated classes (several pupils with special educational needs are included in a class with non-disabled children, along with a second full-time additionally trained teacher), or individual integration (one or two pupils with special educational needs and a second additionally trained teacher on an hourly basis).” Only a few countries cater for (d) in-hospital classrooms and schools for children and adolescents who, for reasons of illness, cannot attend their usual school and thus receive instruction in hospital, or (e) home teaching.

*A trend can be seen towards a focus on options a) and b)* in constitutions, laws and policies. 42 out of 86 countries now make explicit reference to inclusive education in their constitution, laws and or policies. This does not mean however, that the constitution, laws and policies of countries that do not make specific reference to inclusive education do not add up to inclusive education practice. For example, the Swedish education system is based on

the principle of inclusion. Most children and young persons with disabilities consequently receive their education within the framework of the regular forms of education. Only 1.7 per cent of all pupils within child and youth education receive their education outside of the regular forms of education, this means, in education for pupils with intellectual impairment or in special schools for children with certain disabilities. For its part, Croatia reports that “until the adoption of the Law on Primary and Secondary Education in 2008, children with more severe developmental difficulties could be educated only in special educational institutions that are mainly located in larger cities, county centres, which most often required separation of pupils from their families. With the new Law and adoption of the National Pedagogical Standard (2008, 2010), education of pupils in special educational institutions is only exceptional, in cases when the pupil also needs additional health and social care. Accordingly, in primary and secondary schools, classes with special educational programmes are established so that, regardless of the type and degree of developmental difficulties, primary and secondary education is accessible to pupils in their original environment.”

For an added 5 out of 86 countries, the language with regard to inclusion is somewhat ambiguous. For example, in Luxembourg, children with special needs can fulfil their obligation to attend school by receiving instruction in keeping with their needs, as determined by a school inclusion commission. However, the rest of Luxembourg’s national law and policy does not make reference to inclusive education, which makes it difficult to make a clear statement as to the countries’ policy stance on inclusive education.

A few countries (6 out of 86), have not yet made a narrative shift towards inclusive education in their constitutions, laws and/or policies, but they do report on some projects, programs and /or services that make reference to inclusive education. For example, Mongolia: “Master plan of developing education in Mongolia in 2006-1015, approved by Resolution 192 of 2006 of the Government of Mongolia, determined 11 packages of activities along with expected results that will expand social services to children with disabilities and provide them with comprehensive inclusive education”.

There are some notable exceptions however in the narrative shift towards inclusive education. For example, Azerbaijan’s law states that “the purpose of special education is adapting persons with disabilities to the society by teaching necessary knowledge, skills and habits, including habits for self-service, labour activities and family life”. Although the intention to develop competencies in people with disabilities theoretically fits within inclusive education policy, the statement that people with disabilities should adapt to society is contradictory to the idea that truly inclusive education requires an awareness and adaptation from the wider society to the diverse education needs of all people.

### **1.3.2 Disconnection between national inclusive education law and policy and its implementation**

In many countries, the *disconnect between inclusive education law and policy and implementation is striking*. Among those countries who report some form of information on existing programmes (71 out of 86) and services (85 out of 86) to provide for article 24, many report a gap between policy and practice. For example, although in South Africa the right to education for everyone is enshrined in the constitution, new segregated special schools are being built and there are no specific provisions for children with severe intellectual disabilities. This practice thus goes against inclusive education statements in law.

The Jordan case clearly illustrates the gap between inclusive education policy and practice. Whereas measures are taken to facilitate the access of persons with disabilities to public education, the reality is that most schools are not well-prepared to adopt and implement inclusive programmes. Similar to other countries, the reasons for the problematic implementation are related to the following issues:

- (a) Lack of transport equipped to carry persons with disabilities;
- (b) Inadequacy of the physical environment of most schools for access and safe use by persons with disabilities;
- (c) Lack of harmonization of curricula commensurate with the needs of persons with disabilities, particularly in the basic phases.

### **1.3.3 Lack of information about the situation of education of people with disabilities**

Most States and some intergovernmental organisations (e.g., UN, World Bank) collect periodic data regarding education, which is typically used to inform planning (e.g. policies, budgets) as well as compliance with laws. Other actors, such as research institutes, universities and civil society organisations, may also collect data regarding education, usually around a specific project or initiative. Statistics and data on education can provide useful information that can be measured to determine if States are complying with international human rights standards for the right to education. They can also indicate if laws and policies are translated into concrete reality (<http://www.right-to-education.org/page/what-information-look>).

A lack of information about how countries' programmes and services add up to inclusive education is evident among countries that submitted reports. Some countries report on only one or a few services provided, which does not add up and makes it difficult to draw conclusions related to the state of inclusive education in those particular places. For example, Guatemala reports on training in the use of Braille and sign language. While this theoretically fits within inclusive education strategies, the existence of this service alone does not add up to inclusive education. Similarly, Mongolia only reports on a "lunch program which aims to reduce absenteeism and school dropout in primary school", which makes it difficult to make any conclusive statements as to the inclusivity of overall education programmes and services.

Although most of the countries for which a country report is available in English and in an accessible format report the availability of a data collection mechanism with regard to the situation of people with disabilities (78 out of 86), in many cases this information varies, is unclear or incomplete. For example, in 22 of those 78 countries, it is unclear whether the data refers to the situation of people with disabilities in general or in education specifically.

There is variation on by who and how data is collected, although most countries collect information through national censuses and/or surveys. In addition, not all countries have set up a national unified system (only 9 out of 86). For example, the Statistical Office of the Republic of Serbia publishes the data issued by the institutions in the field of social protection, and in Slovakia information about education and disability is gathered by individual research initiatives. There is also variation in how often data is collected. 4 out of 86 countries report that their data collection system is still being developed.

Only 13 countries actually provide data on the situation of people with disabilities and education. Among the countries that report information about number of children with disabilities in schools, countries almost never report on the reliability of the information (only 5).

