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Financing Inclusive Education

Lessons from Developing Countries

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I INTRODUCTION

The right to inclusive education applies to all countries ratifying the Convention on the Rights of Persons with Disabilities (CRPD), including developing countries, where the vast majority of persons with disabilities live. While developing inclusive education might require significant investments, lack of funds is not an excuse for fulfilling the right, as according to Article 24 of the CRPD, all States Parties must ensure an inclusive education system.[1]

The right to education is a socioeconomic right subject to progressive realisation under Article 4(2) of the CRPD. Accordingly, the full realisation of the right must be achieved progressively. This, however, does not mean that fulfilling the right could be postponed until economic conditions improve. As Gauthier de Beco explains in this volume (Chapter 8), all States Parties must take the necessary measures to the maximum of their available resources to fully realise the right. Article 24 of the CRPD provides a list of such measures, which include teacher training, awareness raising, accessibility, individualised support and facilitation of communication.[2] While some of these measures can require significant investments, all States Parties 'must commit sufficient financial and human resources' to develop inclusive education, as the Committee on the Rights of Persons with Disabilities (CRPD Committee) underlined in its General Comment No. 4 on the right to inclusive education.[3]

[1] United Nations General Assembly, Convention on the Rights of Persons with Disabilities (13 December 2006) A/RES/61/106 (CRPD) Article 24(1).

[2] CRPD Article 24(2)–(4).

[3] Committee on the Rights of Persons with Disabilities, General Comment No. 4 (2016) Article 24: Right to Inclusive Education (2 September 2016) CRPD/C/GC/4 [67].

This chapter looks into the example of two developing countries, Tanzania and Vietnam, to analyse how they proceeded in committing their resources to fulfil the right to inclusive education. Both countries have ratified the CRPD,[4] but neither has submitted its first state report yet. However, they have submitted state reports in the past under the Convention on the Rights of the Child (CRC) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which provide useful information about the state of their education systems and the situation of children with disabilities in them. The countries' progress is assessed in this chapter in light of their reports to their respective UN treaty bodies, and two analyses of their budgetary processes, which provide detailed information about how they allocate funds to educational goals.[5]

II TANZANIA

Tanzania is one of the world's least developed countries, with an estimated gross domestic product (GDP) per capita of 1,032 USD.[6] Its economy relies heavily on agriculture, which makes up 45 per cent of its GDP and 75–80 per cent of exports.[7]

1 *Tanzania's Education System*

Tanzania's oldest school, the Uhuru Mchanganyiko primary school in Dar es Salaam, was established in 1921.[8] After its independence in 1961, the country started building a comprehensive national education system.[9] Since 1978,

[4] Tanzania in 2009, Vietnam in 2015.

[5] For analysis concerning Tanzania, see Comprehensive Community Based Rehabilitation in Tanzania (CCBRT), 'Budget Analysis with Disability Perspective' (December 2013) www.ccbrt.or.tz/fileadmin/downloads/Government_of_Tanzania_Budget_Analysis_with_Disability_Perspective.pdf (accessed 25 March 2017); for analysis concerning Vietnam, see Nguyen Thi Van Anh, Ngo Huy Duc, Le Ngoc Hung and Luu Van Quang, *Child-Focused Budget Study: Assessing the Rights to Education of Children with Disabilities in Vietnam* (Hanoi 2000).

[6] Committee on Economic, Social and Cultural Rights, 'Combined Initial, Second and Third Periodic Reports Submitted by States Parties under Articles 16 and 17 of [the] International Covenant on Economic, Social and Cultural Rights: United Republic of Tanzania' (28 March 2011) E/C.12/TZA/1–3 [8]; International Monetary Fund, 'Report for Selected Countries and Subjects – Tanzania' www.imf.org/external/pubs/ft/weo/2017/01/weodata/weorept.aspx?pr.x=56&pr.y=3&sy=2017&ey=2021&scsm=1&ssd=1&sort=country&ds=.&br=1&c=738&s=NGDPD%2CNGDPDPC%2CPPPGDP%2CPPPPC&grp=0&a=#download (accessed 25 April 2017).

[7] Committee on Economic, Social and Cultural Rights (n. 6) [8]

[8] Committee on the Rights of the Child, 'Initial Reports of States Parties Due in 1993: United Republic of Tanzania' (25 September 2000) CRC/C/8/Add.14/Rev.1 [274].

[9] 'Combined Initial, Second and Third Periodic Reports Submitted by States Parties under Articles 16 and 17 of [the] International Covenant on Economic, Social and Cultural Rights: United Republic of Tanzania' (n. 6) [136].

with the adoption of the National Education Act,[10] enrolment in and attendance of primary schools has become compulsory for children aged seven to thirteen.[11]

The obligation to attend school was implemented with difficulty in practice due to the lack of schools and trained teachers. The distance from schools prevented children from participating in education, especially in rural areas.[12] Nevertheless, the country has achieved significant successes in developing its education system. According to the government's claim, in the 1970s, the gross enrolment ratio of children in basic education reached 98 per cent, and girls achieved parity with boys.[13] Adult literacy has also surpassed 90 per cent.[14]

In the 1980s and the 1990s, Tanzania underwent an economic crisis, which negatively affected the public funds available for education.[15] Together with the high rate of population growth, this meant a significant decrease of per capita spending in the education sector.[16] Lack of public funds for schools in turn transferred into higher school fees and other out-of-pocket costs for education for schoolchildren and their families.[17] As a result, the gross enrolment ratio declined to about 75 per cent in 1996.[18] In 1990, the gross enrolment rate was 77.6 per cent, while the net enrolment rate (reflecting the percentage of schoolchildren in the given age group)[19] was 58.8 per cent.[20] Adult illiteracy also increased from 10 per cent to 16 per cent in the period from 1981 to 1996, and continued to grow with an estimated rate of 2 per cent per year.[21] Children

[10] National Education Act 1978.

[11] United Nations Economic and Social Council, 'Reports Submitted in Accordance with Council Resolution 1988 (LX) by States Parties to the Covenant Concerning Rights Covered by Articles 10 to 12: United Republic of Tanzania' (21 December 1979) E/1980/6/Add.2, 2.

[12] 'Initial Reports of States Parties Due in 1993: United Republic of Tanzania' (n. 8) [273].

[13] Ibid. [313].

[14] Ibid.

[15] Ibid. [314].

[16] Ibid.

[17] Ibid. [315].

[18] Ibid.

