

HUMAN RIGHTS WATCH

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Mr. Fadi Yarak
Director General
Ministry of Education and Higher Education
Beirut, Lebanon

Cc: Minister of Education Marwan Hamadeh

August 14, 2018

Dear Director General Yarak,

I'm writing in response to your letter dated July 2, 2018 regarding access to education for children with disabilities in Lebanon. Thank you for providing us with additional information about the Ministry of Education and Higher Education's efforts to fulfill the right to education for children with disabilities. We appreciate the opportunity to engage with your office on this issue and welcome the steps that the ministry is taking toward implementing inclusive education. In particular, we welcome the commitment you have made to inclusive education as "a course from which there is no going back."

I would also like to take this opportunity to respond to some of the points in your letter.

With regard to point three of your letter about the timing of the report release and reference to the inclusive education pilot program: as with all of our reports there is a delay between the research and the report release given the extensive vetting process that each report must undergo. The methodology section of the report clearly indicates that research was conducted between January and June 2017, and as you know the report was published in March 2018 following an editing process that included nine internal experts on Lebanon, children's rights, and disability rights, and additional Lebanese disability-rights experts.

A representative of Human Rights Watch attended the launch of the Ministry's inclusive education pilot program on May 22, 2018. While the pilot program is a positive step toward inclusive education, and we recognize the time, resources, and effort involved in ensuring the right to education, we are concerned that the terms of this pilot program only include certain types of disabilities, despite speeches at the launch event that focused on inclusion for all. We would encourage your ministry to expand the pilot program so as to achieve maximum inclusion of children with disabilities, including children with high support needs. International human rights law, including the Convention on the Rights of the Child, provides that all children have a right to a free and compulsory primary education, free from discrimination.

With regard to point five of your letter, we understand that the ministry has not issued a policy or decision to exclude children with disabilities, and our report quoted an expert who stated that there is not such a policy. However, based on our interviews

with more than 200 children with disabilities and their families, government officials, disability rights experts, and education staff, it is clear that exclusion is happening in practice even if it is not a Ministry policy. We would encourage you to make amendments to the draft executive order you have described (“draft executive order for the Compulsory Education Law number 150 dated 8/17/2011”), and remove the underlined language: “neither a disability nor a need for appropriate accommodations shall be sufficient in and of themselves to bar a student from accessing school.” This language is vague and appears to allow for the exclusion of children on the basis of their actual or perceived disability in conjunction with other factors or considerations. In no case, should any children, including children with disabilities, be excluded from school. We encourage the Ministry to publicly issue and enforce the executive order.

However, we are troubled to read in point five of your letter that the Ministry appears to support, as “appropriate,” segregated education in special schools and institutions as “part and parcel of the basic compulsory education system.” In the course of our research, we found that the educational resources at many of these institutions are of poor quality, and most are not even classified as schools by the Ministry of Education. A lack of monitoring for the quality of education, a reliance on poor evaluation mechanisms, and a dearth of appropriate resources raise serious concerns about whether these institutions fulfill children’s right to an education.

In addition, this type of segregated system isolates children with disabilities from their communities, can lead to their marginalization and entrench discrimination. Regarding placement of children in residential institutions, all people with disabilities have the right to live in their communities, and long-term institutional care is not a suitable alternative to family-based care for any child, whether with or without disabilities. Even the most well-resourced institutions cannot replace a family, and research by the United Nations Children’s Fund (UNICEF) and others has demonstrated that life in institutions can have serious consequences for children’s physical, cognitive, and emotional development.

We encourage your Ministry, alongside the Ministry of Social Affairs, to develop an inclusive education plan to ensure the maximum inclusion of children with disabilities in mainstream schools, and to redefine the role of MOSA-funded institutions as centers for extracurricular support and other necessary support services to meet educational and developmental needs.

Once again, I would like to express my appreciation for your engagement on this issue and the steps that the Ministry of Education and Higher Education is taking toward inclusive education. I look forward to our continued conversation. I can be reached at [REDACTED] or by fax at [REDACTED].

Sincerely,
Lama Fakhri
Director, Beirut Office
Deputy Director, Middle East & North Africa Division
Human Rights Watch