For some countries, the lack of or change in definitions also led to problematic comparability of data. With regard to the lack of existence of a national mechanism for the collection of data about people with disabilities in education, the lack of a clear and internationally agreed on definition of disability and/or special education seems to be an important deterrent. For example, Mongolia reports that “due to different definitions of persons with disabilities at the national level, statistics on health, education, social welfare, employment of persons with disabilities and information received from administration, central and local authorities differs. Findings of the sample surveys also differ because data collection methods and methodology is different, links between professional organizations are weak and detailed methodologies of diagnosing children with disabilities are not in place.”

Austria reports that “until now there has been no standard international definition of disability. It is also not completely clear how to draw a line between the concepts of “impairment” or “functional restriction” and similar terms. This is the reason why varying and thus only partially comparable concepts are followed in different surveys.”

To deal with this issue, a number of countries draw or plan to draw on international standards. For example China, Macau, Thailand, Uruguay and Cyprus used or drew on the World Health Organization’s International Classification of Functioning, Disability and Health (ICF). Some countries also used the Washington Group Short Set of Questions on Disability (South Africa, Morocco and Myanmar). Philippines tested both sets of questions. Lastly, from the countries that provide information about the number of students with disabilities in education (56), 26 provide disaggregated data on students with disabilities with regard to sex, age, or area. (From the countries that report data on people with disabilities, 8 provide disaggregated data on students by sex, age, or area but it is not clear whether this is in education.)

From the countries that provide information about the number of students with disabilities in education (56), 23 provide disaggregated data on students by type of disability. (From the countries that report data on people with disabilities, 10 provide disaggregated data on students by type of disability but it is not clear whether this is in education).

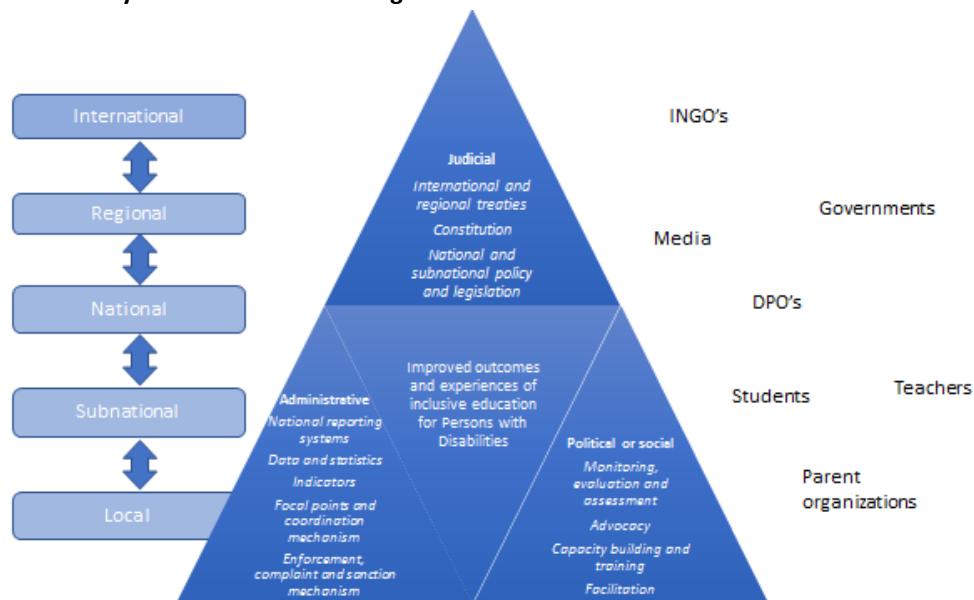
## 2. Accountability mechanisms at work

### 2.1 Typology

Accountability mechanisms require duty-bearers, notably governments, to show, explain and justify how they have discharged their obligations toward the right to education of people with disabilities – and enable rights-holders to seek violations of their right to be redressed. How have different mechanisms been deployed, including *judicial* (e.g. obliging the government to review discriminatory laws), *administrative* (e.g. complaint mechanisms enabling people with disabilities to file grievances) and *political or social* mechanisms (e.g. civil society participation in monitoring)?

In this section, a typology of accountability mechanisms is presented. The typology is intended to help open up the discussion of the different accountability approaches, and it describes the different mechanisms and actors that are involved when governments do not live up to their obligations. The typology reflects the importance of setting up different levels of accountability as well as the active role of DPOs at all levels in the process.

**“Accountability mechanisms and the right to education for Persons with Disabilities”**



*2.2 Existing monitoring and accountability mechanisms on the right to education for people with disabilities*

The realisation of the right to education depends upon its effective implementation and monitoring by and of national authorities, in order to determine what remaining obstacles prevent its enjoyment by all (UNESCO, 2015, p. 17). Monitoring plays a dual role in relation to accountability. First, it provides the information on an ongoing basis that government needs to determine focal areas for reaching its targets for realising the right to education. Second, it provides rights holders with the information they need to claim their rights and to hold government and its agents to account when obligations have not been fulfilled.

Many countries have established monitoring activities and mechanisms, whether at school, local or national levels. Nevertheless, a closer look at country’s practices reveals a more complex picture. For the 86 countries for which a report is available in English and in an accessible format, 49 provide information with regards to their national accountability and monitoring mechanisms. For the other 37, information is either unclear, or, national accountability and monitoring mechanisms are in the development phase.

What springs to mind among those countries that provide information is the lack of unified language and understanding of articles 33 (1), 33 (2) and 33 (3) of the Convention. For example, there is a difference between how countries understand the terms “focal point”, “coordination mechanism”, and “framework” (including an independent mechanism) and what their tasks are.

With regard to the first part of 33 (1), namely the focal point, 22 countries have assigned a focal point. Who is assigned the task of focal point differs widely. Focal points range from different ministries, such as Ministry of

Internal Affairs in Cook Islands, or Federal Ministry of Labour and Social Affairs in Germany, to “Commissioner for Rehabilitation” in China Hong Kong. Other countries do not call it a “focal point”, but “central contact mechanism”, “responsible for the implementation”, “nexus”, or “responsible for coordination”, such as for example Morocco, Jordan or Macedonia.