[19] The gross enrolment rate (GER) reflects the ratio of pupils enrolled in schools to the total number of children in a particular age group. The net enrolment ratio (NER) reflects the ratio of pupils of a particular age group enrolled in schools out of the total number of children in that particular age group. If there are eight children in second grade, out of them five of second grade age and three older children, and a total of ten children of second grade age, the GER is 80 per cent (because there are eight pupils in second grade), while the NER is 50 per cent (because only five children of second grade age are in school). The GER can rise above 100 per cent if a large number of older children (who are statistically not part of the relevant age group) are enrolled with younger children in grades for younger children.

[20] Committee on the Rights of the Child, 'Second Periodic Reports of States Parties Due in 2004: United Republic of Tanzania' (24 August 2005) CRC/C/70/Add.26 [210].

[21] 'Initial Reports of States Parties Due in 1993: United Republic of Tanzania' (n. 8) [315].

from low-income social groups were especially affected negatively by the collapse of the school system's public funding.[22]

The Tanzanian government addressed the deplorable state of affairs in the education sector by adopting the Primary Education Development Plan 2000–2005,[23] which aimed to provide compulsory primary as well as secondary education to every child by 2015.[24] The government committed to allocate 20 per cent of its budget to finance the plan and to maintain the 20 per cent ratio from then on.[25]

As a response to the recommendations of the Committee on the Rights of the Child (CRC Committee), school fees and other contributions were formally abolished in 2002,[26] although they continue to be demanded by individual schools on an informal basis.[27] The government also invested in teacher training and rebuilding the school infrastructure. Two thousand eight hundred and twenty-seven schools opened between 2001 and 2006.[28] Two hundred and two satellite schools were also built in rural communities,[29] reducing the furthest walking distance to schools to three kilometres according to the government,[30] although this seems to be an overly optimistic view of the situation.[31] The government addressed the difficulties of retaining girls in schools by constructing more sanitary facilities for girls.[32] The government also organised enrolment campaigns and recruited additional teachers.[33]

[22] Ibid.

[23] Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Concluding Observations: United Republic of Tanzania (Second Report)' (21 June 2006) CRC/C/TZA/CO/2 [55].

[24] 'Combined Initial, Second and Third Periodic Reports Submitted by States Parties under Articles 16 and 17 of International Covenant on Economic, Social and Cultural Rights: United Republic of Tanzania' (n. 6) [137].

[25] Ibid. [152].

[26] 'Second Periodic Reports of States Parties Due in 2004: United Republic of Tanzania' (n. 20) [210].

[27] Committee on the Rights of the Child, Concluding Observations on the Combined Third to Fifth Periodic Reports of the United Republic of Tanzania (3 March 2015) CRC/C/TZA/CO/3–5 [60].

[28] 'Combined Initial, Second and Third Periodic Reports Submitted by States Parties under Articles 16 and 17 of International Covenant on Economic, Social and Cultural Rights: United Republic of Tanzania' (n. 6) [138].

[29] 'Second Periodic Reports of States Parties Due in 2004: United Republic of Tanzania' (n. 20) [216].

[30] Ibid. [222].

[31] Concluding Observations on the Combined Third to Fifth Periodic Reports of the United Republic of Tanzania (n. 27) [60].

[32] 'Second Periodic Reports of States Parties Due in 2004: United Republic of Tanzania' (n. 20) [216].

[33] Ibid. [210].

As a result of these efforts, the gross enrolment rate reached 105.3 per cent[34] in 2003[35] and 112.7 per cent in 2006,[36] while the net enrolment rate rose to 88.5 per cent in 2003[37] and 96.1 per cent in 2006.[38] The education system was, however, still suffering from several shortcomings. The number of schools was still insufficient, and they provided a poor physical environment.[39] The drop-out rate was very high, especially among girls due to pregnancy and early marriage.[40] The quality of learning and teaching was also low due to the lack of qualified teachers.[41] Children from low-income families continued to face disproportionate difficulties in accessing schools due to the ongoing practice of unofficial financial contributions and the absence of school meal programmes.[42]

2 *The Right to Education of Children with Disabilities in Tanzania*

The lack of attention to the education of children with disabilities can be characterised as a pervasive historical problem in Tanzania. Although the Uhuru Mchanganyiko primary school in Dar es Salaam started integrating visually impaired children already in 1961, and by 1993 10.6 per cent of its student body was reported to have a disability, integration was far from becoming the norm.[43] The government in its initial report to the UN Economic and Social Council admitted that children with disabilities were mainly educated in special schools,[44] but the number of these schools was far from satisfactory.[45]

[34] The GER can rise above 100 per cent if a large number of older children (who are statistically not part of the relevant age group) are enrolled with younger children in grades for younger children. See note 19 for definitions.

[35] 'Second Periodic Reports of States Parties Due in 2004: United Republic of Tanzania' (n. 20) [210].

[36] 'Combined Initial, Second and Third Periodic Reports Submitted by States Parties under Articles 16 and 17 of International Covenant on Economic, Social and Cultural Rights: United Republic of Tanzania' (n. 6) [138].

[37] 'Second Periodic Reports of States Parties Due in 2004: United Republic of Tanzania' (n. 20) [210].

[38] 'Combined Initial, Second and Third Periodic Reports Submitted by States Parties under Articles 16 and 17 of International Covenant on Economic, Social and Cultural Rights: United Republic of Tanzania' (n. 6) [138].

[39] Concluding Observations on the Combined Third to Fifth Periodic Reports of the United Republic of Tanzania (n. 27) [60].

[40] 'Concluding Observations: United Republic of Tanzania (Second Report)' (n. 23) [55].

[41] Ibid.

[42] Concluding Observations on the Combined Third to Fifth Periodic Reports of the United Republic of Tanzania (n. 27) [60].

[43] 'Initial Reports of States Parties Due in 1993: United Republic of Tanzania' (n. 8) [274].

[44] 'Reports Submitted in Accordance with Council Resolution 1988 (LX) by States Parties to the Covenant Concerning Rights Covered by Articles 10 to 12: United Republic of Tanzania' (n. 11) 2.

[45] 'Initial Reports of States Parties Due in 1993: United Republic of Tanzania' (n. 8) [129].

In the twentieth century, disability was mainly considered an issue of health care, rehabilitation and social protection, but not an educational priority. The Tanzanian government considered rehabilitation centres as its main measure fulfilling the rights of children with disabilities (there were thirty-four in the country in 2000, with a capacity of more than 700 children).[46] In 1982, Tanzania passed laws on the employment[47] and care and maintenance[48] of persons with disabilities, but not on their education. In the same year, the National Advisory Council was established with regional and district committees to look after the interests of persons with disabilities,[49] but it only had competence to monitor the aforementioned rehabilitation centres, not educational institutions.[50]

In the absence of focussed attention, the education of children with disabilities was sporadic at best, and left to the families' initiative. In 2000, the government reported 138 special schools for children with disabilities in the country. However, it was unaware of how many children attended them, how many attended mainstream schools and how many did not go to school at all.[51] By 2005, due to specific questions by UN treaty bodies, the government's research revealed that 39,139 children with disabilities (47.2 per cent of the relevant age group) attended primary school.[52] This number seems to be an overestimation, a result of the fact that the government was unaware of how many children with disabilities there actually were in the country.[53] For example, in 2000, the government reported to know about only 1,245 'mentally retarded' children for the whole country.[54] It seems that a large number of children with disabilities are not recognised by the education authorities and do not appear in the education statistics.

