



Special Rapporteur on the right to education

Questionnaire on the right to education of children with disabilities (Mandate assumed by the Human Rights Council by its decision 2006/102)

The purpose of this questionnaire is to solicit information from States, local authorities, civil society and other stakeholders for the preparation of the general report on the right to education, which the Special Rapporteur on the right to education will be submitting to the forthcoming 2007 session of the Human Rights Council pursuant to its decision 2006/102 entitled “Extension by the Human Rights Council of all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights”.

In his first report to the Commission on Human Rights ([E/CN.4/2005/50](#)), the Special Rapporteur, Mr. Vernor Muñoz, identified the key issues he intended to develop in the course of his mandate. The Special Rapporteur has identified compulsory primary education free of charge as the prerequisite for the realization of the right to education, as well as MDG goal 2 (universal primary education). The Special Rapporteur advocates for the justiciability of the right to education as a means of protecting the right and calls for a quality education respectful of human rights in the school curricula and in the school environment more generally. The report also highlights the need to combat all forms of discrimination with a focus on gender discrimination, with a particular focus on discrimination in access to education for pregnant girls and adolescent mothers. The rapporteur also intends to examine in the course of his mandate the effects of discrimination on, inter alia, minorities, indigenous populations, migrants and persons with disabilities. The Special Rapporteur has identified education in emergency situations and conflicts as a source of concern and wishes to provide guidelines to ensure the promotion and protection of the right to education in such circumstances.

His second report focused on the right to education of girls ([E/CN.4/2006/45](#)), while for his third report to be submitted to the 2007 session of the Human Rights Council, the Special Rapporteur decided to focus his attention to the education of children with disabilities.

In developing this questionnaire, particular attention has been made to the human rights principle of non-discrimination as articulated in his report, in conjunction with the four essential features identified by the Committee on Economic, Social and Cultural Rights in its General Comment 13 (right to education) as components of the right to education, namely, availability, accessibility, acceptability and adaptability. These can be summarized as follows:

- Availability - functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party.
- Accessibility - educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions, non-discrimination (especially of the most vulnerable groups), physical accessibility (geographic location, safe

physical reach); and economic accessibility (education has to be affordable to all, especially primary education has to be free to all)

- Acceptability - the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents;
- Adaptability - education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.

This questionnaire uses the four elements mentioned above in order to enlighten the Special Rapporteur in the preparation of his next report

It is encouraged that submissions be made in electronic format to:

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In order for the information received to be used for the next report of the Special Rapporteur, submission of responses is encouraged as soon as possible and no later than 15 November 2006.

General

Question 1: Please provide information on whether the right to education is recognized in the Constitution or guaranteed in specific legislation and whether the rights of persons with disabilities are recognized in the Constitution or guaranteed in specific legislation.

Question 2: How do laws, policies and practices, through existing institutions, budgets and programs, ensure substantive equality in the enjoyment of the right to education by persons with disabilities? Would policies and practices favour an “inclusive” education pattern or a specialized education one?

Question 3: Would you consider” inclusive” education as a prerequisite for equal enjoyment by persons with disabilities of their right to education? Or should the education provided be adapted to the type of disability?

Question 4: How did the policies and processes of globalization such as finance, investments and debt affect the right to education and impact on the specific needs of persons with disabilities?

Question 5: Are there measures and/or mechanisms in place aimed at ensuring equal access to education, including for children with disabilities?

Question 6 : Please provide information on the percentage of children below 18 years of age who suffer a form of disability. If possible, please provide information disaggregated by the type of disability.

Question 7: Please provide information on the percentage of children with disabilities who are enrolled, in the formal school system.

Question 8: Are there governmental institutions responsible for the identification of the education needs of children with disabilities?

Availability

Question 9: Please provide information on specific measures taken to ensure that children with disabilities who prefer to be included in the regular school system are provided with equal access and specialized support?

Question 10: Please provide information on support services available in the regular education system for children with disabilities, including the percentage of schools that benefit from such structures of support?

Question 11: Please provide information on the number of specialized schools for children with disabilities? Could the information be disaggregated by type of disability?

Question 12: Is there an alternative education system, besides the regular and the specialized ones available for children with disabilities who failed in both systems?

Accessibility

Question 13: Is there a wide practice of charging school fees?

Question 14: Do children with disabilities have to pay school fees?

Question 15: What is your assessment of the impact of school fees (if any) or any other related costs (special equipment.) on access of children with disabilities to schools and their continuing the curricula (at least primary school).

Question 16: Is financial assistance provided to families of children with disabilities to ensure that children with disabilities with disabilities can access and complete their education?

Question 17: Please provide information on regulations that would ensure access of children with physical disabilities to school facilities and education centres?

Question 18: Likewise, are there any regulations to ensure the full access of persons with disabilities in class rooms, and their full participation in school activities and learning availabilities?

Question 19: Are free school transportation services available for children with disabilities?

Question 20: Could you provide information on any existing governmental programme or project aimed at increasing the inclusion of children with disabilities into the regular school system?

Question 21: What is the ratio of school dropouts between children with disabilities and children without disabilities who are in the same regular school structure?

Question 22: Is there information available on comparative successes or failure of children with disabilities according to the school structure they are enrolled in, regular schools or specialized ones?

Question 23: Could you provide information on children with disabilities whose access to education is also hampered/hindered by their belonging to a particular vulnerable group (ethnic, religious, linguistic, etc..)

Acceptability

Question 24: Does the content of the education (curricula) aim to combat any existing stereotypes or on the contrary, does the curriculum contribute to maintaining those stereotypes?

Question 25: Does the education provided represent an empowering tool for children with disabilities? If so, please provide examples.

Question 26: Does the school environment and education policy favour equality, respect for diversity and encourage equal participation of children with disabilities?

Question 27: Is human rights education reflected in the curricula? If so, please provide information on any visible positive consequences for the education of children with disabilities.

Question 28: Do systems of evaluation of the quality and appropriateness of education provided to children with disabilities, either in specialized schools or in regular schools, exist? If so, please provide details.

Question 29: Are there systems in place evaluating the performances of children with disabilities who are enrolled in regular schools and in specialized ones?

Question 30: Could you provide information on any specific training of teachers and schools assistants to increase their capacity to better assist and teach children with disabilities?

Adaptability

Question 31: How much are families, representatives of persons with disabilities and children with disabilities themselves involved in the design of the education programme and curricula? Are there any measures guaranteeing such participation?

Question 32: How is guaranteed the right of parents and children to freely choose the most appropriate education to children with disabilities?

Question 33: Please provide information on education policies and facilities for children with multiple disabilities.

Question 34: Please share positive examples or best practices (if any) whereby the government has taken measures to ensure access of children with disabilities to school through innovative approaches (alternative education, education provided through media programmes, etc....