With regard to the second part of 33 (1), namely the coordination mechanism, only 35 report on the workings of this mechanism. For the majority of reporting countries, namely 51, information is not provided, unclear, or it is reported that no mechanism is in place.

With regards to 33 (2), namely the framework and independent mechanism to promote, protect and monitor the implementation of the Convention, 52 countries have assigned or are developing a body. Often the ombudsman is assigned this function, a Human Rights Commission, National Council for Persons with Disabilities. However, for 16 of those countries it is not clear whether it is independent. A remaining 34 countries either do not provide this information or do not have a framework.

Some countries have a “coordinating mechanism” for the monitoring of the implementation, rather than for the implementation itself, as is stipulated in article 33 (1) of the convention. For example, Cyprus, has assigned a “Coordinating Mechanism for monitoring the implementation of the National Action Plan on Disability.” China Hong Kong similarly has put in place a co-ordination mechanism to facilitate related actions and measures to involve the community, in particular persons with disabilities and their representative organisations, in the monitoring process and preparation of the country report.

Also, several countries conflate article 33 (1) and 33 (2), that is to say implementation and its monitoring. For example, in Spain, the National Disability Council is “the institutional body responsible for the application and implementation of the Convention, incorporating into its functions that of serving as the focal point in the general administration of State for the promotion, protection and monitoring in Spain of the international legal instruments relating to the human rights of persons with disabilities”. Vanuatu’s situation is similar. There, the government, through the Ministry of Justice, has appointed national and provincial UNCRPD task forces. The established task forces are mandated to both coordinate and monitor the implementation of the national disability policy and the convention. This conflation is problematic, as ideally the monitoring framework (includes) an *independent mechanism*.

### **2.2.1 Involvement of and cooperation of all stakeholders in accountability mechanisms**

While governments and schools have the responsibility for providing quality education for children with disabilities, organizations of people with disabilities, families and the community have significant roles to play as well. First, Disabled Peoples’ Organizations (DPOs) and families can assist schools and governments in making better decisions in regards to students with disabilities. They have a strong role to play in advocacy to demand that governments uphold their commitment and obligation to provide education for all children, including children with disabilities. Second, these organizations, and families of children with disabilities, have strengths that other parties lack. They have considerable will and personal commitment to move forward with practical efforts, as changes will positively affect their lives and the lives of their children. For example, parents, who are in need of assistance with the raising and education of their children, can give some of their time to help teachers



and schools (UNESCO, 2009b, p. 122).

**“Enforce the right to education for every child in New Zealand”**

The **New Zealand** government promotes Special Education Policy aiming to achieve “a world class inclusive education system”. Nevertheless, according to Education For All (EFA), the education amendment bill is not doing enough to turn that into a reality for children and young people with disabilities and their families. EFA is a collaboration of disabled persons organisations, family and inclusive education organisations, teachers, and school principals, leaders, researchers and academics in inclusive education, and people from the employment and human rights sector committed to ensuring all students with disabilities are well educated in an inclusive education system. Practices such as locking vulnerable children in rooms, the lack of professional development for teachers on inclusive approaches to education or families paying to provide or top up support staff for their children, all contradict inclusive education.

This means New Zealand is falling behind internationally, and United Nations committees on the Rights of the Child and the Rights of Persons With Disability have critiqued its government for their lack of action and progress towards inclusive education. The Education for All Forum *has called on government* to legislate for the right for every child and young person to an inclusive education in their submission to Parliament on Education Act changes.

Based on <http://www.scoop.co.nz/stories/ED1702/S00028/enforce-the-right-to-education-for-every-child.htm>.

In some situations, parents of children with disabilities have acted as advocates for their children and contributed to achieving changes in school systems and improved opportunities for their children to receive an appropriate education in the regular school system. More often than not, however, parents are ill-informed about the right their children have to education and their obligation to send them to school. They are frequently reluctant to do so, fearing that their child will be subjected to ridicule and bullying. It is even more uncommon for children with disabilities to be consulted about their own education, or to be asked what their needs are and how they can best be met. In some developed countries, children with disabilities are active participants in setting their own learning goals and targets, within the framework of an individualized educational plan (IEP) (UNESCO, 2009b, p. 139).

**“Role of parents’ organisations”**

In **South Africa**, *parents associated with Inclusion International* have been formally represented on national policy forums dealing with marginalized learners. Organizations such as the Parents’ Association for Children with Special Educational Needs (PACSEN), the Disabled Children’s Action Group (DICAG) and the Down Syndrome Association have *campaigned* vigorously on behalf of disabled learners. Working with disabled people’s organizations, they have *organized public meetings* and *workshops* on inclusive education. *Mobilizing support* from UNESCO and other donor organizations, they brought *international advisers* to the country and used them extensively in *teacher education* and *public awareness campaigns*, with a positive impact on policy development.

Based on (UNICEF, 2014b).



Governments are required by article 4(3) to “consult and actively involve people with disabilities, including children, through their representative organizations”. This provision clearly extends to education. Experience since the adoption of the UNCRC has demonstrated the importance of consulting directly with children in order to ensure the best possible decisions, policies and legislation. The committee on the rights of the child has emphasised that, too often, adults with and without disabilities make policies and decisions related to children with disabilities, while the children themselves are left out of the process.

The work undertaken by NGOs can play both a demand- and supply-side role. On the demand side, it strengthens advocacy, lobbying and ensuring accountability and transparency of duty-bearers, for example by monitoring whether governmental policies and programmes have been effectively implemented. NGOs can also play a role in helping guarantee the continuation of successful programmes when there are changes of government or administration. On the supply side, they have contributed through the capacity-building of:

- People with disabilities – through training, awareness, sensitization through which they can participate in, for instance, social auditing and monitoring exercises of government services.
- Governments – by the training and sensitization of public officials (UNICEF, 2012, p. 95).