[46] Ibid. [277].
[47] Disabled Persons (Employment) Act 1982.
[48] Disabled Persons (Care and Maintenance) Act 1982.
[49] 'Initial Reports of States Parties Due in 1993: United Republic of Tanzania (n. 8) [273].
[50] Committee on the Rights of the Child, 'Concluding Observations of the Committee on the Rights of the Child: United Republic of Tanzania (First Report)' (9 July 2001) CRC/C/15/Add.156 [52].
[51] 'Initial Reports of States Parties Due in 1993: United Republic of Tanzania' (n. 8) [278].
[52] Committee on the Rights of the Child, 'Written Replies by the Government of the United Republic of Tanzania Concerning the List of Issues (CRC/C/TZA/Q/2) Received by the Committee on the Rights of the Child Relating to the Consideration of the Second Periodic Report of Tanzania' (CRC/C/70/Add.26) (20 April 2006) CRC/C/TZA/Q/2/Add.1 [4]; the government reports the figure of 53.85 per cent for mainland Tanzania. From its tables, however, it can be deduced that the overall number of school-age children with disabilities was 82 975; hence the ratio is 47.2 per cent for the whole of Tanzania.
[53] Ibid.
[54] 'Initial Reports of States Parties Due in 1993: United Republic of Tanzania' (n. 8) [278].

In 2006, Tanzania adopted the comprehensive Persons with Disabilities (Rights and Privileges) Act (2006) recognising, among others, the right to education of persons with disabilities.[55] In 2012, it adopted the 2012 Strategic Plan of Inclusive Education.[56] The government claims that by 2013, the number of inclusive schools in Zanzibar alone increased to eighty-six, and the number of children with disabilities enrolled in them had risen from 450 in 2005 to 3,883 in 2011.[57] Thousands of teachers were reported to be trained on sign language and Braille.[58] The government, however, still did not have data of sufficient quality on children with disabilities across the whole territory of the country, contrary to its obligations under Article 31(2) of the CRPD.[59] The primary school enrolment of children with disabilities was also still very low, not meeting the requirements of Article 24(2) of the CRPD.[60] The government planned to have at least one teacher in each primary school trained in inclusive education, which, even if fulfilled, was insufficient to meet children's needs and the government's obligations under Article 24(4) of the CRPD.[61]

Among the obstacles of inclusive education, the government mentioned the reluctance of parents of children with disabilities to send them into regular schools,[62] and the lack of available schools, learning materials, teachers trained in inclusive education,[63] accessible facilities,[64] including water and sanitation,[65] and the all-important lack of funds to remedy all these problems.[66] Children with disabilities were also disproportionately affected

[55] Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Third to Fifth Periodic Reports of States Parties Due in 2012: United Republic of Tanzania' (4 November 2013) CRC/C/TZA/3–5 [9].

[56] Committee on Economic, Social and Cultural Rights, Concluding Observations on the Initial to Third Reports of the United Republic of Tanzania (13 December 2012) E/C.12/TZA/CO/1–3 [28].

[57] 'Third to Fifth Periodic Reports of States Parties Due in 2012: United Republic of Tanzania' (n. 55) [43].

[58] Ibid.

[59] 'Concluding Observations on the Combined Third to Fifth Periodic Reports of the United Republic of Tanzania' (n. 27) [16].

[60] Ibid. [52].

[61] 'Combined Initial, Second and Third Periodic Reports Submitted by States Parties under Articles 16 and 17 of International Covenant on Economic, Social and Cultural Rights: United Republic of Tanzania' (n. 6) [145].

[62] 'Initial Reports of States Parties Due in 1993: United Republic of Tanzania' (n. 8) [129].

[63] Ibid. [273].

[64] 'Concluding Observations: United Republic of Tanzania (Second Report)' (n. 23) [43].

[65] Concluding Observations on the Initial to Third Reports of the United Republic of Tanzania (n. 56) [26].

[66] 'Initial Reports of States Parties Due in 1993: United Republic of Tanzania' (n. 8) [275].

by the continued demand for out-of-pocket payments in primary education, such as for textbooks, uniforms and school lunches.[67] These obstacles are not specific to Tanzania; they are all identified in Article 24 of the CRPD as common barriers to inclusive education. By recognising them, the government made the first important steps; the next one, required by Article 24(2), is to 'take appropriate measures' to overcome them, and to commit the 'maximum of its available resources' to these measures according to Article 4(2) of the CRPD.[68]

3 *Budgeting as a Means of Meeting Human Rights Obligations*

Lack of funds is a major obstacle to fulfilling the right to education for children with disabilities in Tanzania. The following part therefore analyses whether the government uses its resources efficiently in allocating funds for the needs of children with disabilities. The analysis relies on figures from the report of the Comprehensive Community-Based Rehabilitation in Tanzania (CCBRT) on government spending during five fiscal years, from 2009/10 to 2013/14.[69]

In the examined period, Tanzania was implementing the National Strategy for Growth and Reduction of Poverty (MKUKUTA), which was divided to sector strategic plans.[70] All expenditures can therefore be divided into recurrent expenditures, mostly covering services provided on a regular long-term basis, and development expenditures, related to the implementation of the National Strategy.[71] Total spending was rising constantly in both categories in the examined period, more than doubling by 2014. Tanzania's GDP also doubled during this period, suggesting a correlation with the expansion of public spending.[72]

It is difficult to establish how much money was allocated to advance the inclusive education of children with disabilities, because the public budgets are rarely specific enough about this type of expenditure. The Strategic Plan on development does not contain education as its main priority. Some subprogrammes are investing in human capital, mainly in employment and social services. Even in these programmes, persons with disabilities are not listed as

[67] Concluding Observations on the Initial to Third Reports of the United Republic of Tanzania (n. 56) [26].
[68] CRPD Articles 24(4) and 4(2).
[69] CCBRT (n. 5) 6.
[70] Ibid.
[71] Ibid. 9.
[72] Ibid. 8; although obviously this does not necessarily mean causation.

a specific budget category. They are included in the category of 'vulnerable groups', together with other children such as orphans, pastoralist communities, girls, persons living with HIV and others.[73] Overall, development expenditures in the examined period were mostly allocated to building infrastructure, without any ascertainable figure allocated to inclusive education.[74]

Recurrent expenditures comprised 70 per cent of all government spending in the examined period.[75] A very small proportion of these expenditures could be identified as allocated specifically to disability-related programmes. Strategic plans of ministries and local governments list a number of programmes that can be related to furthering the rights of persons with disabilities, such as health and rehabilitation services, labour market programmes, vocational education and training and others.[76] However, in the absence of disaggregated data it is impossible to estimate whether any funds were allocated specifically to persons with disabilities.

