

This policy brief was developed under the framework of the HIWAR Project for "Strengthening Disabled Peoples Organizations' Role in Multi-stakeholder Dialogues for Democratic Changes in Jordan, Egypt and Palestine". The project is implemented by Handicap International in partnership with the Center for Continuing Education in Birzeit University/Palestine & the Information & Research Center in King Hussein Foundation/Jordan, and funded by the European Union.

Inclusive Education for children with disabilities in Egypt, Palestine and Jordan

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**POLICY
BRIEF**



Key messages

- Promoting inclusive education at the national levels, for children with disabilities requires greater attention in the work of governments and multilateral organizations such as UNESCO, UNICEF, International donors etc.
- Evidence-based advocacy at local and national levels is vital for ensuring the inclusion of children with disabilities in education.
- Networking and interactions between Disabled People's Organizations (DPOs) and other Civil Society Organizations (CSOs) are essential to influence policy makers to meet their obligations towards children with disabilities.
- Supporting DPOs to promote the Convention on the Right of Persons with Disabilities (CRPD) and inclusive education is the key to reaching more inclusive social policies.

HIWAR Project

HIWAR project for "Strengthening Disabled People's Organizations Role in Multi-stakeholder Dialogues for Democratic Changes" is a three-year regional project (2013-2016) with a geographical scope covering Jordan, Egypt and Palestine. The project is funded by the European Union and implemented by Handicap International in close partnership with the King Hussein Foundation's Information and Research Center in Jordan and The Center for Continuing Education - Birzeit University in Palestine.

The HIWAR project aims to strengthen the role of Disabled People's Organizations in Jordan, Egypt and Palestine, by building their capacities in the development and implementation of advocacy strategies for disability-related policies at the local, national and regional level. It also aims to empower the disability movement, and to provide opportunities that promote disability rights within civil society and public authority through advocacy campaigns focusing on inclusive education, in addition to sharing lessons learned among targeted countries in the Middle East and North Africa (MENA) Regions.

Why this Policy Brief

The right to education was brought up in 1948, during the promulgation of the Universal Declaration of Human Rights. While the preamble states that all persons are equal and enjoy the same Human rights worldwide, discrimination due to disability was unfortunately not directly mentioned in article 2, which prohibits discrimination of any kind. Furthermore, Article 26, which urges countries to provide free education, does not include a special mention of persons with disabilities' right to education. Additionally the newly adopted Sustainable Development Goal # 4 on Education has a specific mention of children with disabilities in its targets.

The Inclusive School

The fundamental principle of the inclusive school is that all children should learn together, wherever possible, regardless of any difficulties or differences they may have. Inclusive schools must recognize and respond to the diverse needs of their students, accommodating both different styles and rates of learning and ensuring quality education to all through appropriate curricula, organizational arrangements, teaching strategies, resource use and partnerships with their communities. There should be a continuum of support and services to match the continuum of special needs encountered in every school.

Salamanca Framework for Action, 1994.

4 QUALITY EDUCATION



SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

The targets under this Goal are:
4.5 By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations

4.a Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all



Education plays a major role in empowering individuals to claim all their rights in addition to their right to education, and is instrumental for participating in decision-making processes, employment and other of social sectors¹. Education is linked to knowledge and general culture, including the culture of human rights and, perhaps most importantly, it is education that generates the power to claim and obtain respect and adherence to Human rights, and prevent violations. A number of recent international instruments though have put forward the need to protect and guarantee persons with disabilities' right to education for example the Child Rights Convention in articles 23, 28 and 29 as well as the UN CRPD article 24.

This policy brief is based on a descriptive study conducted by 23 DPOs in Egypt, Palestine and Jordan, which analyses the content of the three countries' literature concerning children with disabilities' right to education. This is done through the revision and analysis of existing legislations, policies, and strategic and executive plans, in order to measure the extent to which they align with the CRPD, while it also looks at the actual and concrete implementation of these policies and plans through interviews with key actors and students with disabilities themselves.