NGOs and independent human rights institutions can play a key role in empowering children with disabilities and their families to claim their right to education – to be acknowledged as citizens, not merely consumers. In order to achieve this goal, parents and their children need access to information and support on:

- Their legal rights – both the commitments governments have made under international law, as well as national legislation and regulations;
- What services are available and how to access them;
- Where and how decisions affecting their education are made;
- How to advocate, lobby and influence local and national political agendas;
- How to challenge violations of their rights – local complaints procedures, courts and the international mechanisms;
- Using the media to challenge prejudice and discrimination;
- Available research and evidence to support their advocacy to realise education rights (UNICEF, 2012, p. 49).

**“From national research and litigation strategies to international advocacy”**

South Africa has ratified the UNCRPD without reservations and it is therefore bound by its provisions. In addition, the South African Constitution affords the right to basic education to “everyone”, including children with disabilities. In keeping with its constitutional obligations, South Africa has enacted the Schools Act. The Act makes compulsory education for children between the ages of 7 and 15 and requires that relevant government officials make special needs education available for all children with disabilities. Furthermore, the government has drafted a policy document – Education White Paper 6 – to give effect to the right to education for persons with disabilities.

Despite these efforts, the South African Department of Basic Education has indicated that as many as 489.036 children with disabilities of a school going age are not attending any school at all. Moreover, schools for children with disabilities continue to experience problems. For example, the shortage of educator and non-educator staff is a chronic problem. SECTION27 is a public interest law centre that defends and advances human rights in South Africa. According to SECTION27, these problems in special needs schools can partially be attributed to the constitutionally inappropriate incrementalist approach by the government to provisioning for special needs schools, instead of understanding the right to basic education as immediately realisable. In 2013, SECTION27 teamed up with the community based organisation for people with disabilities Siphilisa Isizwa in Manguzi. Through the *mobilisation* of out of school persons with disabilities, *gathering evidence* of the extent of the problem of access to education, *correspondence* with the KwaZulu-Natal Department of Education (KZNDoe), and ultimately the *threatening with litigation* in the High Court SECTION27 advocated the rights of 17 learners with disabilities. In response, in 2015, the KZNDoe placed 13 of these learners at Sisizakele Special School.

Based on <http://www.right-to-education.org/blog/right-education-children-disabilities-south-africa-section27-s-action-national-research-and>

With regard to article 33 (3) of the Convention, there is a difference in information between participation of DPOs in monitoring the implementation of the Convention in general, and whether DPOs took part in the process of the Country Review. In 50 of the countries for which a country report is available in English and in an accessible format (86 out of 99), DPOs participated in monitoring the implementation of the Convention, whereas DPOs specifically took part in the Country Review in only 29 countries.

An important reason that is pointed to for the lack of participation of DPOs in either monitoring the implementation of the Convention in general, or the process of the Country Review, is the lack of capacity. For example, although South Africa recognised “the principle of self-representation, that is, the right of persons with disabilities to participate in the development, implementation and evaluation of all legislation and policies” the meaningful effect to this right remains a challenge “due to severe capacity constraints, as well as tensions within the disability sector as to who should be the voice of persons with disabilities”. Rwanda finds itself in a similar situation. There, the National Council of Persons with Disabilities “has an urgent need to build capacity and work for participation of persons with disabilities in the national development”.

However, support needs to be given to the formation of strong networks of these local and national NGOs, together with regional and international NGOs and Disabled People’s Organizations (DPOs), to advocate for disability rights and increase the profile of individuals with disabilities to secure rights and services for themselves. The host of international and local disability organizations which are present in countries across the region need to be united in their support of national disability issues. Coalition-building between stakeholders

lays the foundation and builds critical mass for strong advocacy efforts, establishes a system for monitoring government responsibility and accountability, and encourages sustainability (UNICEF, 2012). Many countries highlight the need for more cooperation between the different bodies and entities, as well as for further dialogue between state ministries and local.

**“Disability organizations and parent organisations partner up advocating the right for education for people with disabilities”**

The right to education for children with disabilities is enshrined in both the 1997 **Thai** Constitution and in the 1999 National Education Act. The key catalysts for these achievements have been sustained *advocacy* by leaders of strong *disability organizations*, and their historical involvement in the establishment of NGO educational programmes for children with disabilities. The disability organizations have worked in *partnership* with *parent organizations* over a long period of time. Ministry of Education officials also cited the *Agenda for Action for the Asian and Pacific Decade of Disabled Persons (1993-2002)*, the *Biwako Millennium Framework for Action, policy guidelines for the second Asian and Pacific Decade 2003-2012*, and *UNESCO guidelines on inclusive education* as significant influences on policy development and implementation.

Based on (UNESCO, 2009b, p. 20).

### **“Stakeholders take a collaborative approach towards making inclusive education a sustained reality”**

In 2005, the Vietnamese Government approved the country’s new education law stating that learning is the right and obligation of every citizen and that every citizen has equal rights of access to learning opportunities. In addition, compulsory education includes both primary and lower-secondary levels. Priority in resource allocation for teachers, infrastructure, equipment and budget was to be given to schools and classes that supported the learning of students with disabilities. However, Vietnam continues to face educational challenges such as inequity, teacher recruitment, quality instruction and small budgets. Consequently, inclusive education is often viewed as an additional burden. After initial progress, UNESCO-IBE data indicates that Vietnam is moving backwards, with only an estimated 10 per cent of its 1 million students with disabilities receiving schooling at all in 2007-08.

In order to help strengthen its commitment to inclusive education, a *collaborative approach* is being adopted. The National Institute for Educational Strategy and Curriculum Development, a task group made up of representatives from ministries, communities, NGOs, research, and professional service providers is focusing on the measures needed to make inclusive education a sustained reality. It will address policy, including school organization, parent and community partnerships, and professional development, for those who will deliver instructional and special education-related services such as diagnostic, therapy and speech services, and programme development and leadership within the schools.