The programmes specifically addressing disability were very small. They received funds in the magnitude of only 0.2 per cent of the state budget, or 0.1 per cent of the GDP.[77] This is highly insufficient compared to the average of countries in the Organisation for Economic Co-operation and Development that spend 1.2 per cent of their GDP on similar programmes,[78] or even to neighbouring Kenya, which allocated ten times more money on disability-related programmes than Tanzania, despite having only a 50 per cent higher GDP.[79]

Tanzania's very poor performance on financing disability programmes stems partly from methodological problems related to a lack of disaggregated data on the level of planning, budget allocation and actual spending. The unavailability of disability-specific data not only undermines the success of education policies, but also violates Article 31(2) of the CRPD, which obliges States Parties to collect such data. The insufficient information masks funding streams that most likely indirectly benefit persons with disabilities as well. For example, in line with the government's promises, 20 per cent of the overall budget was spent on education, the vast majority of which was spent on teachers' salaries.[80] Children with disabilities studying in primary

[73] Ibid. 5.
[74] Ibid. 9.
[75] Ibid.
[76] Ibid. 12.
[77] Ibid. 11.
[78] Ibid. 12.
[79] Ibid.
[80] 'Combined Initial, Second and Third Periodic Reports Submitted by States Parties under Articles 16 and 17 of International Covenant on Economic, Social and Cultural Rights: United Republic of Tanzania' (n. 6) [152].

schools were consuming services maintained from this budget, even if it was not specifically for disability-related programmes.

Such unidentifiable funds for disability education should not be considered to meet the government's obligations to fulfil the rights of children with disabilities. As stated earlier in this chapter, under Article 24 of the CRPD, the government needs to take specific measures to overcome the obstacles to inclusive education, and under Article 4(2) of the CRPD, it must commit resources to these measures. A lack of available funds might justify a gradual expansion of the measures to the whole population. However, not taking any specific steps at all, and not committing any funds to specific steps intended to overcome the correctly identified obstacles, falls beyond the requirements of Article 24 of the CRPD read in conjunction with Article 4(2).

If Tanzania's schools were all providing inclusive education, the lack of disability-specific funding would be less concerning. However, the foregoing analysis showed that Tanzania has a long history of excluding children with disabilities from mainstream education. The significant shortages in the education system began to be remedied at the time when children with disabilities were segregated in special schools or not attending school at all. Transforming mainstream schools to inclusive ones was not a priority in those years. Significant funds are required to achieve these goals on top of schools' regular expenditures. This means not only refitting the inadequate infrastructure but also equipping schools with learning materials accessible to children with disabilities, and training teachers in inclusive education. These are objectives recognised by the Ministry of Education and Vocational Training,[81] but if they are not followed up with specific budget allocations, it is hard to meet them. It is also very difficult to establish the effectiveness of any programmes aimed at promoting inclusive education if budgets are not transparently allocated to such programmes.

The lack of disaggregated data is also preventing the authorities from coordinating funding from various sources. There are private and church donors providing inclusive education in Tanzania,[82] and international aid is also available.[83] By using these donors strategically, the government could multiply the effects of its own programmes aimed at promoting inclusive education. It is hard to achieve that if the government does not design any programmes for this specific task and does not allocate a budget for them.

[81] CCBRT (n. 5) 9.
[82] 'Initial Reports of States Parties Due in 1993: United Republic of Tanzania' (n. 8) [276].
[83] CCBRT (n. 5) 5.

It can be concluded that despite the recent surge in the amount of recurrent spending, the state budget is financing services in which persons with disabilities have not been mainstreamed, and therefore cannot access them, contrary to the requirements of Article 24(2) of the CRPD. Transformation of the services to make them adaptable to the needs of children with disabilities is not an identified priority in either recurrent spending or development spending.[84]

Tanzania is among the world's least developed countries; therefore, the lack of resources constitutes an important obstacle in fulfilling the right to education of children with disabilities. It is thus especially important that the government uses its funds effectively. Tanzania allocated a significant proportion of its budget to develop education services which were not adapted to the needs of children with disabilities. Currently it fails to design specific programmes and to allocate funds to transform existing services and to develop inclusive services, while continuing to spend a significant proportion of its budget on an education system which children with disabilities could access only accidentally. Confronting this issue explicitly is not only a question of budget; it is also a question of recognising the problem and having the political will to resolve it.

III VIETNAM

Vietnam is a developing country, with an estimated GDP per capita of 2,321 USD. It is one of the remaining socialist states of the world, although it has undergone significant transformation to introduce market capitalism, and is currently one of the fastest growing economies.

1 *Vietnam's Education Sector*

Vietnam's recent history was marked by wars. The liberation war after World War II against the French colonisers ended in 1954. The country was then divided into a communist North Vietnam and a Western-oriented South Vietnam. North Vietnam defeated South Vietnam and its allies by 1975 and unified the country.

The long period of wars devastated the country's economy and infrastructure. This seriously affected the education sector as well. In 1992, Vietnam was still suffering from a shortage of teachers and schools.[85] There was no

[84] Ibid. 9.

[85] Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Initial Reports of States Parties Due in 1992: Viet Nam' (22 October 1992) CRC/C/3/Add.4 [202].

guaranteed free primary education.[86] Teachers were badly trained and paid, while pupils' parents had to complement their salaries to keep them teaching.[87] Parents also had to pay for schoolbooks and for the maintenance of school buildings,[88] practices still prevalent today.[89]

As a result of the deplorable state of the education infrastructure, many children were not going to school at all.[90] A growing number of children worked on farms in rural areas and in urban centres, involved in illegal activities such as prostitution and drug trafficking.[91]

The government's priority at that time was to increase the education budget to raise enrolment rates and the quality of education.[92] Nonetheless, the education of children with disabilities did not appear among the government's or the CRC Committee's concerns.[93]

To meet its education goals, the government increased its spending on education from 12.7 per cent of the state budget in 1995 to almost 15 per cent in 1998,[94] which further increased to 20 per cent by the beginning of the new century.[95] The government also encouraged private individuals and organisations to invest in education.[96] As a result, several private schools were established, attracting a significant proportion of pupils. By 2001, 34 per cent of pupils of secondary schools were attending private institutions, which children from poorer families could hardly afford.[97] In the state sector, despite the constitution guaranteeing

[86] Committee on Economic, Social and Cultural Rights, 'Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the Covenant: Concluding Observations of the Committee on Economic, Social and Cultural Rights: Viet Nam' (9 June 1993) E/C.12/1993/8 [10].