Disability legal and institutional framework in the three countries

Country	UNCRPD	Disability law	Disability strategy	Disability councils
Egypt	Ratification 2008	Law 39/1975: Rehabilitation of Disabled Person Act	2002- 2006	National Council of Disability Affairs
Jordan	Ratification 2008	Disabled people rights law 2007	2010-2015	Higher Council for Affairs of Persons with Disabilities
Palestine	Ratification 2014	Palestinian Disability Law, 1999	Disability National Strategic Plan Dec. 2012	Higher Council for Disability

Who is this Policy Brief addressed to

The outcomes of the conducted study bring important information on the gaps and drawbacks of the education provided to children with disabilities in the three countries. A number of concerned stakeholders will therefore find the outcomes useful:

Government authorities may use the analysis and its recommendations when designing and reviewing policies and defining implementation mechanisms within corresponding regulatory frameworks. There is a need to make sure that educational policies are in-line with the CRPD, as the three countries have ratified the convention, and the outcomes of this study can certainly support decision makers improve the regulatory framework on education.

Civil society organisations, including Disabled People's Organisations can use the outcomes and recommendations to improve their advocacy strategies, and propose partnerships with authorities and institutions to improve access to education.

International organisations and UN agencies that are supporting the countries' educational system may use the information and outcomes to better enable them to take disability into consideration in their financial and technical support to each country's stakeholders.

Education - a way to inclusion and full participation

"Education is both a right in itself and the means for realising other rights. Inclusive education is necessary to realise the civil, political and economic rights of all children and young people. A quality inclusive education is the main method of human, economic and social development, benefiting both the individual and society at the same time".²

¹ WHO and World Bank. "World Report on Disability", (Geneva: WHO Press: 2011).

² Handicap International. "Inclusive Education", Policy paper, Technical Resources Division, (Handicap International: Lyon: 2012): p.10.



Inclusive education values the diversity that exists among all learners, young and old and is a powerful way to combat exclusion and marginalisation if it is mainstreamed within national education policies and strategies as opposed to being adopted as a separate approach. While there are very few reliable studies on the level of education among children with disabilities, the World Report on Disability clearly shows that children with disabilities have much fewer opportunities to access education and a lower chance of completing education³.

Every child has the right to good quality education, including girls and boys with disabilities⁴. The assessment of the Millennium Development Goal (MDG) 2 regarding universal primary education indicates that, while on average 90% of children in the world have access to primary school, around 67 million children were still unable to go to school in 2009⁵. Children with disabilities are much more likely than their peers without disabilities to be denied an education, with some estimates indicating that **children with disabilities comprise up to one-third of all children who are not in school**⁶. This reflects widespread attitudes of marginalisation and discrimination towards children with disabilities, especially girls, who face a double discrimination due to gender inequality.

Exclusion from education places children with disabilities at a disadvantage for the rest of their lives, putting them at higher risk of poverty. Accessing a good education is a basic human right as stipulated in articles 24 of UN CRPD and 28 and 29 of the Child Rights Convention. These articles should be interpreted together with the general principles of the CRPD⁷. The 2030 Sustainable Development Agenda confirms the obligation to leave no one behind in all future development intervention. Goal 4 on education pays specific attention to disability under 2 of its targets.

Article 24 of the CRPD, as mentioned earlier, defines the right to education for persons with disabilities, on the basis of equal opportunities. State Parties have the obligation to ensure an inclusive, quality and free primary and secondary education by providing reasonable accommodation based on students' requirements when necessary. This means an educational system that does not exclude students on the basis of individual differences, difficulties or disabilities, but that responds to the different needs students have.

Methodology

This study explores existing opportunities and challenges for students with disabilities to be mainstreamed in public school at the elementary stage from the perspective of head masters, teachers, students with disabilities and their families.