Based on: (UNICEF, 2014a, p. 14).

### **2.2.2 The importance of quality data**

At the national level, two monitoring functions are critical for the proper reporting and oversight of education commitments and pledges. First, a sound education information system is required to collect and report data. Second, a national mechanism is necessary to review this data, measure progress, and hold governments and education systems accountable to their citizens. However, even when plans to make education more inclusive exist, a lack of reliable data often does not support the development of meaningful targets.

Another issue that complicates a clear understanding of the practice of inclusive education is that focus of many countries’ reporting remains on *enrolment rates*. For example, Qatar reports that it provides “fair education opportunities for all, which has been borne out by the enrolment rates”. However enrolment rates do not tell us anything about the inclusiveness of the in-school practice. Brazil exemplifies this problem: “These measures have led to advances in regular education and organization of the school system [ie. increased enrolment]; Despite the progress achieved, many children and adolescents with disabilities continue to be barred from physical access to schools”. Commenting on their situation, Rwandan thus reports that “much remains to be done, not only to improve enrolment of students with disabilities into education but in providing meaningful learning, and progression to a similar standard as other student”.

In order to draft and deliver inclusion plans, governments must thus have reliable data in order to set targets and measure progress. Firstly, governments need to understand the current situation of disability and education in their countries, by improving data collection methods and techniques. This needs to include disaggregation

according to different impairments and their education opportunities (Walker, 2013).

At the same time, the improvement of methods for collecting data is also crucial. For example, it is important that household surveys are conducted by enumerators who are trained and who can provide an assessment in the household. Of course, this level of data collection can be very expensive and logistically difficult, but it is necessary to know the details of the scale of exclusion. Once the backdrop is assessed, this needs to be built into concrete targets, which are measurable over time. There must then be monitoring of targets against data – for instance, on monitoring the increase/decrease of children with disabilities being included in mainstream schools. It is also vital that civil society organisations have this information in order to hold their governments to account for delivery. Data to improve target setting, monitoring and accountability also needs to improve at a global level: the global goals currently being negotiated as part of the ‘post-2015’ process must include strong goals, targets and indicators that are inclusive of persons with disabilities in education, guaranteeing their right to fully participate and reach their potential. Of course, for this to happen, it is necessary for there to be globally-agreed definitions linked to disability. This will also involve an international commitment to disaggregating data (including according to gender, age, household income, type of disability and learning support) in order to ensure the new goals are measurable and CSOs can hold their governments to account for delivery (Walker, 2013).

### **2.2.3 Availability of budget information**

From the countries for which a country report is available in English and in accessible format (86 out of 99), only half of them (40) provide (partial) information about the budget for inclusive education. Of those countries, 12 provide information about the total amount budgeted. This type of reporting makes it difficult to assess the height of the budgeted amount relative to for example the total education budget. An additional 4 countries report their budget in percentages of a total, be it revenue or source. This type of budget reporting makes it easier to gauge how close or far of the budgeted for inclusive education is relative to other areas of education. An added 3 countries report both amount and percentages. As stated, most countries provide information about the amount budgeted. However, this makes it difficult to know whether that budgeted amount was indeed spent in the planned for way. An exception is South Africa, which reports that although 30% of the budget allocated by the National Treasury was made available “to raise standards of physical infrastructure and curriculum delivery to improve quality teaching and learning”, “more than 50% was spent in other priority areas at provincial level and only five of the nine provinces have used the funds available for the expansion of inclusive education”. As a consequence, the impact of the programme was seriously compromised.

Of the countries for which budget information is available, only 25 provide information about the specific policy that is budgeted for, whereas 6 budget for either “inclusive education” or the “designated body”. Whereas this last option arguably provides for flexibility and/or local ownership of funds, which could possibly lead to the investment in programmes and services that are known most necessary “on the ground”, it also makes it harder to monitor where exactly the budget went to and whether these services indeed add up inclusivity.

It is also important to note that at least two countries (Uganda and Ethiopia) are dependent on INGOs, bilateral agreements, or some form of international cooperation for their budget allocation supporting the access to education. This last issue raises serious questions about sustainability and democratic accountability of budgets for inclusive education.

Countries that improved budget transparency over the last decade of the Millennium Development Goals increased their related spending faster and made more progress than those countries that did not, as indicated in quantitative studies (Development Finance International, 2015). Civil Society Organisations (CSOs) have played a key role in improving accountability and transparency in education budget processes, such as COSYDEP's participatory Budget Watch in Senegal (GCE Global, 2014) and NEP Cambodia, which is part of the National Education Sector Working Group. CSOs could now build on this to advocate for greater resource allocation to inclusive education.

Monitoring and tracking of education can significantly increase funds received at school level, but there must be commitment to mutual accountability, transparency and attention to targeting resources towards the most vulnerable, including children with disabilities and least-developed countries. Disabled People's Organisations (DPOs) and organisations working in disability-inclusive education must be fully engaged and represented at the heart of all of these processes and be equipped with adequate skills to do so. SDG4 commits governments to measure disparities between groups on the basis of disability and other equity markers, so greater investment in disaggregated data and tools for Inclusive Education planning is expected. Faster progress on transparency and accountability could be made at little extra cost if governments publicly shared documents and data that are already being produced, such as Pre-Budget Statements, Executive's Budget Proposals, Enacted Budgets, Citizens Budgets, In-Year Reports, Mid-Year Reviews, Year-End Reports and Audit Reports. In addition, improvements can be made in the quality of data and available documents on government spending, including disaggregation of spending by gender, region and beneficiary group. This is particularly critical for tracking equitable resource allocations for learners with disabilities. Detailed annual publication of revenue receipts by type of tax, sector, size of enterprise, along with the publication of revenue losses due to exemptions and incentives and analysis of tax and spending policies, can be used to see the extent to which inequality is being addressed. External donors also need to improve and publish their own aid data, disaggregated by sector, sub-sector, gender, disability and other equity indicators. NEAs have significant potential to provide an improved basis for planning and implementing education reforms in developing countries. Using a structured methodology, the NEA organises multiple data from key funding sources – public, private and external donors – in a compatible, sustainable way. The information is then used to help identify gaps, overlaps or misuse in the ways in which education is funded, helping to better direct resources to policy objectives and assist in international monitoring of progress towards the fourth Sustainable Development Goal (SDG 4). Current lack of data on spending may not be due to a lack of political will but to a lack of technical capacity and a lack of demand from parliamentarians and civil society. Raising awareness and strengthening technical knowledge will be a key step in improving accountability around equitable financing for children with disabilities among DPOs in particular. This will also improve advocacy to stimulate demand for better data and is therefore crucial in improving accountability around equitable education financing (IDDC, n.d., pp. 79–81).