[87] 'Initial Reports of States Parties Due in 1992: Viet Nam' (n. 85) [202].

[88] Ibid. [203].

[89] Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Concluding Observations: Viet Nam (Third and Fourth Reports)' (22 August 2012) CRC/C/VNM/CO/3–4 [67].

[90] 'Initial Reports of States Parties Due in 1992: Viet Nam' (n. 85) [201].

[91] 'Concluding Observations of the Committee on Economic, Social and Cultural Rights: Viet Nam' (n. 86) [10].

[92] 'Initial Reports of States Parties Due in 1992: Viet Nam' (n. 85) [204].

[93] 'Concluding Observations of the Committee on Economic, Social and Cultural Rights: Viet Nam' (n. 86) [10].

[94] Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Periodic Reports of States Parties Due in 1997: Viet Nam (Second Report)' (5 July 2002) CRC/C/65/Add.20 [207].

[95] Committee on Economic, Social and Cultural Rights, 'Consideration of the Combined Second to Fourth Periodic Reports of States Parties Due in 2005 under Articles 16 and 17 of the Covenant: Vietnam' (14 March 2013) E/C.12/VNM/2–4 [526].

[96] 'Periodic Reports of States Parties Due in 1997: Viet Nam (Second Report)' (n. 94) [202].

[97] 'Consideration of the Combined Second to Fourth Periodic Reports of States Parties Due in 2005 under Articles 16 and 17 of the Covenant: Vietnam' (n. 95) [507].

free primary education, out-of-pocket payments relating to education continued to be imposed in practice, preventing the enrolment of some children.[98] Overall, the government achieved significant results in increasing the enrolment rate. However, the cost of education in both the private and the public sectors has had a disproportionate impact on some vulnerable categories of children, mainly children from ethnic minority and immigrant communities,[99] children living in remote areas such as mountains and the Mekong Delta and children with disabilities.[100]

2 *The Education of Children with Disabilities in Vietnam*

The lack of attention towards the education of children with disabilities can be seen from the statistics gathered by the government. The authorities are unaware of the real number of children with disabilities who do not attend schools.[101] In 1992, the government reported that it estimates that there are about 1 million children with disabilities in the country.[102] Special education was provided only to deaf, mute and blind children, and even so it was in a very limited way. In one third of the country's provinces, no education was provided to children with disabilities at all.[103]

By 2002, the government reported that only 200,000 children with disabilities lived in Vietnam.[104] Presumably this decline in reported numbers was caused by many children being invisible for the education authorities and not appearing in the statistics. The government admitted that it has no comprehensive system of data collection on children with disabilities,[105] and was therefore unaware of the needs of most of those not attending schools.[106] From the reported 200,000 of whom the government was aware, only 42,000 attended integrated schools in forty-two provinces of the country (out of fifty-eight).[107] An additional 4,000 children attended a network of eighty special schools.[108]

[98] 'Concluding Observations: Viet Nam (Third and Fourth Reports)' (n. 89) [67].
[99] Ibid.
[100] Ibid. [17].
[101] Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Concluding Observations: Viet Nam (Second Report)' (18 March 2003) CRC/C/15/Add.200 [16].
[102] 'Initial Reports of States Parties Due in 1992: Viet Nam' (n. 85) [174].
[103] Ibid. [175].
[104] 'Periodic Reports of States Parties Due in 1997: Viet Nam (Second Report)' (n. 94) [168].
[105] 'Concluding Observations: Viet Nam (Second Report)' (n. 101) [16].
[106] Ibid. [44].
[107] 'Periodic Reports of States Parties Due in 1997: Viet Nam (Second Report)' (n. 94) [170].
[108] Ibid.

Even according to the government's statistics, approximately 54 per cent of school-age children with disabilities did not attend school.[109] However, comparing the reported attendance to the estimated number of 1 million of children with disabilities gives us the astounding figure of 90 per cent of school-age children with disabilities not enrolled in schools.[110] Many lived outside of the authorities' attention, not having access to rehabilitation services besides being unable to attend school.[111]

The government was heavily criticised for this dire state of affairs by the Committee on Economic, Social and Cultural Rights (CESCR Committee), and took steps in the following years to remedy it.[112] By 2011, it claimed to have established and developed an education system for children with disabilities nationwide.[113] At that time, persons with disabilities constituted 6.63 per cent of Vietnam's population. Among them were 1,150,000 children with six main disabilities.[114] Integrated education has been expanded to sixty-three provinces, where more than 7,000 children attended nearly 100 special schools. The number of children integrated into mainstream schools rose to 70,000 by 2003, and to 230,000 by 2006.[115] According to the government, nearly half of all school-age children with disabilities were enrolled in some kind of educational programme.[116]

The accessibility of mainstream schools was still limited,[117] and so was the quality of education. The government took a number of steps to enrol and keep children with disabilities in schools, such as exempting them from tuition fees and other contributions.[118] Education management officers were appointed to schools, and teachers were trained in inclusive

[109] This figure rests on a rough estimate of children of primary school age (six to fourteen years old) comprising approximately half of all children.

[110] Similarly, the number of primary school-age children with disabilities was estimated to comprise 50 per cent of the estimated 1 million children with disabilities.

[111] 'Concluding Observations: Viet Nam (Second Report)' (n. 101) [43].

[112] Ibid. [44].

[113] Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Third and Fourth Periodic Reports on the Implementation of the Convention in the Period 2002–2007: Viet Nam' (25 November 2011) CRC/C/VNM/3–4 [85].

[114] Ibid. [191].

[115] Ibid. [220].

[116] Committee on the Rights of the Child, 'List of Issues Concerning Additional and Updated Information Related to the Consideration of the Third and Fourth Combined Periodic Reports of Viet Nam (CRC/C/VNM/3–4): Written Replies of Viet Nam' (24 May 2012) CRC/C/VNM/Q/3–4/Add.1 [32].

[117] 'Third and Fourth Periodic Reports on the Implementation of the Convention in the Period 2002–2007: Viet Nam' (n. 113) [195].