Countries covered in the Study



3 WHO and World Bank, 2011.

4 United Nations Convention on the Rights of the Child, Articles 28-29; United Nations Convention on the Rights of Persons with Disabilities, Article 24.

5 United Nations. "The Millennium Development Goals Report 2011", (UN: New York: 2011).

6 UNESCO. "EFA Global Monitoring Report 2009. Overcoming Inequality: Why Governance Matters", (UNESCO: Paris: 2009).

7 Articles 28 and 29 of the Child Rights Convention address the right to education and that education also include support for children to develop their full physical and mental potential, their talents, respect for human rights and the environments, respect and tolerance for others etc. Article 24 of the Convention on the Rights of Persons with Disabilities reinforces the right to education for persons with disabilities, and that it shall be provided in an inclusive way within the general education system. It also stresses the importance of reasonable accommodation, and that education is provided in accessible methods and communication, such as Braille, sign language etc.

Technical guidance and support in the form of training and coaching was provided to partner DPOs to enhance their leadership in the design of the research tools, the data collection of the information, and the analysis and definition of recommendations and priorities.

The Principles driving the study were: Participation, Equality and non-discrimination: and DPOs' full Ownership

The study conducted by DPOs is predominately qualitative and descriptive in its character and is complemented with observations, interviews and field visits to understand the situation of children and persons with disabilities in terms of access to education. A desk analysis of the content of Egyptian, Palestinian and Jordanian legislation, policies, national strategies, and relevant executive plans in the field of education was undertaken to determine the extent to which they are in harmony with the CRPD and its provisions. The study was further complemented with observations, interviews, and group discussions during field visits to obtain an accurate portrayal of the situation as lived by children and persons with disabilities in the three countries. Interviews with government representatives, local authorities and educational institutions regarding the implementation of the policies were also conducted. Furthermore, the assessment has identified environmental and attitudinal barriers through individual interviews and group discussions with children with disabilities and their family members.

In each country, research groups were formed, each representing DPOs, partner academic teams and Handicap International, to counsel on the scope of the report and the terms of reference for the study and data collection methods. They were also invited to participate in a regional workshop organised in Jordan to present the key findings of the study and agree on the main lines of recommendations to improve the access and quality of education for girls and boys with disabilities in the three countries.

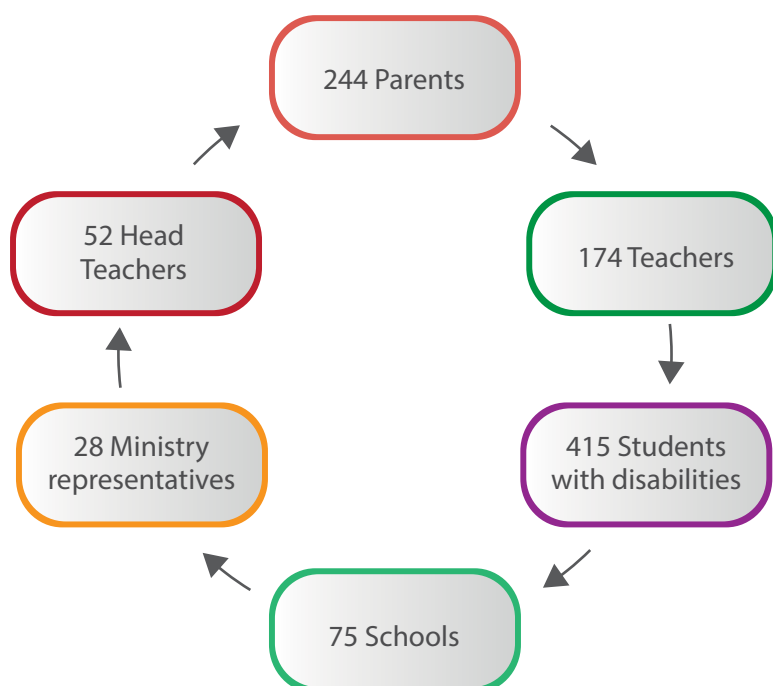
The methodology used was as follows:

1. Countries' laws, regulations, and instructions on the rights of persons with disabilities were reviewed and assessed in reference to the CRPD.
2. General laws, regulations, instructions, and decisions that regulate access to mainstream education were assessed in terms of their disability inclusiveness.
3. National policies, strategies, and plans related to Ministries of Education, and Higher Councils on Disability, were reviewed and analysed in an effort to determine the extent of their commitment towards the rights and needs of persons with disabilities.
4. Review of reports and studies by the National Human Right Centres, INGOs, UN agencies and CSO on the rights and needs of persons with disabilities.
5. Interviews were conducted with head masters, teachers and different local education authorities as well as with CSOs, human rights organisations and groups of students with disabilities.
6. Group interviews were held with persons with hearing, visual, physical and intellectual disabilities, who shared their personal experiences and difficulties and their point of view on the implementation of the policies and plans, mainly in the field of education.
7. Fields visits were made to governmental schools to closely examine the environmental situation and the nature of services that promote the right to education.
8. National and regional workshops were held to share the outcomes of the study and its initial findings. The outcomes were discussed with key stakeholders in the education sector and ensuing suggestions were added to the recommendations of the analysis.



Study timeline: July 2014 – August 2015

Sample:



Limitations

- Limited intervention in Gaza due to political situation
- Delayed access to schools due to complicated approval process by Authorities
- Inability to cover views / needs of students with severe intellectual disabilities due to their very limited opportunities to access public schools

Key findings

Limited Legal frameworks ensuring available and accessible education for all
 Challenges to access education due to inaccessible public transportation
 Lack of reasonable accommodation – affecting learning and freedom of choice
 Absence of accessibility standards for educational premises
 Inadequate teachers' trainings and technical guidance
 Very limited involvement of parents organizations and DPOs in the monitoring of education policies
 Poor access to information on available opportunities and resources
 Lack of sufficient budgets supporting inclusive education
 Absence of national systems for early detection and assessment of disability
 Absence of support system for parents of children with disabilities

1. The definition of disability continues to be based on a welfare approach as opposed to looking at persons with disabilities from a human rights perspective, which strongly impacts the enforcement of the articles in other legal frameworks.

Jordan is a country with a high education rate among its population. In fact, illiteracy rates among Jordanian population aged 15 and above are under 7%, whereas the number of students enrolled in all education levels amounts to 1,8 million students among whom 50.5% are males and 49.5% female. Students enrolled in education make up 31.5% of Jordan's total population.

Civil Society Report on the Status of Implementation of the Convention on the Rights of Persons with Disabilities in Jordan, January 2012

In Egypt, children with a disability are substantially less likely to attend formal education, compared to age-matched children without disabilities. Boys with disabilities were 25.4 times less likely to attend school compared to girls with disabilities at 19.5 times. Among children with disabilities attending school, more than one third (38%) attended "special" schools, while 62% attended "regular" schools, which was very similar among boys and girls.

Plan International (2013)
 Include us! Report

Palestine: According to statistics issued by the Central Bureau of Statistics in 2011, 37.6% of persons with disabilities who are 15 years old or more have never joined an educational institution, with a percentage of 35.5% in the West Bank and 42.2% in the Gaza Strip. On the other hand, 33.8% of those individuals who did join an educational institution, dropped out in 37.0% of the cases in West Bank and 27.1% in Gaza Strip. Results also showed that 53.1% of persons with disabilities over the age of 15 are illiterate, with a percentage of 51.5% in the West Bank and 56.3% in Gaza Strip.
 Palestinian Central Bureau of Statistics: Disability Survey, 2011