#### **2.2.4 Information-based accountability mechanisms**

As emphasized throughout this report, information is an essential component of assuring the implementation of the right to education for people with disabilities. Moreover, in formulating and implementing policies, laws, and services, people with disabilities should be consulted and actively involved (International Disability and Development Consortium, 2012, p. 5). Disabled People's Organizations (DPOs) have played an important role in holding governments accountable. One model of NGO intermediation relies explicitly on information and communication as strategic resources for empowerment of marginalized groups, that is, the information-based

accountability model. This model is based on the belief that in any system of participative democracy the voices of marginalized groups should reach the ears of the policy-makers. It therefore seeks to ensure that information about government services and infrastructure, which is needed by the urban poor to become aware of their status and entitlements, is available in a way that can be understood by them (Madon & Sahay, 2002, p. 13). Political actors must be motivated to release data and respond to demands for reform as well as have the capacity and capability to take action or change behaviour. Conversely, citizens and communities must have the interest and capacity to access, understand, and act, based on available information. In the absence of latent demand and ability, “infomediaries” – the media, civil society organizations (CSOs), research groups, and the like – must be available to collect, translate, and communicate information in actionable ways.

Independent of their role as translators, “infomediaries” can also place pressure on governments and providers to open data and engage in the reform process. Technological considerations, such as the affordability, availability, accessibility, and appropriateness of information platforms, as well as the legislative and regulatory environment, must also be taken into account in assessing whether fertile ground exists for information-based initiatives to take hold and result in improvements in service delivery.

**“Holding the government accountable by exchanging information”.**

In 2005, Light for the World (a European confederation of development organisations) and the Tanzanian Information Centre on Disability launched a four-year advocacy project, Inclusive Tanzania, in rural Mwanga District and in Dar es Salaam. It aims to strengthen the country’s disability movement, hold the government accountable and raise public awareness about the rights of disabled people. Disabled people and those they work with define the project’s priorities, develop strategies and carry out activities. Twelve local disability organisations formed the Inclusive Tanzania Consortium (MTAJU in its Kiswahili abbreviation) which ‘owns’ the project. Among other mechanisms, MTAJU encourages *information exchange* between rural and urban participants, and between local, national and international advocates. MTAJU contributed to the development of Tanzania’s new inclusive education policy by *raising awareness* through the *media*, *lobbying* politicians and taking part in *public debates*. MTAJU members lobbied parliament to ratify the UNCRPD, which it did on 24 April 2009. It has also supported the development of 23 inclusive primary schools – 6 in Dar es Salaam and 17 in rural Mwanga, where the district government has decreed that all primary schools must be inclusive.

Based on (Rieser, 2012).

Even under the best of circumstances, however, information is not guaranteed to stimulate citizen action and improve systems of accountability. In designing information-based reforms, strategies must take three things into account: data quality and availability; digital and societal divides; and tension among stakeholders. First, a simple but critical point is that *transparent data systems are only as strong as the source data*. Efforts must be made to institute structured and timely data systems to fill large data gaps and ensure that data are available and trustworthy. Most important, though, data must be *usable*, meaning that it is in a format that allows for comparison, either in relation to set standards or among different contexts, and that it is sufficiently disaggregated and valuable, in that the information can be tied to a decision-making or accountability mechanism (for example, data on expenditures rather than budgets).

Second, *interventions must take into account and mitigate digital and societal divides that could result in adverse*



*effects*—empowering the already empowered, teaching to the test, misrepresenting data, and burdening the marginalized who can ill afford to divert time away from generating their livelihood. Additionally, information-based initiatives are susceptible to triggering individual actions at the expense of collective action, which may undermine, rather than strengthen, education systems. For instance, if parents take action by moving their children into better-performing schools, this does not support improvements in struggling schools and may actually cause them additional harm. It cannot be assumed that citizen priorities are in line with interests of front-line providers, or even national policies. Third, *the locations of transparency and accountability reforms must be aligned with points of decision-making and responsibility*. This means that reforms cannot be aimed at the school level without taking into account vertical integration with local and national bureaucratic institutions, where key decisions on funding allocations, teacher hiring, and curriculum are often made. Moreover, information-based reforms targeted directly to parents must ensure that functioning response and feedback systems are in place or that sufficient choice exists among schooling options (Read & Manuelyan Atinc, 2017, p. 2).

### **3. Policy recommendations for robust accountability mechanisms towards the right to education for people with disabilities**

This section sets out recommendations to develop stronger accountability mechanisms towards the right to education for people with disabilities.