[118] Ibid. [220].

education.[119] The effectiveness of these steps, however, is dubious.[120] Teachers, for example, reported that they felt unprepared to teach children with disabilities, as the training was so short and simple that it did not provide them with enough skills.[121] There has been a lack of equipment, tools and materials for teaching children with disabilities.[122] As the policy initiatives were not supported by an adequate budget, their implementation relied on the voluntary efforts of teachers and school staff, putting their sustainability in doubt.[123]

Despite the authorities' attempts to enrol children with disabilities in schools, it seems that unfounded perceptions of disability were undermining the efforts at integration.[124] In the past, families of children with disabilities did not consider it necessary or even useful to enrol their children in schools.[125] These attitudes were changing very slowly despite public awareness campaigns.[126]

Public policies often strengthened rather than undermined the widespread stigma[127] against children with disabilities.[128] Despite official statements to the contrary, public policies were underlined by an outdated medical model of disability, which considers that barriers to inclusion stem from persons' impairments rather than from social and economic structures surrounding them.[129] Discrimination against children with disabilities was not prohibited, despite laws emphasising their needs.[130] For example, the 1998 Education Law stressed that the state should create favourable conditions for the enrolment of children with disabilities in school, but did not make education an enforceable right for children with disabilities.[131] Nor did the 2005 Law on Education.[132]

[119] 'List of Issues Concerning Additional and Updated Information Related to the Consideration of the Third and Fourth Combined Periodic Reports of Viet Nam (CRC/C/VNM/3–4): Written Replies of Viet Nam' (n. 116) [109].
[120] 'Concluding Observations: Viet Nam (Third and Fourth Reports)' (n. 89) [56].
[121] Van Anh and others (n. 5) 55.
[122] 'Concluding Observations: Viet Nam (Third and Fourth Reports)' (n. 89) [55].
[123] Van Anh and others (n. 5) 55.
[124] 'Concluding Observations: Viet Nam (Third and Fourth Reports)' (n. 89) [56].
[125] Van Anh (n. 5) 45.
[126] Ibid. 55.
[127] 'Concluding Observations: Viet Nam (Third and Fourth Reports)' (n. 89) [56].
[128] János Fiala-Butora and Michael Ashley Stein, 'The Law as a Source of Stigma and Empowerment: Legal Capacity and Persons with Intellectual Disabilities' in Katrina Scior and Shirli Werner (eds), *Intellectual Disability and Stigma: Stepping Out from the Margins* (Palgrave Macmillan 2016) 196.
[129] 'Concluding Observations: Viet Nam (Third and Fourth Reports)' (n. 89) [55].
[130] 'Concluding Observations: Viet Nam (Second Report)' (n. 101) [22].
[131] 'Consideration of the Combined Second to Fourth Periodic Reports of States Parties Due in 2005 under Articles 16 and 17 of the Covenant: Vietnam' (n. 95) [490].
[132] Ibid. [493].

Besides sending the wrong messages, state policies also had undesired consequences. The 2010 Law on Persons with Disabilities, for example, was ineffective in combating discrimination and in fact promoted segregated education and employment.[133] The CRC Committee recommended that Vietnam ratify the Convention on the Rights of Persons with Disabilities and that the country revise its policies to develop a rights-based approach towards the education of children with disabilities.[134] Vietnam signed the CRPD in 2007,[135] and ratified it in 2015, but did not create an effective legislative framework for enforcing non-discrimination provisions of international treaties.[136]

3 *Budgeting as an Obstacle to Policy Implementation*

As the foregoing historical excurse shows, Vietnam has to overcome several obstacles in fulfilling the right to education. The country experienced a very low attendance rate of children generally in the 1970s due to an insufficient school network. As a response to low attendance, the government made primary education formally free and compulsory, and took steps to make it available to most children. To implement the policy of free education, the government gradually increased the proportion of its budget spent on education from 8 per cent in 1990 to 15 per cent in 2000,[137] and to 20 per cent by 2008,[138] which constituted 5.6 per cent of the GDP.[139] The funds were used to build schools and to train teachers, and were generally successful in increasing the enrolment rates.

The government was less successful in enrolling children from more remote communities, and children who required a modification of the universal school curriculum, such as children from minority communities and children with disabilities. This reflects an underlying short-term cost-benefit analysis: it was cheaper to concentrate on children whose education needs required less investment. This approach perhaps had its benefits, but it is not necessarily the most effective in the long run, if the goal is to enrol all children into the mainstream educational system.

[133] Committee on Economic, Social and Cultural Rights, Concluding Observations on the Second to Fourth Periodic Reports of Viet Nam (15 December 2014) E/C.12/VNM/CO/2–4 [15].
[134] 'Concluding Observations: Viet Nam (Third and Fourth Reports)' (n. 89) [56].
[135] 'Consideration of the Combined Second to Fourth Periodic Reports of States Parties Due in 2005 under Articles 16 and 17 of the Covenant: Vietnam' (n. 95) [90].
[136] Concluding Observations on the Second to Fourth Periodic Reports of Viet Nam (n. 133) [13].
[137] 'Consideration of the Combined Second to Fourth Periodic Reports of States Parties Due in 2005 under Articles 16 and 17 of the Covenant: Vietnam' (n. 95) [526].
[138] Ibid. [527].
[139] Ibid. [526].

Children with disabilities were not at the forefront of education reform until the 1990s. When the government's attention turned to them, extra funds were allocated to increase the enrolment of children with disabilities. So far, the effects have been limited for several reasons.

Funds allocated to the education of children with disabilities fall into two main categories. Children with disabilities were exempt from tuition and other out-of-pocket expenses,[140] including contributions to building and renovating school buildings. The amount spent on reduction of school fees made up the largest part of the expenses relating to disability, reaching VND 120 billion in 2013 (more than 5 million USD).[141] Although the government claims the exemption was full,[142] this depended on local policies. The government allocates approximately 25,000 to 30,000 VND (CCA 1.10 to 1.30 USD) yearly for every child with a moderate disability, which covers around half of the school fees. Children with severe disabilities receive twice this amount, exempting them fully from paying the school fees.[143]

The other significant expense, around VND 100 billion in 2013 (CCA 4.4 million USD), was used to subsidise books and other learning materials for children with disabilities.[144] About 20,000 to 30,000 VND (CCA 0.9 to 1.30 USD) was allocated for children with severe disabilities, and around half of this sum for children with moderate disabilities.[145]

It can be argued that the government took the wrong approach by addressing the exclusion of children with disabilities from schools as a question of social deprivation. However, in Vietnam, access to education in fact has been, at least in part, a question of social deprivation. Persons with disabilities were disproportionately rural and poor: 87.2 per cent lived in rural areas, and one third of their households were classified as poor by the government.[146] Case studies found an even higher rate; in the district of Vinh Tuong, 38 per cent of children with disabilities lived in poor families compared to the provincial average of 2.7 per cent.[147] Given that the high cost of education was a nationwide problem,[148]