2. The lack of mechanisms in place that compel national legislations to align with the CRPD (since its ratification) by absorbing its content within countries' respective legal system, and that ensure that the Law on the Rights of Persons with Disabilities takes primacy over public laws.
3. The existing National Strategies for Persons with Disabilities generate policies on the right to education for persons with disabilities, outlining objectives, activities and programs to be carried out by different ministries and agencies involved. It fails however, to clarify through a detailed action plan, the precise responsibilities for each actor.
4. The Higher Councils for Affairs of Persons with Disabilities have the sole legislative and executive responsibility regarding the implementation of the Law on the Rights of Persons with Disabilities. This could however prove counter-effective due to the fact that other concerned ministries feel less obliged to assume responsibility in the monitoring and implementation, therefore challenging the overall mainstreaming of disability in general educational policies and plans.
5. Concerning the existing national disability laws, until now there are very few regulations or enforcement mechanisms in the three countries that can be used to ensure the articles are respected and followed by the variety of sectors involved (employment, education, health, transport, political participation, etc.). While it is essential that the disability law is being implemented in the countries, it is equally important that other laws and policies reflect and respect the rights of persons with disabilities. Once a country has ratified the CRPD, significant efforts should be made to ensure that all laws and policies are in-line with this convention.
6. Existing laws are still not being implemented to the fullest of their intent and fail in providing accessible means of transportation, making public buildings fully accessible, and supplying adapted educational materials, among others. The lack of clear description and definition of the concept of "reasonable accommodation" in the law results too often in indirect discrimination in the three countries' schools.
7. There are no supportive techniques or pedagogy that ensures that students with different types of impairment equally learn - for example with pictures in geography, photos of the body, more complex schemes and tables, or by understanding the body language of the teacher. In addition, exams criteria do not accommodate for the additional time certain students need when they have to convey their answers to a third person. On a positive note, the Ministries of Education in the three countries have initiated adaptations to the examination methods so as to accommodate specific needs of students with visual impairments.
8. Reasonable accommodations that would facilitate students with disabilities' learning, communication and training cannot be identified in the absence of regulations. As a result, this issue tends to be left to the discretion of decision makers or even individual teachers, instead of being based on clearly established legal criteria.
9. In almost all three countries, students with hearing impairments enter mainstream schools only at secondary level. There is a lack of official support system in place to ensure that these children graduate with an equal level of knowledge as their peers from mainstream schools and experience a smooth transition into secondary schools. Often there are very few, if any, sign language interpreters available, teachers are not trained in sign language and in many cases, neither are the children.
10. Children with intellectual disabilities and learning challenges have very few opportunities for education. Some of them, with more complex needs, have to be supported by more specialized teachers with proper training, which is on rare accounts available outside of the main cities and is mainly provided through the very costly private sector.
11. The prevailing culture of stigma and discrimination in society, including in the educational environment, hinders access to quality education at all levels.
12. Until today, many persons with disabilities lose their chances to obtain an education, which further reduces their chances to a decent job or other livelihood opportunity.
13. While there are a limited number of specialized vocational training centers or workshops, the mainstream centers rarely accept persons with disabilities. They lack both adapted technology and trained cadres to work with young people with disabilities.



Recommendations

Providing an inclusive learning environment to students is a major investment for the future for the countries in MENA region. Students who are taught in a supportive environment conducive to learning are better prepared to take part in the development of their society in the future; and the most effective learning environment is the one that is ready to meet the different needs of students.

The capacities of teachers to teach students with disabilities in the classrooms should be developed and curriculum adapted.

New pedagogical methods of education, consistent with the individual differences among students should be developed and adopted.

Budget allocations supporting inclusive education policies should be guaranteed.

The adaptation of the physical accessibility of schools is another crucial aspect of equal opportunity. The CRPD obliges the State to ensure that persons with disabilities are able to access general tertiary education, vocational training, and adult education.

The CRPD compels the State to take adequate measures to facilitate the learning of Braille, alternative script, and sign language.

The state should ensure the employment of teachers, including teachers with disabilities and training of employees working at all levels of education.

