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The Convention on the Rights of Persons with Disabilities

Reconstructing Disability to Reimagine Education

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The landmark *Convention on the Rights of Persons with Disabilities* (CRPD; United Nations, 2006) is the eighth human rights convention enacted by the United Nations and the first one specifically directed toward persons with disabilities. As a UN convention, it represents binding international law on ratifying *State Parties* (nations that have ratified a treaty and agree to comply with its obligations). The CRPD, along with its Optional Protocol, was adopted by consensus by the General Assembly of the United Nations on December 13, 2006, opened for signature on March 30, 2007, and came into force in May 2008.

The text of the CRPD encapsulates both human rights and development. The rights dimension acknowledges the dignity, autonomy, and worth of people with disabilities and enhances their visibility in the human rights system (Stein & Lord, 2008). The development pillar distills human rights into a set of plans designed to include such persons in development policies and processes. For example, the treaty enshrouds inclusive schooling as a rights-based case, but also projects it as a development tool critical in eliminating poverty, creating opportunities, and stimulating economic development among persons with disabilities.

The social model of disability is a primary motivating hypothesis of the CRPD. Traditional medical deficit models are discarded in favor of those that address the ethical, social, and legal implications of disability. Because the overarching vision is one of people with disabilities living and participating as full members of a society, the CRPD uses the language of rights in relation to both positive objectives to be pursued and negative situations to be corrected. Accordingly, the social model of disability readily links to the concepts of inclusive schooling that imply a recognition of human diversity, stress that education should take place in environments that are broadly inclusive of all learners, and focus on identifying and removing barriers in schools and systems to create equal opportunity for those with disabilities.

As a global agenda meant to be implemented across national and cultural lines, the CRPD holds as much importance for people with disabilities in the global North as for those in the South. This chapter restricts the terrain to developing nations where the prospects for putting the treaty into operation as well as the implementation of inclusive schooling are uncharted territory. Assessing progress is both important and timely. For one thing, addressing the CRPD in the light of cultural norms and examining the cultural fit of models and their cultural universality is critical in this era of accelerated connections based on international policy frameworks. Second, movement toward inclusive schooling is just starting in developing nations, and there are few precedents or referents, few detailed studies on the processes involved, and no models that have been comprehensively tested in practice (Bines & Lei, 2011; WHO & World Bank, 2011). Third, the statistical map directs attention to nations of the global South where levels of impairment appear highest, and are significantly associated with multi-dimensional poverty (Mazurek & Winzer, 2015). Among the 650 million to 1 billion people within the disabled category, more than 80% live in developing nations. Of the 93–150 million children with disabilities under 14 years of age, 85% are found in the South (United Nations, 2011) but, worldwide, only 2–3% of those with disabilities go to school (Winzer & Mazurek, 2014). Germane to this chapter's discussion, of the 107 countries that ratified the CRPD by January 2012, 80 were developing nations.

Dozens of complex theoretical, methodological, and practical matters surround the implementation of the CRPD and dissemination of the inclusive doctrine. This chapter rests on two overarching arguments. First, we contend that culture, broadly defined as ways of perceiving, evaluating, and behaving, holds powerful value in explaining much (though certainly not all) of the progress and prospects for the CRPD. The connection emerges because none of the core concepts are neutral but value-laden and governed by whole sets of cultural and social beliefs. Disability challenges what Davis (1995, p. 48) terms “the hegemony of normalcy” and the constraints of an observer's culture and ideological perspective define beliefs about disability and its impact. Similarly, education is a value-based culturally contingent activity; inclusive education is also conditioned by national identity and constructed within a framework of social, cultural, and economic conditions. The complementary assumption holds that inclusive schooling for children with disabilities (reimagining education) is not possible lacking fundamental social change (reconstructing disability). As Opertti, Walker, and Zhang (2014, p. 160) argue, “Mindset transformations are at the core of open, plural, and constructive dialogue around inclusion.”

To juxtapose cultural considerations with the social model of disability and inclusive schooling, we first outline three key foundational considerations. These are an overview of the CRPD; an analysis of the paradigmatic shift from a medical to a social model of disability; and the connection of the treaty to the policy ambitions of dominant instruments of global education governance, Education for All (EFA) and the Millennium Development Goals (MDGs). With these building blocks in place, the chapter interrogates the promises and the limits of the social model both as a means of reducing social exclusion and stimulating the

progress of inclusive schooling. As we examine progress and point to continuing tensions and mechanisms for resolution, examples from national agendas are used to add nuances to the discussion.

Structure and Overview of the CRPD

During the 1970s, the exclusion of large numbers of people with disabilities from socioeconomic and educational opportunities set the international community on a trek toward the forgotten shores of disability. Movement was glacial: it was not until the 1990s that disability was introduced and analyzed as a human rights issue, that ameliorative approaches became part of the UN's overall development and human rights agenda, and that inclusive education became a fundamental principle (Winzer & Mazurek, 2014).