[140] Ibid. [492].
[141] Ibid. [228].
[142] 'Third and Fourth Periodic Reports on the Implementation of the Convention in the Period 2002–2007: Viet Nam' (n. 113) [220].
[143] Van Anh and others (n. 5) 53.
[144] 'Consideration of the Combined Second to Fourth Periodic Reports of States Parties Due in 2005 under Articles 16 and 17 of the Covenant: Vietnam' (n. 95) [228].
[145] Van Anh and others (n. 5) 54.
[146] 'Consideration of the Combined Second to Fourth Periodic Reports of States Parties Due in 2005 under Articles 16 and 17 of the Covenant: Vietnam' (n. 95) [220].
[147] Van Anh and others (n. 5) 32.
[148] 'Concluding Observations: Viet Nam (Third and Fourth Reports)' (n. 89) [67].

it is not surprising that many families could not afford to send their children with disabilities to school. Or, rather, based on the widespread disbelief about the usefulness of education for children with disabilities, families did not consider it worthwhile to invest in their children's education.[149]

In these circumstances it seems defensible for the government to alleviate the costs of education for children with disabilities. Indeed, that was one of the recommendations of the CRC Committee.[150] The problem, rather, is that very little funds were allocated to meet other expenses, such as training teachers in inclusive education and making schools accessible. The reasons only partly have to do with the lack of funds.

Vietnam adopted a policy to allocate a per capita expenditure norm 63 per cent higher for the education of children with disabilities compared to children in general: 800,000 VND/pupil with disabilities (CCA 35 USD) compared to the general norm of 490,000 VND (CCA 21.5 USD).[151] However, very few children in fact benefit from this higher amount; in 2000, only 3,900 did.[152] In fact, the budget per child in schools is much lower than the official amount at around 242,000 VND per child (CCA 10.5 USD), and is not dependent on the number of children with disabilities enrolled.[153] This can be explained by the fact that the extra amount is utilised only in the case of children who are accommodated in the educational process. For the vast majority of children with disabilities, the goal is not accommodation, but simply enrolment, which is achieved through the aforementioned subsidies on school fees and learning materials. This, of course, is helping only those children with disabilities who can participate in the education without accommodations. Those who would require modifications to the teaching process are left behind, despite official public policy to the contrary.

This state of affairs goes contrary to the requirements of Article 24 of the CRPD. Vietnam is required to identify the obstacles to inclusive education, to take measures to overcome the obstacles under Article 24(4) of the CRPD and to commit resources to these measures under Article 4(2) of the CRPD. While the state adopted national-level policies to foster inclusion, these only have a declaratory effect in practice and are insufficient to meet the state's obligations under the CRPD. Measures ensuring effective integration on the school and individual levels are lacking in Vietnam. Children with disabilities who need accommodation to enrol in schools are not benefitting from specific

[149] Ibid. [56].
[150] 'Concluding Observations: Viet Nam (Second Report)' (n. 101) [44].
[151] Van Anh and others (n. 5) 27.
[152] Ibid.
[153] Ibid. 49.

measures taken by the government to overcome the obstacles they are facing, as Article 24(2)–(4) requires, nor are sufficient resources allocated to policies aimed at helping them.

The poor implementation of state policies can be explained by the complexity of the budget-planning process. Vietnam's state education budget is divided among the provinces, which transfer funds to districts, and these fund individual communities where schools are located. The budget is balanced at the province level,[154] and lower levels play a minor role in planning.[155] The planning process mostly takes place at the provincial level, using numbers supplied by local authorities based on previous years. The main budget items such as salaries and social insurance are clearly defined. The district authorities report to the provincial level the schools' approved manpower items, upon which a budget is prepared on the provincial level.[156] Schools have very little opportunity to influence this process. They are only given a budget to implement, without knowing how it was prepared.[157]

This difficult and complex process results in very rigid budgets, which mostly reflects existing activities rather than future policies.[158] As a result, the budget is not sufficiently adequate to meet new education priorities, such as accommodating pupils with disabilities in schools.[159] Any expansion of planned activities can only be incremental, which means quite a degree of lag between planned activities and budget allocation.[160]

The budget's rigidity is underlined by the fact that very few provinces can increase it from their own resources. Rich cities like Hanoi, Ho Chi Minh City or Vung Tau spend 22 per cent, 20 per cent and 19 per cent of their budget on education. The national average, however, is 26 per cent, and it is above 30 per cent in some poorer provinces.[161] This does not reflect a strong commitment to education in poorer provinces. Quite the contrary, it shows that even fulfilling the central government's mandate on the number of schools and teachers is straining their budget, and provides little scope for flexibility and additional funds from the provinces themselves.

The resulting budgets for schools are spent on two major expenses. The vast majority, around 95 per cent, is spent on teachers' salaries, including

[154] Ibid. 39.
[155] Ibid. 57.
[156] Ibid. 48.
[157] Ibid.
[158] Ibid. 57.
[159] Ibid. 5.
[160] Ibid. 42.
[161] Ibid. 40.

mandatory social security contributions.[162] The remaining 5 per cent is mostly spent on books and other teaching materials.[163] Renovation and other costs are covered by local communities', mostly parents', contributions. Parents also pay subsidies towards teachers' salaries to keep them at work.

The way budgets are allocated means that schools have little possibility to cover additional expenses to accommodate pupils with disabilities. Children with disabilities are not even taken into account during the planning process if they do not yet attend schools.[164] If they do attend school, in terms of expenditures they are taken into account as regular pupils, not considering the cost of any accommodations they might have received.

There is one major expense reported by schools that keeps schools from enrolling more children with disabilities; teachers require subsidies for teaching children with disabilities due to the increased workload.[165] Reportedly, two groups of children especially require extra effort from teachers, for which they require extra pay – children with paralysis and epilepsy, who make up about 20 per cent of pupils with disabilities.[166] Schools are meeting these demands by contributions from the community, or by increasing the teacher-to-student ratio. One local-level analysis revealed that from the twenty teachers whose salary was allocated to Binh Duong I school, only fifteen were in fact teaching.[167] The salaries of the remaining five teachers were presumably used as contributions to the salaries of those teaching.

According to the calculations of Van Anh and colleagues, the education budget would have to be increased by less than 1 per cent for schools to have enough funds to supplement teachers for the extra workload related to teaching pupils with disability.[168] This does not seem to be an extravagant amount; in fact, Vietnam's education budget has been growing steadily, therefore an increase of 1 per cent does not seem hard to accommodate.[169] Of course, this would require a change in the education planning process, so that the amount indeed gets allocated for this specific purpose on the school level.