1. Inclusion of DPOs in implementation and monitoring of CRPD. The establishment of any national framework for the implementation or monitoring of the Convention on the Rights of Persons with Disabilities must include persons with disabilities through their organizations. These frameworks must be operated in a transparent manner and persons with disabilities must be allowed to define the criteria of representativeness in accordance with their own procedures. The autonomy and independence of the monitoring mechanisms and of representative organizations must be ensured in order to enable their effectiveness.
2. Capacity-building. Capacity-building is a key component for the effective and meaningful participation of persons with disabilities. Advocacy is more likely to be successful when organizations work strategically, have a clear understanding of policy processes and invest in people skills. The empowerment of persons with disabilities involves the development of technical, administrative and communication skills, as well as the facilitation of access to information and tools concerning their rights, legislation and policymaking. Implementation of the many innovations in the Convention on the Rights of Persons with Disabilities requires a strong and independent disability movement, one that can adequately respond to the demands of participation on all matters relevant to the movement. Capacity building extends to local authorities. Local authorities need to be provided with capacity-building transparent reporting and enforcement mechanisms to ensure accountability, and policies that provide incentives for innovative and promising practice that builds on local strengths. Compliance with the right to non-discrimination also relies on lawyers and judges being appropriately trained in the relevant national, regional and international human rights legislation and the obligations it places on governments and how to hold them to account through the courts.
3. Implementation of focal points and coordination mechanisms. National strategies and plans for the inclusion of persons with disabilities must be cross-cutting and comprehensive, with clear lines of accountability as to which State authorities are responsible for implementing them and in what time frame. States must designate an entity with the required authority for overseeing the implementation of such strategies,



including requesting and receiving reports and other internal data from other line ministries in order to effectively monitor their actions in implementing disability-inclusive policies. States must also ensure that the agencies mandated with the different aspects of implementation are provided with adequate resources for that purpose. Government focal points and coordination mechanisms to advance and facilitate the implementation of the Convention on the Rights of Persons with Disabilities should be considered for that purpose, as foreseen in article 33 (1) of the Convention.

4. Monitor access of people with disabilities to appropriate support. States must monitor effectively the access of persons with disabilities to appropriate support. For that purpose, States should build, within their national legal and policy frameworks, clear accountability mechanisms, with indicators and benchmarks for measuring the accountability of State authorities. The governmental focal points and coordination mechanisms for the implementation of the Convention on the Rights of Persons with Disabilities, as required by its article 33 (1), should be considered as the mechanisms for overseeing implementation. To prevent the occurrence of all forms of exploitation, violence and abuse in the provision of support, States must ensure independent monitoring of all the facilities and programmes that provide services to persons with disabilities as well as the establishment of appropriate and effective safeguards.
5. Implementation of enforcement mechanisms. The effective implementation of laws, policies and regulations promoting disability inclusion also requires strong enforcement mechanisms, with meaningful penalties for non-compliance. Enforcement mechanisms should be focused at two levels. On the one hand, the State entity overseeing the national strategic plans on disability inclusion must have the authority to initiate investigations and recommend sanctions to both State and private entities who fail to implement them. Those can range from simply making the list of non-compliant entities public to the levying of fines, or the confiscation of public funds. On the other hand, persons with disabilities should themselves be able to trigger a procedure when they feel that State or private entities have failed to comply with adopted policies and programmes.
6. Establishment of complaints mechanisms. At the very least, States should establish complaint mechanisms for persons with disabilities to lodge grievances against non-compliance with laws and regulations. Those grievances should be investigated and sanctioned accordingly. National human rights institutions and independent mechanisms to promote, protect and monitor implementation of the Convention can play a key role in carrying out inquiries and investigations into the implementation of policies and programmes (as required by article 33 (2)), as well as providing assistance to persons with disabilities in accessing legal remedies. Consumer protection agencies have also demonstrated that they can be an effective mechanism for challenging non-compliance with the rights of persons with disabilities.
7. Setting up a system for system sanctions and remedies. Persons with disabilities should have access to effective judicial or other appropriate remedies when States fail to meet their obligation to ensure access. Similarly, States must guarantee that all persons with disabilities who have experienced any form of exploitation, violence or abuse in the context of support received have access to justice and effective remedies. These remedies should include adequate reparations, including restitution, compensation, satisfaction and guarantees of non-repetition, as appropriate. National human rights institutions and independent mechanisms to promote, protect and monitor the implementation of the Convention should be mandated to carry out inquiries and investigations (art. 33 (2)) as well as provide assistance to persons with disabilities in accessing legal remedies.
8. Support people with disabilities to become self-advocates. To be effective, provisions and legislation with regards to education for people with disability must be widely known and understood. In addition, it must

be known where to go and what to do if those rights are not respected. People with disabilities and their families should be supported to enable them to become self-advocates, in claiming their rights and challenging governments when those rights are neglected or violated. They can be supported in this process by ombudspersons and human rights commissioners, national and international NGOs working on human rights.

9. Availability of data. There is a clear connection between availability of data and building accountability of education systems. The overall lack of any kind of information regarding education of children with disabilities is major drawback for policy development in a targeted manner. Accountability mechanisms in place to monitor birth registration, school registration and completion by children with disabilities. States should also adopt and revise reporting mechanisms to disaggregate data on school participation and completion. Such data should be disaggregated by gender, age and type of disability, as well as school-level data on accessibility and teacher training (amongst others) to ensure adequate resourcing at all levels of education. Data should also show the impact of inclusion on learning of all students. The Washington Group/UNICEF Child Module should be used to strengthen national surveys, censuses and EMIS data to ensure disability-disaggregation and collection of information on environmental barriers to education.
10. Development of common definitions and standards of inclusive education. The evidence base should be used to address the lack of common standards and definitions of inclusive education and to generate mutually defined standards and targets for inclusive education, against which aid can be monitored. This can be linked to future financing mechanisms for scaling up resources for disability-inclusive education. Data can help keep track of the extent to which these policies are actually put into action. Questions that should be addressed are: How many teachers have received training? How many accessible schools have been built? How many children are receiving special services, like speech therapy? Are the intended reforms taking place uniformly across the country, or is implementation being hindered or facilitated by factors associated with geographical regions or other school attributes? Monitoring data can help determine bottlenecks and barriers in implementation in a timely manner, which can help policy-makers take corrective or supplemental actions to make sure policies are not going off track.
11. Budget transparency. Full budget transparency and accountability mechanisms must be in place, and linked with improved data collection and sharing. Processes for allocating funds to promote the right to inclusive education for children with disabilities need to be transparent and accountable in order to ensure that they are used for the purpose for which they were assigned. This will require systems being introduced within existing financial structures and delivery processes to identify any misuse of funds and corruption. CSOs, DPOs and parents' associations must be facilitated to engage in all relevant budget procedures, monitoring and tracking. Monitoring should take place at both central and local government levels to follow expenditure. Where budgets are devolved, the case for transparent monitoring and evaluation is of particular significance. The allocation of funds and mechanisms for their expenditure should be accompanied by clear policies promoting inclusion and non-discrimination. Budgets are useful in assessing how well a government is fulfilling its commitments in respect of inclusive education. Moreover, transparency in funding, alongside proper legislation, policies, enforcement and civic participation is a key dimension in combating corruption.