Historically, the UN addressed disability issues in two main ways—interpreting and applying existing human rights instruments to persons with disabilities, and creating soft laws known as declarations or standard rules. Soft laws such as the *Standard Rules for the Equalization of Opportunities for Persons with Disabilities* (United Nations, 1993) express the moral and political commitment of the international community but are not legally binding and lack reinforcement and accountability provisions. In contrast, the CRPD's detailed policy pertaining to the civil, political, economic, educational, and cultural rights of persons with disabilities has the force of binding international legislation.

The dense and complex treaty incorporates the Preamble, 50 Articles, and the 18-article Optional Protocol. Among many issues covered, the introductory articles (Preamble, Articles 1–2) define disability within a social construct and state that all people with all types of disabilities must enjoy all human rights and fundamental freedoms irrespective of their social and economic status (Article 1). The treaty then catalogues principles of universal application (Articles 3–9) that apply to persons with disabilities enjoying all rights on an equal basis with others. The substantive rights (Articles 10–30) run the gamut of life activities: included are education, vocational training, employment, and sports and recreation. Later articles establish implementation and monitoring schemes (Articles 31–40) and set forth rules governing the CRPD's operation (Articles 41–50). The Optional Protocol, accepted at the same time as the treaty itself, provides an inquiry procedure and establishes processes regarding perceived violations.

The CRPD recognizes rights as “indivisible, interrelated and interconnected” (Preamble). The structure embeds the general principles (Articles 3–9) horizontally so that each substantive rights article (10–30) will be interpreted in light of these principles. As examples, key watchwords include participation, non-discrimination, and equality, all of which are central if the right to education (Article 24) is to be achieved. The undergirding social model of disability is clarified in Article 1, revisited as a core idea in Article 8, and feeds into issues such as education and employment. The articles on living independently (Article 19), personal mobility (Article 20), and habilitation and rehabilitation (Article 26) are needed to make employment rights manifest. Legal capacity (Article 12) is key to every type of right, including the right to vote, to work, and to marry.

Recasting Disability as a Social Construction

Traditionally, notions about “normal” and “disabled” have been linked to dimensions that include statistical frequency (usual and unusual); normative conceptions of good and bad (appropriate and inappropriate); and independence or dependence (active, participating people or burdens on society in need of specialized and, in general, segregated support) (Nussbaum, 2004; Winzer, 2009).

Until the late 1950s, conceptions of disability as unusual, inappropriate, and burdensome were echoed in medical models that bound and determined social and educational participation and intervention. New notions that emerged in the late 1950s signaled a fundamental shift from medical pathology to a social model, a generic term for a broad conception of disability (for a discussion, see Connor, 2014). Ideas moved “away from focusing on the physical limitations of particular individuals to the way the physical and social environments impose limitations on certain groups or categories of people” (Oliver, 1983, p. 23). And, as disability was increasingly construed as a manifestation of oppression and discrimination, models incorporated a disability rights manifesto and carried the implication of action to dismantle social and physical barriers (Winzer, 2009).

The drafting and negotiation of the CRPD took 5 years and 8 Ad Hoc Committee Meetings. The more than 800 civil society representatives who eventually engaged in the dialogue and process included large numbers of agents advocating for individuals with disabilities, as well as individuals with disabilities themselves. Within a contested paradigmatic environment, a linguistic shift transpired in progress toward the final wording. The social model has always served a “representation of the collective identity of the disability movement” (Goodley, 2001, p. 219), so it is not surprising that parties moved from medical and charity terminology to a social taxonomy (Lord & Stein, 2008). In its final version, the CRPD broadly describes persons with disabilities as “those who have long-term physical, mental, intellectual or sensory impairments” and maintains that “it is the socially engineered environment, and the attitudes that are reflected in its construction that play a central role in creating the condition termed ‘disability’” (Article 1). Having made clear that direct responsibility for educational or social failure must be assigned to society, not an individual, the *Convention* sets out to reposition disability and recast identities. It calls for “respect for difference and acceptance of persons with disabilities as part of human diversity and humanity” (Article 3) and directs State Parties to ensure equality and prohibit discrimination on the basis of disability (Article 5).

Pursuit of Inclusive Education

Framing inclusive schooling within the CRPD proved even more contentious than reaching agreement on a social model, largely because inclusive education remains an unresolved dilemma within the disability community. During the sixth session of the Ad Hoc Committee, arguments centered on the definition of disability within the context of inclusive education, whether inclusive education

was to be mandatory, and the extent to which member states would be required to make changes to their existing education systems in order to achieve inclusion. Some agents advocating for the rights of persons blind, deaf, and deaf-blind resisted any demand for education conformity among disability groups, grounded in whether inclusive schooling would deny specialized support to their particular constituencies (Inclusion International, 2009; Kanter, Damiani, & Ferri, 2014). The final Article 24 of the CRPD reflected a delicate consensus among international disability organizations who managed to craft a common position on inclusive education but still respected the rights of students deaf, blind, or deaf-blind to be educated in groups.

