



General Assembly

Distr.: General
21 February 2017

English only

Human Rights Council

Thirty-fourth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-02752(E)



* 1 7 0 2 7 5 2 *

Please recycle



Inclusive Education of Persons with Disabilities in Zambia

Associazione Comunità Papa Giovanni XXIII (APG23) welcomes the report the Special Rapporteur on the rights of persons with disabilities, Ms Catalina Devandas Agullar that provides an overview of the activities undertaken in 2016, as well as a thematic study on access to support by persons with disabilities¹.

We also welcome the addendum report of her country visit in Zambia² and thank the Special Rapporteur for having met and listened to many persons with disabilities and their representative organizations, representatives of civil society and non-governmental organizations working on human rights including members of our Association, while she visited the city of Ndola in the Copperbelt province of Zambia.

APG23 is present in Zambia since 1985. It runs different and wide development projects and initiatives for the promotion and protection of human rights of children and vulnerable people, including persons with disabilities. Such interventions aim in particular to support the growth of children and youth with disabilities, helping them to discover their own value as a person able to give a contribution to the community.

The Association runs in Ndola two special education units for children with disabilities and has realized the inclusion of one special education unit into the premises of a normal primary school in order to facilitate integration and move towards inclusive education.

Consequently, we would like to comment on the findings and recommendations of the Special Rapporteur in her country visit to Zambia, especially regarding the access to education of persons with disabilities.

The Republic of Zambia made considerable progresses in promoting and implementing the right to education. It has developed a number of specific policies for the adequate implementation of the Millennium Development Goal 2, such as the Education Bill of 2011 that offers a significant opportunity to protect and realize the right to education, and has embarked on an aggressive programme to build more schools and expand the existing infrastructure.

Moreover, Zambia ratified the Convention on Persons with Disabilities (UNCRPD) in 2010 and has signed but not yet ratified its Optional Protocol. In 2012 the Zambian Government passed the Persons with Disabilities Act and adopted a revised disability policy. The Persons with Disabilities Act provides for the inclusive education at all levels.

The Government of Zambia should be commended for putting in place a legislative framework that tries to domesticate, even if in a partial manner, the Convention on the Rights of Persons with Disabilities.

Nevertheless, as the Special Rapporteur points out in her report, implementation and enforcement of the provisions contained in the policy and legal frameworks on disability in Zambia are a major challenge that should be addressed as a priority.

In Zambia, persons with disabilities live in a difficult condition due to economic and cultural reasons; they are marginalized and, especially if affected by intellectual or psychological impairment, stigmatised because they are considered as a shame or a divine retribution. People with disabilities do not have access to any services and supports by public institutions enabling them to participate in society and community life. The prevailing attitude in the Zambian culture, biased by a very poor economy, is to marginalize those who cannot contribute to the wellbeing of the society, since it represents a cost for the society and the family.

¹ A/HRC/34/58

² A/HRC/34/58/Add.2

Notwithstanding the enactment of the legislation, children with disabilities in Zambia do not have equal access to education. In particular, persons with intellectual and psychosocial disabilities are considered to be un-trainable or are simply denied education on the basis that there are not enough financial and other resources for their education. The inclusion of children with disabilities is present in a number of schools but not in all and those children are essentially with physical problems. For the children affected by psychological and intellectual disabilities the common thought is still that they should be placed in special schools.

The special schools for children with disabilities and the schools with special education programmes are very few. There are also very few specialized instructors or teachers to assist persons with disabilities at the level of primary, secondary or even tertiary education. Education facilities also lack infrastructure and assistive devices necessary to reasonably accommodate persons with disabilities. There is also the problem of the unmet needs of wheel chair bound learners.

Furthermore, children with disabilities are denied access to education in most of schools also because of stigmatized and negative attitude of the school administration and staff members.

Despite the initiative by the Ministry of Education of giving an extra allowance to those schools with special education programmes, only few schools have a special unit for pupils with various disabilities.

Rule 6 of standard Rules on the Equalization of Opportunities for Persons with Disabilities³ asserts that education for persons with disabilities should form an integral part of national educational planning, curriculum development and school organization. Students with disabilities should be afforded the same portion of educational resources as students without disabilities. States should aim for the gradual integration of special education services into mainstream education.

The General comment N° 4 of the Committee on the Rights of Persons with Disabilities released in 2016⁴ on Right to Inclusive Education (art 24 of CRPD) says clearly that “the right to inclusive education encompasses a transformation in culture, policy and practice in all formal and informal educational environments to accommodate the differing requirements and identities of individual students, together with a commitment to remove the barriers that impede that possibility. It involves strengthening the capacity of the education system to reach out to all learners. It focuses on the full and effective participation, accessibility, attendance and achievement of all students, especially those who, for different reasons, are excluded or at risk of being marginalized. Inclusion involves access to and progress in high-quality formal and informal education without discrimination. It seeks to enable communities, systems and structures to combat discrimination, including harmful stereotypes, recognize diversity, promote participation and overcome barriers to learning and participation for all by focusing on well-being and success of students with disabilities. It requires an in-depth transformation of education systems in legislation, policy, and the mechanisms for financing, administration, design, delivery and monitoring of education”.

Zambia requires such an in-depth transformation of the education system in legislation, policy and the mechanisms for financing, administration, design, delivery and monitoring of education, as well as a cultural transformation in society.

The Zambian general school system does not yet adequately meet the needs of all persons with disabilities and the Government of Zambia, in spite of all the efforts, is still far away from implementing fully article 23 of the Convention

³ The Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the United Nations General Assembly, forty-eighth session, resolution 48/96, annex, of 20 December 1993

⁴ CRPD/C/GC/4, General comment No. 4 (2016) Article 24: Right to inclusive education - 2 September 2016

of the Rights of the Child and article 7 paragraph 1, article 8 paragraph 2b, article 9 paragraph 1a and article 24 of the Convention of the Right of Persons With Disabilities.

Rightly the Special Rapporteur on the rights of persons with disabilities drew attention to the situation of persons with psychosocial or intellectual disabilities. Persons with intellectual disabilities are not adequately safeguarded, have no legal ability to act and are the most vulnerable among the vulnerable.

There is a need to plan and carry out national awareness-raising programs for the integration of intellectually disabled people in social life, work and school.

Inclusive education remains for the Zambian government still a distant goal to be achieved, but national authorities must commit themselves in a more incisive and specific manner in all sectors, including education, on the question of intellectual disability.

We fully support the recommendations made by the Special Rapporteur to the Government of Zambia to adopt a time-bound plan for the progressive implementation of an inclusive quality education system across Zambia and to provide learners with disabilities the support needed to access education on an equal basis with others.

Such a plan should entail adjusting the physical environment to make all national schools and universities accessible, adapting educational materials and learning methodologies, training teachers and providing learners with disabilities with the required support and reasonable accommodation, including sign language interpretation, audio and Braille materials, personal assistance and note taking.

We believe that the conversion of existing special education schools in resource centres, as suggested by the Special Rapporteur, can be realised only on a very long term and once cultural barriers, especially against persons with intellectual and mental disabilities, are abated and inclusive education ensured. In reality, it will be already an achievement to obtain partial inclusion of children with disabilities by transferring the Special Unit blocks within the premises of governmental schools.

Furthermore, we fully agree on the suggestion to use the Zambian social protection framework to increase access to education for children with disabilities.

Finally, we would like to emphasise that a developing country such as Zambia, aside the efforts of its own government, will necessarily need international cooperation and solidarity through an effective global partnership in order to reach the Sustainable Development Goal 4 and its related targets.