## 4. Conclusions

This report confirms a narrative shift towards the inclusion of inclusive education in national legislative and policy frameworks, although there are some country exceptions and varying levels. Most countries (68 out of 86) make explicit references to the right of people with disabilities to education in their constitutions, laws and/or policies.

A lack of available data makes it difficult to assess the extent to which countries are translating their high level commitment to inclusive education into a practical reality in terms of implementation. Reliable data is crucial in order to be able to set targets and measure progress; therefore the lack of data needs to be urgently addressed. However, while data gaps prevent a full analysis, overall it is evident there is a clear disconnect between inclusive education policy and practice in many countries. For example, in Jordan, while measures are taken to facilitate access to public education for people with disabilities, in reality most schools are not well-prepared to adopt and implement inclusive programmes.

One of the key factors that can help to close the gap between policy and practice is the establishment of effective monitoring and accountability mechanisms. Effective monitoring and accountability ensures that governments have the information they need in order to focus their activities and meet their targets, while at the same time ensuring rights holders are able to claim their rights and hold governments to account. Although many countries provide information about their monitoring activities and mechanisms (49 out of 86), there is a lack of unified language and understanding of the monitoring and accountability requirements in the Convention. For several countries (37 out of 86), information on accountability and monitoring is either unclear, or mechanisms are in the development phase.

International and local DPOs have a very important role to play in terms of monitoring the implementation of the Convention and holding governments to account. To date, DPO involvement has been limited. DPOs specifically took part in the Country Review in only 29 countries. One of the main reasons given for the lack of participation of DPOs is lack of capacity. Support needs to be given to DPOs to advocate for disability rights and enable individuals with disabilities to secure rights and services for themselves.

As stated at the outset of this report, inclusive education systems and societies can only be realized if governments are aware of the nature of the problem and are committed to solving it. The commitment is there on paper; however the extent to which this translates into a practical reality on the ground varies widely between countries. Cooperation and dialogue between all stakeholders, including international, national and local NGOs and DPOs as well as local and national government agencies, is needed to lay the foundations for strong advocacy efforts and establish effective systems for monitoring government responsibility and accountability.

## References

- De Beco, G. (2014). Study on the Implementation of Article 33 of the UN Convention on the Rights of Persons with Disabilities in Europe. United Nations Human Rights Office of the High Commissioner.
- European Agency for Special Needs and Inclusive Education. (2014). *Inclusive Education in Europe: Putting theory into practice. International Conference, 18 November 2013. Reflections from researchers*. Odense, Denmark: European Agency for Special Needs and Inclusive Education.
- IDDC. (n.d.). *Costing Equity: Financing for Disability-Inclusive Education*.
- International Disability and Development Consortium. (2012). *Making Inclusion a Reality in Development Organisations: A manual for advisors in disability mainstreaming*. IDDC.
- Madon, S., & Sahay, S. (2002). An Information-Based Model of NGO Mediation for the Empowerment of Slum Dwellers in Bangalore. *The Information Society*, 18, 13–19.
- Read, L., & Manuelyan Atinc, T. (2017). Information for accountability: Transparency and citizen engagement for improved service delivery in education systems. *QEH Working Paper Series*.
- Rieser, R. (2012). *Implementing Inclusive Education: A Commonwealth Guide to Implementing Article 24 of the UN Convention on the Rights of Persons with Disabilities* (Second Ed.). London: Commonwealth Secretariat.
- Stubbs, S. (2008). *Inclusive Education: Where there are few resources*. (I. Lewis, Ed.). Oslo, Norway: The Atlas Alliance.
- Suleymanov, F. (2015). Issues of Inclusive Education: Some Aspects to be Considered. *Electronic Journal for Inclusive Education*, 3(4).
- UNESCO. (2009a). *Policy Guidelines on Inclusion in Education*. Paris: United Nations Educational Scientific and Cultural Organization.
- UNESCO. (2009b). *Towards Inclusive Education for Children with Disabilities: a guideline*. UNESCO Bangkok.
- UNESCO. (2015). *Monitoring of the Implementation of the Convention and Recommendation against Discrimination in Education (8th Consultation). The Right to Education for Persons with Disabilities. Overview of the Measures Supporting the Right to Education for Persons with*.
- UNICEF. (2012). *The Right of Children with Disabilities to Education: A Rights-Based Approach to Inclusive Education*.
- UNICEF. (2014a). *Legislation and Policies for Inclusive Education. Webinar 3 - Companion Technical Booklet*.
- UNICEF. (2014b). *Parents, Family and Community Participation in Inclusive Education. Webinar 13 - Companion Technical Booklet*.
- United Nations Committee on the Rights of Persons with Disabilities (CRPD). (2016). *General comment No. 4. Article 24: Right to inclusive education. CRPD/C/GC/4. U.N. Convention on the Rights of Persons with Disabilities*.
- Walker, J. (2013). *Equal Right, Equal Opportunity: Inclusive Education for Children with Disabilities*. Johannesburg, South Africa: Global Campaign for Education & Handicap International.
- Wapling, L. (2016). *Inclusive Education and Children with Disabilities: Quality education for All in Low and Middle Income Countries*. CBM.