The academic training of teachers should include modules on disability and inclusive education, so that all graduating teachers are familiar with the different types of learning techniques and the most common needs of persons with disabilities in a classroom.

Ensure the provision of sufficient facilities that geographically cover the entire country so as to guarantee the enrolment of all school-aged children. In this respect, it is necessary for the Ministries of Education to provide specific support to Education in disadvantaged regions and to facilitate the access of children with disabilities or other socially marginalised groups.

What can and should be done next?

The following recommendations were agreed upon as feasible steps to be taken in order to improve the access to quality education for children and young people with disabilities in the three countries.

Governance and regulatory mechanisms

- Sign and ratify the optional protocol to the CRPD. This is a necessary step to give persons with disabilities the right to claim a violation of their rights to the UN Committee on the Rights of Persons with Disabilities.
- Revise the definition of disability in the Law on the Rights of Persons with Disabilities to be in line with the CRPD. The same law should also be accompanied with regulations explaining the law and its implementation together with enforcement mechanisms.
- Higher Councils for Affairs of Persons with Disabilities shall oversee that the ratification of the CRPD is reflected in all legislation and policies and make sure that there is no direct or indirect discrimination towards persons with disabilities.
- Revise the national Education Law so that it respects the right to inclusive education as defined in the CRPD articles together with the general principles and ensures access of children with disabilities to education:
 - » Inclusive education should be the leading approach to ensure children with disabilities' access to education, and should be well defined and resourced.



- » Equal opportunities should be ensured throughout the countries' laws, policies and strategies, with clear implementation mechanisms, and with specific attention paid to promoting the inclusion of girls and young women with disabilities, and children with multiple disabilities and learning difficulties.
- » Reasonable accommodation for students with disabilities in education has to be clearly defined in the law so as to provide relevant service providers with a proper understanding of the notion to effectively carry out adaptations.
- » The Ministries of Education should take on their role and responsibilities as defined in the National Disability Strategies and include such actions in their plans and budgets.
- Involve relevant institutions, associations, individual experts and representatives of DPOs that have experience in the field of disability in the elaboration and drafting of amendments to current laws and policies.
- The National Strategies for Persons with Disabilities should be revised and expressly outline clear roles and responsibilities for the different stakeholders defined as responsible for implementing the strategy and monitoring mechanisms.
- National plans and strategies on education need to be harmonised to avoid contradictions.

Empowerment of persons with disabilities and DPOs

- DPOs need to have the capacity to advocate for an inclusive education in line with the principles of the CRPD. Good examples and practices from other countries can provide efficient tools for lobbying and advocacy strategies. The work with media is very important.
- DPOs have an essential role to play in the provision of information to their members regarding access to education, of peer support to motivate students to continue their education, and in the development of partnerships with universities and vocational training institutes.
- Parents of students with disabilities could set-up organisations, using the good experience in other countries around the world, and link up with similar organisations to provide peer support.

Awareness raising

- The media play an important role in raising public awareness on the rights of persons with disabilities and promote positive images and role models. They should also reflect on the current discrimination young people with disabilities face and monitor the lack of proper policy implementation. DPOs should work with the media on the dissemination of awareness messages.
- A national campaign and education plan on disability should be set up with and for the media in order to have them convey positive messages and use appropriate communication.
- Inclusive education and disability awareness should be part of the teachers training program.
- The schools should implement disability awareness programs starting from primary school about human rights, civic education, anti-bullying programs, all of which should include disability.
- School principals need to be sensitised on the right of persons with disabilities to education.
- Data collection, statistics and research
- Official data collection in education has to include indicators related to students with disabilities, disaggregated by gender, age and geographic location.
- Official data collection on youth employment and un-employment need to include indicators related to the situation of persons with disabilities.
- Research on new technologies and assistive devices for educational purposes should include disability, and specific studies on teaching methods and learning outcomes for persons with disabilities should be included in educational research.



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