The negotiated text delegitimized segregated service delivery in many areas, including education (Kayess & French, 2008). Ratifying nations agree to “ensure an inclusive education system at all levels” so that “persons with disabilities are not excluded from the general education system on the basis of disability” (Article 24). They must be able to “access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live” and the education must be provided in environments with “effective individualized support measures” that “maximize academic and social development, consistent with the goal of full inclusion” (Article 24).

International Education Governance

An impressive global agenda for education was constructed and defined throughout the 1990s, largely led by UN agencies. The most important UN arms directing education are United Nations Education, Scientific, and Cultural Organization (UNESCO) which was formed in 1946 to initiate, endorse, and support education activity around the globe; and the United Nations Children’s Fund (UNICEF), which is mandated by the UN General Assembly to advocate for the protection of the rights of all children to help meet their basic needs and expand their opportunities in collaboration with its partners in more than 190 countries. The United Nations Development Program (UNDP) is the UN’s global development network that works for change by linking countries to knowledge, experience, and resources. The World Bank, a multilateral UN lending institution, is the largest source of development capital in the field of international education, mainly concerned with developing countries.

Along with governments, donor agencies, and members of civil society, these agencies delineated the vision of Education for All (EFA) in 1990 (UNESCO, 1990). The World Education Conference in Dakar, Senegal, in 2000 iterated the broad vision of EFA, but reshaped and redefined it within six time-bound goals known as the Dakar Framework for Action (UNESCO, 2000). In September 2000, world leaders adopted the Millennium Development Goals (MDGs) that collectively represented international commitment to human development, with education as a part of the global development agenda. Education for All is the global framework for achieving the Dakar education goals, along with two of the MDG targets—universal primary

education and the eradication of poverty. UNESCO is tasked with coordinating EFA partners and maintaining their collaborative momentum.

Disability was an orphan theme at the world conferences. Despite the central aim of EFA—a global commitment to quality education for all—and the MDG focus on the benefits of investing in education for poverty reduction, none of the enumerated criteria animated links with disability. The synthesis of disability, poverty, and exclusion only became part of the conversations in 2002, when it was recognized that universal primary education was unlikely to be achieved unless issues specific to poverty and access to education among persons with disabilities were properly addressed. Disability became an EFA flagship; that is, one of the flagship programs designed to champion a range of differing interests and concerns within EFA. The *Flagship on Education for All and the rights of persons with disabilities toward inclusion* (UNESCO, 2003) ostensibly took responsibility for ensuring that those with disabilities were part of all national EFA action plans.

Multiple pledges, commitments, and legislation from the special and general education world communities were designed to stimulate telling advances in the status of persons with disabilities. The CRPD, for example, underscored the critical need to address the negative impact of poverty on persons with disabilities, and provided a set of outcomes, indicators, and obligations for inclusive schooling. In tandem, agencies such as UNESCO have to enforce the principles and provisions of the CRPD in their programs and structures so that the international architecture of expectations and commitments to provide education for all will encompass those with disabilities. But, as we discuss in the following section, the positioning of dedicated inclusive schooling within disability-specific legislation or as part of the wider EFA focus is not yet effective. Attitudinal and cultural barriers further sustain and animate issues of discrimination, access, and capacity. Underlying notions of individual deficit and persistent discriminatory attitudes continue to relentlessly limit or deny students with disabilities their rights to equal and meaningful education.

Promises, Progress, and Challenges

The CRPD represents a paradigm change for those with disabilities, the mechanisms of which are still being developed and the ramifications of which are only beginning to be examined. The process of translating concepts from advocacy into concrete action at national levels reveals that major social and educational limitations confound a facile translation of the principles into policies and practice. Few countries at present have the capacity needed to ensure full implementation of the treaty (United Nations [UNPRD], 2013). Nor is it clear whether states can or will assume the various roles assigned them by the *Convention* and whether global policy discourses will manifest in anticipated ways.

In various states, ownership of the CRPD and capacity to fulfill its mandates at the local level are constrained by myriad challenges that include toxic social conditions; political and economic contexts that are volatile and frequently unsupportive; competing and sometimes contradictory priorities in negotiating

internal and external demands; and inadequate human, technical, and fiscal capacity. Many nations display what Shields (2013) describes as loose coupling, “a separation of policy and practice that stems from the incompatibility of world culture and local context” (Shields, 2013, p. 614).

Social Models and Cultural Realities

Cultural values and meanings represent “established patterns for understanding and reacting to a phenomenon” (Eide & Ingstad, 2013, p. 3). When the phenomenon is disability, a society’s perceptions of status and roles are inevitably culturally situated, value laden, and embedded within individual contexts. Each culture has its own explanations, based on its forms of knowledge, belief systems, values, language, and religion, as to why some children are born with disabilities, how such children are to be treated, and the roles expected of family, community, and society (Groce, 1999).