Increasing teachers' subsidies might be a necessary precondition for the enrolment of children with disabilities, but it does not in itself result in inclusive education. Indeed, many teachers report that they feel unable to

[162] Ibid. 49.
[163] Ibid. 42.
[164] Ibid. 41.
[165] Ibid. 49.
[166] Ibid. 53.
[167] Ibid. 47.
[168] Ibid. 53.
[169] 'Consideration of the Combined Second to Fourth Periodic Reports of States Parties Due in 2005 under Articles 16 and 17 of the Covenant: Vietnam' (n. 95) [527].

teach pupils with disabilities, as the little training they received did not equip them with the necessary skills.[170] This goes contrary to the requirements of Article 24(4) of the CRPD, which mandates the training of teachers at all levels of education. Schools also do not have the funds to make their buildings and the teaching process itself accessible, as CRPD Article 24(2) requires. Some are able to provide teaching materials to children with different types of sensory impairments from community contributions; others are not. This falls short of Article 24(2) of the CRPD, which makes it the States Parties' obligation to support children with disabilities in the education process to facilitate their effective education.

Building inclusive education would require the transformation of the educational process, where teacher training and educational materials would be the starting point. This could be achieved if schools were able to play a more active role in estimating the costs necessary to accommodate pupils with disabilities, and to report on expected expenditures.[171] State budget might or might not be able to cover all the costs from the very beginning, but the current situation (where the inflexibility of the budget process ignores these expenses in the planning phase) is inadequate to meet international obligations. A more effective approach would recognise the rights of children with disabilities to accommodation and support in the education process. National policies should include specific steps implementing support measures overcoming obstacles to inclusion on the local school level with budgets allocated to specific measures. In the absence of local implementation, national policies themselves cannot be considered to constitute appropriate measures to ensure the realisation of the right to education in the meaning of CRPD Article 24(4). In the absence of these measures, Vietnam is also not allocating sufficient funds to fulfil the right to education under Article 4(2) of the CRPD.

IV CONCLUSION

The foregoing analysis showed that both Tanzania and Vietnam allocate very little of their available resources to finance inclusive education. While both countries have made progress in expanding their educational sector to raise enrolment rates of children in general, the needs of children with disabilities were not at the forefront of their education reforms. As a result, new schools were built and teachers were trained without considering how the education

[170] Van Anh (n. 5) 55.
[171] Ibid. 53.

process can be accessible to children with disabilities – contrary to the requirements of Article 24(2) of the CRPD.

Currently, both countries recognise the importance of inclusive education, and have adopted laws and other public policy documents to promote it. However, inclusive education must be introduced now into an already established school system. This means refitting buildings, retraining teachers and redesigning teaching materials at a substantially higher cost than it would cost to build, train and design these initially in an inclusive way. Both countries' experience seems to underline that short term cost-benefit analyses are insufficient to fulfil the right to education. While ignoring accessibility requirements possibly might have allowed expanding infrastructure faster and cheaper at early stages of development, making education accessible to all will come at a higher cost at later stages. Investing in inclusive education from the beginning might not be only the option required by human rights treaties, such as Article 24 of the CRPD, but also the more cost-effective one in the long run.

For this reason it is regrettable that UN human rights bodies at early stages of reporting paid little attention to the situation of children with disabilities in their concluding observations. There is some indication that Vietnam and Tanzania started taking steps to improve the situation of children with disabilities once the CRC Committee and the CESCR Committee reminded them of their obligations. At least there is a strong overlap between the committees' observations to that effect and the countries' resulting steps as evidenced in subsequent reports. Unfortunately both committees ignored the issue of inclusive education when reviewing early reports, at times when it could matter the most – when the countries were developing their education systems. This underlines the need for the adoption of the Convention on the Rights of Persons with Disabilities, since as Stein notes, without the CRPD persons with disabilities had 'implied but not actual human rights protection'.[172] Fortunately, in later stages of reporting, both the CRC Committee and the CESCR Committee endorsed inclusive education and prompted Tanzania and Vietnam to take action. Hopefully these committees will also endorse the CRPD Committee's approach to inclusive education as expressed in its General Comment No. 4.

Another shortcoming in promoting inclusive education in both Tanzania and Vietnam stems from a lack of dedicated budget lines to implement otherwise progressive policies. This falls short of the CRPD Committee's General Comment No. 4, which recommends transferring budgets to develop

[172] Michael Ashley Stein, 'Disability Human Rights' (2007) 95 *California Law Review* 75, 82.

inclusive education.[173] Children in both countries face obstacles that are identified in Article 24(4) of the CRPD as typical barriers to inclusive education. States Parties are required to adopt specific steps to overcome these barriers, and to allocate sufficient resources to these specific measures under Article 4(2) of the CRPD. However, both Tanzania and Vietnam commit a very small proportion of their state budgets to measures specifically dedicated to fulfil the right to inclusive education. Education materials adapted to the needs of children with disabilities are either non-existing or not fully covered by the state; teachers are poorly, if at all, trained to teach children with disabilities. These shortcomings violate the states' obligations under Article 24 of the CRPD, and the guidelines provided by the CRPD Committee in General Comment No. 4.

In Tanzania, it is hard to analyse the issue because the authorities are not disaggregating data on disability, contrary to the requirements of Article 31(2) of the CRPD, therefore it is hard to assess the effectiveness of budget use. In general, however, there is a shortage of funds allocated to promote inclusive education, so steps can only be taken by schools from their own resources. While it is commendable that the authorities are in favour of mainstreaming on all levels, this should not mean losing control over the specific situation of persons with disabilities. Mainstreaming can only work if the government knows precisely how children with disabilities are doing in the education sector, what interventions are needed to help them and how effective these turn out.

In Vietnam, the problem stems not from the lack of funds as such, but the very rigid budgetary process which hinders the implementation of official policies. The needs of children with disabilities do not reach the specific administrative levels most important for determining future budgets of specific schools where these children will study. In this situation, it is up to the schools to meet children's needs on their own initiative and from their own resources, which are scarce. It is not a surprise that in both countries a significant number of children with disabilities do not attend school. Enrolment is open mostly to those who do not need a major adaptation of the education process, which leaves children with more severe disabilities behind. The education sector thus falls short of several criteria of the right to education identified by the CESCR Committee and endorsed by the CRPD Committee in General Comment No. 4: it is not accessible to persons with disabilities, it is not acceptable as it does not

[173] General Comment No. 4 (n. 3) [39].

provide a good-quality education to pupils with disabilities and it is not adapted to the needs of children with disabilities.[174]

Both countries can hardly be seen as utilising their existing resources effectively to promote inclusive education. They are not committing sufficient financial resources as required by General Comment No. 4.[175] Hopefully, their experience will be informative for other developing countries to commit to long-term economic analysis to include children with disabilities from the beginning of education reform, and to include disability as a factor on all levels of policy and budget planning.

[174] Ibid. [19].
[175] Ibid. [67].