Ubiquitous core cultural assumptions are difficult to identify. Sketches drawn from a body of anecdotal data suggest that mythical patterns of attribution and historical tradition that rationalize shame for and rejection of disability remain prevalent in many societies. Attitudes that view disability as a punishment from God and a shame to the family still prevail in many parts of Africa (Rieser, 2008). Similarly, strong cultural beliefs about disability as an ancestral punishment predominate in Asian societies (Peters, 2004). In India, role constructs that are negative, discriminatory, and exclusionary abound, strongest against people with intellectual impairments, and women (Rao, Narayan, & Mani, 2005). Riaz (2011) tells us that many poor Pakistani families perceive a child with a mental or physical disability as a lifetime moral and financial burden. People may be unwilling to admit to having family members who are disabled. Pakistani parents are especially cautious that the marriage prospects of their normal children may be adversely affected if they are suspected as carriers of defective genes (Riaz, 2011). In India, a society where up to 90% of marriages are arranged, parents fear negative prospects for the arranged marriages of their typical children (Alur & Bach, 2010).

The data point to an intimate relationship between disability, stigma, and exclusion. Given the synthesis, the need to combat and supplant traditional cultural views and generate social change redounds throughout the text of the CRPD. To reconstruct ideas antithetical to the full realization of disability rights, the treaty presses nations and people to recast the ways they define themselves and others. It includes an express mandate for education to raise awareness of disability rights and requires states to take “immediate, effective, and appropriate measures” in order to “combat stereotypes, prejudices and harmful practices relating to persons with disabilities” (Article 8).

The dogma of the social model of disability is sinking deeper roots worldwide, but is not yet fully embedded in practice (UNICEF and UNESCO Institute for Statistics, 2015). The ideas are not universally endorsed: only a few actions have been taken by states to implement Article 8, aimed at raising awareness (IDA, 2010) and no consensus about constructions of disability is found among

constituencies. A survey of 36 Asian and Pacific countries, for example, found that only a few governments defined disability or persons with disabilities in line with the social model (UNESCAP, 2010).

Impoverished understandings of the social dimensions of disability equate with the persistence of attitudes that view disability as a medical condition reflective of personal defects and functional limitations. Prejudices and discrimination flourish, often to an extreme degree, and ultimately produce starkly unequal distribution with huge equity gaps between disabled persons and mainstream populations. Constraints on social mobility compromise opportunity at every juncture. The rights of persons with disabilities to education, health, employment, an adequate standard of living, and social protection continue to be widely neglected. For children, violation of the right to education begins a spiraling pattern of unmet needs that ultimately manifest as denial of access to employment opportunities, independence, economic status, and quality of life (Winzer & Mazurek, 2015).

Inclusive Schooling

The CRPD solemnly reaffirms the rights of persons with disabilities to education and equity. Article 24 is designed as a roadmap for governments and international agencies: it promotes inclusion in the general school system and highlights how it is to be implemented and guaranteed. Subscription to the ideals is growing but progress is distressingly slow and confused, and inconsistencies in the messages emanating from nations addressing the agenda are the norm rather than the exception (Winzer & Mazurek, 2014).

The international community, acting in consort with national governments, has produced a windstorm of international legislation, soft laws, and national policies that attempt to implement inclusive education provisions in developing nations. To date, a vast disconnect lies between emancipatory rhetoric and measurable reality. The CRPD is not a penetrating presence. Its principles have not translated into effective action, and significant levels of inclusive education practice for people with disabilities have not yet ensued (Peters, 2007). Very few nations are anywhere near to implementing inclusive reform, or have anywhere near the necessary ambition to do so (Handicap International, 2013).

Legislative Activity

Promises about rights-based education are continuous but often a shortage of political and financial commitment spawns contradictions between the pressures for change and a willingness to undertake the necessary measures. Nations may ratify treaties such as the CRPD and make dutiful responses to initiatives but “Political commitments reflected in declarations and legal obligations contained in ratified treaties are both far from enshrined in the national legal framework of many countries, much less enforced when they are” (UNESCO, 2008, p. 17). As examples, Pakistan ratified the CRPD in July of 2011 but Riaz (2011)

reports that the majority of policy makers and consultants working at the federal level say that they are not in favor of initiating inclusive education: the idea is alien and impractical for Pakistan. By ratifying the CRPD in 2008, the Chinese government made a commitment to the goal of full inclusion but it has no clear and consistent strategy to achieve the goal, and 28% of Chinese students with disabilities are not in school at all (Human Rights Watch, 2013).

Disability within Education for All

Education for All is an ambitious international movement to expand learning opportunities for every child and youth; the MDGs stress appropriate primary education for the alleviation of poverty. Disability was identified within EFA and the MDGs in 2002 on the argument that the targets would not be met unless they accommodated those with disabilities in education. Complementary assumption held that national progress in education would eventually trickle down to the most disadvantaged, while a scaffolding of interaction between the disability-centric CRPD and global commitments would strengthen EFA policies by filling gaps and securing rights for children with disabilities (Mazurek & Winzer, 2015).

The promises are unkept, and the assumptions flawed. Accumulated data from EFA Global Monitoring Reports together with numerous reviews (e.g., OECD, 2007; UNICEF, 2005; UNICEF and UNESCO Institute for Statistics, 2015) do little to credit the effectiveness of global commitments to universal primary education for children with disabilities. Of the 58 million children still out of school, it is estimated that one third have disabilities; such children remain a radically marginalized sector of society that has “remained relatively invisible in the efforts to achieve universal access to primary education” (UNICEF, 2012, p. 8).

The variables that must be marshaled to explain the continuing plight of out-of-school children, the failure of EFA to reach these marginalized groups, the insufficient links between EFA planning and the CRPD, the use and value of the UN human rights machinery, as well as the contradictions contained within the CRPD itself are complex and beyond the scope of this chapter. For full discussions see Miles and Singal (2010), and Mazurek and Winzer (2015). We pinpoint only a few significant areas.

The commitments to inclusive education variously articulated by EFA and the CRPD are built on an intensity of moral commitment and gain their impetus from similar laudable motives. However, in context and practice they follow somewhat different directions. At a theoretical level, EFA is all about ensuring universal access to education: it speaks to nondiscriminatory provision and universal entitlement. Inclusive schooling is “a process of addressing and responding to the diversity of needs of all learners,” defined as the “presence, participation, and achievement” of all young people in mainstream settings (UNESCO, 2005, p. 15). EFA’s logic of universal entitlement means increasing the participation of all students with unmet learning needs including girls, children from ethnic minorities, those from poor and remote communities, as

well as students with disabilities (Giffard-Lindsay, 2007). Pragmatically, education cemented to development is a central preoccupation of EFA: the broad concept of inclusive education can be viewed as a general principle to strengthen education for sustainable development (UNESCO, 2008). Utility-related benefits drive the strategy so that “the discourse is concerned with inclusion being potentially the most cost and time-efficient way of improving access to educational institutions” (Giffard-Lindsay, 2007, p. 5). Human rights concerns are subordinated to economic rationality in the guise of utility. In contrast, the CRPD stresses protecting individuals from neglect of their rights and needs. Founded on a social model of disability and starting from the liberal position that no individual should suffer discrimination on the basis of membership in a minority group, the treaty narrows the diversity agenda to a sole preoccupation with disability. It legitimizes the exclusive concerns of those with disabilities and restricts its scope to their specific rights.

The rights protections and education directions of the CRPD are unevenly integrated into EFA. The struggle to provide all children access to primary education takes precedence and the strongest political and policy links in developing nations are with targets to achieve Education for All and the millennium goal of universal primary education (Bines & Lei, 2011). Disability is viewed as just one cross-cutting issue to be pursued alongside gender, ethnic, and other issues, and it is suggested that other groups of disadvantaged children, rather than those with disabilities, have been the focus of the drive to inclusive education (Bines & Lei, 2011). And, as utility generally implies access to any educational package, systems see any education as a major step toward inclusion. All settings, from general classrooms to special schools, may be considered inclusive (Kalyanpur & Misra, 2011).

School and Community Attitudes

The intersection of the politics of difference that inform the CRPD and the discourses and discursive practices of EFA create a situation of unresolved misassumptions that curtail efforts to secure access for those with disabilities (Mazurek & Winzer, 2015). Simultaneously, the social contexts of exclusion circling the EFA for those with disabilities both rest on and feed into an intricate web of education-related factors related to stigma and discrimination.

Provision is not only a matter of the state implementing policies of reform that coincide with international notions of equality, but also the ways in which local actors perceive and handle disability. For example, a study of 75 countries (Inclusion International, 2009) identified negative public attitudes as one of the major obstacles to inclusive education. Assumptions about disability that carry the imprint of traditional intolerance are inevitably mirrored in policy and the schools. Many systems are entrenched in an able-bodied culture and ethos, and notions of normality and the normalization role of schools are not questioned or challenged. Misinterpretations of the inclusive agenda and traditional misapprehensions about disability feed into a “solidarity of denial” about the realities of exclusion and the right of children with disabilities to be educated with their

peers (Inclusion International, 2009, p. 163); they make it “almost impossible for governments to envision what children with disabilities can accomplish in mainstream school settings” (UNICEF, 2012, p. 15). Prevalent views hold that some children are ineducable; an additional burden; a drain on meager resources in overcrowded and under-resourced schools; or under-producers and academic liabilities.

Enrolment in general schools is often simply denied. Pakistani educators, for example, reject the admission of students with disabilities on the grounds that they cannot cope with academic work (Riaz, 2011). Parents in a small-scale study in Bangladesh reported that even after much lobbying to ensure admission, teachers did not want children with disabilities in their classes (Mallick & Sheesh, 2013). In West Africa, the idea of inclusive education was rejected by respondents, who felt that children with disabilities could not understand course content, and would display problematic behavior in the classroom (Plan International, 2013). Other research (e.g., Mtika & Gates, 2010; Vavrus, 2009) indicates that inclusive attempts have foundered in sub-Saharan Africa due to nonreceptive teaching and learning circumstances and stakeholder resistance. In Brazil, more than 95% of surveyed teachers, principals, and students reported negative preconceptions about persons with disabilities and 99% indicated that they did not want such people at their school (Inclusion International, 2009).

Even if children with disabilities are enrolled, they are often marginalized by barriers that include inaccessible buildings, dilapidated classrooms, lack of textbooks, inflexible or inappropriate curricula, high pupil-teacher ratios, didactic teacher-centered practices, and large-scale assessments that have become overriding in developing nations. From India, Chadha reported that “Prejudices against a disabled child are so deep rooted that often parents of normal children pull them out of the school if disabled children are included” (Chadha, 2000, p. 32). The ultimate result sees students fail, repeat grades, have low completion rates, drop out early, or expelled because of inadequate performance or if they cannot adapt to the physical landscape of a school.

Teachers are untrained, unwilling, or unavailable. It is estimated that 1.6 million primary teachers are needed worldwide to reach universal primary education. However, in approximately a third of countries, less than 75% of teachers are trained according to national standards (UNESCO, 2014). Many teachers cannot forfeit traditional pedagogical cultures: inflexible age-graded curricula and assessment frameworks counter responses to diversity. Many teachers do not cater to the needs of those with disabilities and demand that they perform as regular students; at other times, they are taught a remedial curriculum or not taught at all (Human Rights Watch, 2013).

Parental attitudes and resistance form powerful obstacles. For many parents, myths and superstitions surround the birth of a child with disabilities; later, they fear exposure to public hostility and stigmatization. For example, Pakistani parents sometimes abandon a male child to grow up in a shrine or shelter; girls are almost always isolated from the family, shut within the four walls of a room (Riaz, 2011). Bangladeshi children who are disabled tend to be neglected and ignored, and not to be taken outside the home for fear of embarrassment and potential ridicule from others (Ackerman, Thormann, & Huq, 2005). A study in rural Ghana noted

a high degree of stigmatization with parents viewing their children with disabilities as not having any (or very limited capacity) to learn (UNESCO, 2015). Interviews with Chinese parents found fear, reluctance, and skepticism. In a deeply competitive society where prejudice and stigma run high, many parents abandon their children with disabilities to the chronically underfunded state orphanage system (Human Rights Watch, 2013).

Poor parents may be forced to an “opportunity cost analysis” (Da Silva, 2011, p. 94) in which education is viewed as an investment that will pay off in the future in the form of employment and earnings. King (2009, p. 180) speaks to *attitudinal sustainability* to describe the ongoing commitment of parents to send their children to school. The opposite occurs when parents face factors such as high costs for schooling that include uniforms and textbooks; child labor required by the household; a lack of coherent pathways to later employment; gender ideologies that affect communal and family assessment of the value of investing in education for girls; or low valuation of schooling for those with disabilities. In a study in India, for example, many parents cited the irrelevance of the curriculum as the reason for not sending children to school: they felt that the curriculum was not geared to real life and fruitful years of income generation would be lost (UNESCO, 2001). Parents in Papua New Guinea were unwilling to pay the school fees for their children with disabilities because they believed these individuals would be unable to secure formal employment after graduation, however high their levels of academic attainment (Le Fanu, 2013).

Persistence and Resurgence of Segregated Schooling

The CRPD does not mention special schools. It acknowledges the right of people to live in the community (Article 19), children with disabilities (Article 7), and the right of children with disabilities to family life (Article 23), and backs this up with specific obligations on governments to undertake measures to prevent segregation and support families to care for children with disabilities at home whenever possible (Preamble).

One thrust of international documents presses countries to equate inclusive schooling with general classroom placement, and to realize the inefficiency of multiple systems of administration and services and the financially unrealistic option of special schools. At the same time, there is a discernable trend in the UN-based literature toward substitute narratives to account for the numbers of marginalized children who remain outside the remit of schooling. An education system implies the full range of learning opportunities available in a country whether they are financed by the public or private sector or formal or nonformal programs (World Bank, 2010); the principle of the least restrictive environment refers to education “a range of settings—such as special schools and centers, special classes in integrated schools or regular classes in mainstream schools” (WHO & World Bank, 2011, p. 209).

It should be no surprise that the global mission for inclusive education has not silenced alternative conceptions and there is little weakening of the separate spaces occupied by general and special education. Rather than reducing the

number of special schools, countries are accelerating building. In India, growth is just beginning. The Chinese 10-year Education Plan of 2010 includes specific targets and clear timetables for building more special education institutions, but no comparable targets and timelines for the education of students with disabilities in mainstream schools. Significant use of special schools is evident in countries in Central and Eastern Europe, and there is much demand for the further creation of such schools (Human Rights Watch, 2013; Kalyanpur & Misra, 2011; Radoman, Nano, & Closs, 2006; UNICEF, 2012).

The notion that children with disabilities must be taught separately has multiple roots. Some of the sturdiest are attributable to cultural habit legitimized by negative perceptions, the historical lack of provision, and views nurtured by traditions that hold the education concerns of those with disabilities to be separate and different from those of the mainstream. Others reflect continuing adherence to medical models, with their overtones of dependency and charity. As one significant example, cross-ministerial strategies in many nations manage mainstream schooling and special education under different administrations. Disability is often placed within the social welfare system, not the respective ministries of education, or punted from one ministry to another. The created invisibility of disability issues then contributes to the failure of national governments and multinational donors to give adequate attention to the rights and needs of persons with disabilities in mainstream development policy.

A further example is found in the global consensus regarding the need to make investment in education a priority in national development strategies. Many nations are supported by, and increasingly dependent on, donors and international financial institutions (Da Silva, 2011). Aid, which includes both financial aid and technical assistance, follows a two-track system. One track sees major investment in education reform through the global EFA and MDG agendas; a much smaller track, defined as a targeting strategy, invests in special or inclusive education. Targeted financing is delivered through the public education system or, very often, through nongovernment organizations (NGOs).

NGO intervention in developing nations originated on the basis of charity and welfare. Today charity is less espoused as an overt basis for policy-making, and many NGOs are sources of expertise that provide the impetus for extensive inclusive developments. Nevertheless, the interaction of strong international donors and limited domestic capacity takes the matter of disability out of the public domain and reduces official initiatives and urgency to assist children with disabilities. An ironic divergence is also readily apparent. Despite promoting inclusion, NGOs lean toward a charity view of disability, largely because most targeted financing has the effect of financing separate special education systems. Inclusion International (2009, p. 49) reports that "Donors in developed countries have mostly funded non-government organizations to deliver special education in separate schools as part of the social welfare systems, and on a charity basis."

The fundamental misalignment about inclusive education seen in EFA and the CRPD, together with indifferent EFA participation, are not only serious impediments, but add to the considerable continuity of segregation. With access and inclusion driven by the immediate priority of utility, disability is blanketed under

overall accessibility. The inclusion factor for those with disabilities is sidelined which reinforces the idea of a range of provisions and justifies a *mélange* of options, from special schools to general classes.

Continuing Tensions and Prospects for Resolution

The CRPD was received “with unprecedented early enthusiasm” (Kayess & French, 2008, p. 2) but reports note that the initial excitement has been followed by a certain level of frustration (IDA, 2010). Deliberations about implementation continue in multiple areas that include legal aspects, the interpretation of fundamental principles and the application of substantive articles, and, most particularly, inclusive schooling. Dozens of calls for revised mechanisms, strategies, and policies have emerged, but no single overarching approach exists. Rather, continuing implementation is a series of complex organizational and structural changes that involve the support and participation of multiple players.

Reconstructing Views of Disability

To create responsive environments, the CRPD demands the dismantling of ideological and belief structures that have traditionally surrounded notions of disability within particular cultures. The reality is that for some nations and cultures to fully embrace the principles and practices embedded in the CRPD, their citizens and political, social, cultural, and religious leaders would have to fundamentally change their worldviews and basic values. It follows that global models for participation and access are not domesticated and internalized in many nations, and transforming the collective identity of people with disabilities from one of stigma to one of value is slow, uneven, and largely incomplete. Despite growing acceptance of the social model, resistance and oppositional cultures counter its functions. Different groups cling to traditional and deep-rooted negative attitudes that perpetuate stigma and exclusion and deprive disabled persons of the cultural capital necessary to be seen by members of the dominant group as persons of worth.

A primary strategy seeks to transform mindsets and create attitudinal shifts. Legal experts speak to the “expressive” value of disability-rights recognition: that is, the way in which knowledge about, and implementation of, the CRPD becomes a tool to destabilize taken-for-granted embodied notions of disability. They argue that the treaty can potentially create belief changes by better informing societies about persons with disabilities, which can consequently lessen the identification of such persons as “other” and promote greater familiarity with the group (Lord & Stein, 2008; Stein & Lord, 2010).

However, the same experts agree that change is unlikely to be achieved solely through national disability legislative reform. While public knowledge about the treaty may have an educational effect and bring about a more conducive milieu, treating disability as if the problems could be solved through massive public relations campaigns is not penetrating enough to alter historically cemented norms.

The rights catalogue of the CRPD will need more than just formal equality measures to redress exclusion. Key constituencies for change include the UN and its agencies, State Parties, donors, persons with disabilities, disability-centric organizations, education actors, parents, and broader civil society.

Development Agenda

People with disabilities were long ignored by governments, invisible in many societies, positioned as marginal players, and overlooked as the beneficiaries of international development programs. In response, the CRPD drafters explicitly called for development assistance programs by inserting text requiring international cooperation, development programs, and poverty reduction schemes to be inclusive of persons with disabilities (Article 32). For example, it contemplates actions such as building accessible schools and medical clinics and ensuring that persons with disabilities are included in HIV/AIDS and other health programming.

Even so, EFA has become a universal goal and basis for investment and serves as the chief steward of resources. So far, co-ordination has been limited and experience of EFA relative to those with disabilities demonstrates that existing financing mechanisms of governments, bilateral donor and international agencies are not resulting in equal access to quality education. Inclusive approach for those disabled is a fringe policy issue that is woefully underfunded (Inclusion International, 2009).

Promising advances see disability increasingly regarded as a development issue by multilateral agencies and the donor community. International development agencies and coalitions are mobilizing behind the treaty with efforts to span the general focus on development and the more specialized CRPD. Further action will include disability within the UN Development Program (UNDP).

International Governance

It is clear that international education policy has failed to provide opportunities for the most disadvantaged populations. Very little progress has been made in reaching EFA goals for those disabled: the UN reports that children with disabilities are one of the most marginalized and excluded groups in respect to education (United Nations, 2008). In struggling nations, such as those in sub-Saharan Africa, these children are widely ignored; even in countries close to achieving universal primary education, children with disabilities are the majority of those excluded (United Nations, 2010). Commitments to dedicated inclusive education within the global agenda are largely rhetoric. The generally held belief that education is central to individual well-being and national development that stresses access for all disadvantaged children and utility-based benefits overrides the CRPD's model of inclusive schooling. Those with disabilities are sidelined and, if parity of participation is visualized, it manifests in multiple ways.

Certainly, the orphan themes of disability and inclusive schooling are gaining friends: the issues are presently addressed much more often than was the case in the initial phases of the EFA. A series of international reports and resolutions focus on persons with disabilities and the importance of inclusive education (e.g., United Nations, 2010; UNESCO, 2010; WHO & World Bank, 2011). UNESCO is seriously confronting its failure with marginalized children (UNICEF & UNESCO Institute for Statistics, 2015). UNICEF, which “had virtually ignored children with disabilities for more than 10 years,” (Inclusion International, 2009, p. 59) is rallying its national partners to provide those with disabilities opportunities to thrive (UNICEF, 2013). The MDGs were heavily criticized for not accommodating disability (Eide & Ingstad, 2013); now there is momentum for the UN-led process underway to agree to successor goals to the MDGs post-2015 (the Sustainable Development agenda) to build clear and measurable global targets for development activities and inclusive education for those with disabilities.

Postscript: The Quest for Inclusive Schooling

The central theme of this chapter was on reconstructing disability to reimagine education. Data are somber, grim, and unpromising at this time. Solutions to the multiple dilemmas are complex and broad, answers are incomplete, and challenges are seemingly intractable. Inclusive education remains a distant aspiration. Vast inequalities persist and seem unlikely to abate anytime soon. Many societies still ignore or discount disability in terms of entry into and participation in the mainstream.

The EFA framework led to greater access to schooling but none of the targets were achieved by 2015. The latest goal is to “ensure equitable, quality education and lifelong learning for all by 2030” (UNICEF, 2013, p. 8). Currently, however, there are still 58 million children out of school globally, and there is conclusive evidence that the number of the world’s primary-aged children who will not attend school is still growing. The gap between the majority now in school and the forgotten minorities is becoming increasingly pronounced; that is, inequality in education has increased, leaving millions of children with disabilities “even more marginalized, excluded and on the periphery of society” (Handicap International, 2013, p. 4). Meeting the CRPD’s objectives and equalizing educational opportunities requires transformation of traditional systems but the process is still perceived as “too costly, not a viable or practical option, or as requiring too many changes in the attitudes of communities, policy makers and parents to sustain it” (Handicap International, 2013, p. 17). In the vast majority of education systems around the world, success remains extremely limited, if not nonexistent. Few nations have the necessary mechanisms to ensure the participation of students with disabilities in education.

Daunting as the prospects seem, the quest for inclusive schooling continues apace. To close this chapter, we mention only two issues that are germane to our question of whether reconstructing disability is the prologue to inclusive schooling. First, just as solutions surrounding acceptance of the social model must be contextually driven and reflect realistic strategies, the implementation of inclusive

education demands recognition of the implicit conventions of highly diverse societies. Contextually, what is required of the venture is not culturally insensitive uniformity, but rather an informed approach within the cultural parameters of a nation. While the CRPD assumes a degree of universality in how it will be implemented in any given local context, equity and access have to find their manifestations and resolutions in the particular structures of individual national and cultural contexts. Ultimately some space needs to be reserved for recognition of the agency of local participation. Inclusive practice must take local conditions into account, foster and support family and community initiatives, engage with the realities of students' lives, and supplement education access with other community-based strategies that directly attack the damaging effects of poverty and marginalization (see, e.g. Mazurek & Winzer, 2015; Rieser, 2008).

Approaches to inclusive schooling should be fluid and evolutionary, unrestrained by ideology or so-called best practice from the North. Policy rationales on disability and education must be cautious about the notion that segregation and inclusion are natural antagonists. As global actions cause new institutional forms to take shape and traditional forms to be altered, developing nations may need to respond to the impact of transnational influences while simultaneously utilizing present structures. Many researchers point out that a hybrid approach of multiple options that see gradual incorporation of a new model (inclusive schooling) without quite abandoning the old (special settings) are relevant and appropriate (e.g., Cigman, 2007; Giffard-Lindsay, 2007; Miles & Singal, 2010).

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