

LNFOOD POLICY BRIEF ON THE MANDATE OF THE MINISTRY OF  
EDUCATION AND TRAINING TOWARDS REALIZATION OF  
EFFECTIVE IMPLEMENTATION OF THE LESOTHO INCLUSIVE  
EDUCATION POLICY.



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## Executive Summary

This is a policy brief on the implementation of inclusive education for accommodation of learners with special education needs in Lesotho. It forms part of the advocacy initiative by the Lesotho National Federation of Organizations of the Disabled (LNFOD) to support the Special Education Unit in fulfilment of its mandate to promote and facilitate the implementation of inclusive education in Lesotho. Accordingly, the brief focuses on the implementation of the Inclusive Education Policy that was adopted by the Ministry of Education and Training in 2018 to fast track the implementation of inclusive education in all departments under the Ministry. Therefore, the policy brief is directed to the Principal Secretary (PS) of the Ministry of Education and Training, all Chief Education Officers and managers from all departments. The aim is to trigger the discussion on how the institutional capacity of the Ministry of Education can be strengthened and supported to address all barriers hampering effective implementation of the Inclusive Education Policy in Lesotho.

The Policy Brief argues that although there is significant progress in legal reform towards inclusive education since the Constitution of Lesotho 1993 through laws like the Education Act 2010, the Children's Protection and Welfare Act 2011, the Inclusive Education Policy 2018 and the newly enacted Persons with Disabilities Equity Act 2021, in practice, these legal reforms have not translated into change in access to quality education for learners with disabilities. This is notwithstanding the fact that the government adopted the Education Sector Plan 2016-2026 to facilitate provision of inclusive quality education for all.

The Special Education Unit was established in 1991 with not more than 12 officers serving the entire country and thirty-two years later, the unit still operates with this limited number of officers. The unit is among others mandated to promote integration of learners with disabilities into the regular school system at all levels and to provide budgetary support for special education initiatives intended to improve diverse educational needs of learners with special education needs. The situation related to the enrolment of learners with special education needs at the different levels of education system in Lesotho as analysed under the Inclusive Education, 2018 is admittedly worrisome in that the special education unit is understaffed. This hinders significantly the execution of its mandate, a long overdue ordeal that calls for a rapid shift in approach for overturning the situation to speedy the overall implementation process and monitoring and evaluation of special education activities in Lesotho. Based on the challenges identified especially within the Special Education Unit and beyond, the policy brief has adopted recommendations for decision makers invited under the Ministry of Education and Training.

Challenges identified under the policy brief are as follows:

- a. The Ministry of Education and Training has not adopted the Inclusive Education Policy 2018 strategic or implementation plan to guide the strategic implementation of inclusive education in Lesotho by stakeholders since the Inclusive Education Policy came into force.
- b. The special education unit has not been officially transformed into the inclusive education department as in accordance with the Inclusive Education Policy 2018, thereby re-enforcing or endorsing segregated education system in theory and practice.
- c. The structure of the special education unit is still very small and has no direct representation at managerial level as it has not fully transformed into the inclusive education department, with chief education officer who will represent in key decision making within the Ministry.

- d. The special education unit is currently under-staffed with limited knowledge and skills on disability rights and the right inclusive education within the scope of the United Nations Convention on the Rights of Persons with Disabilities to effectively implement and manage the inclusive education mandate of the unit across the country.
- e. Over the years, there has been no evidence of budget allocation from the government on inclusive implementation and the special education unit has relied solely on external donors for funding to implement its activities.
- f. The current data collection tools used by the Ministry of Education fails capture accurate data on all children with disabilities in school because it is not aligned to international standards on inclusive data collection tools.

The policy brief makes the following recommendations to the decision makers within the Ministry of Education and Training to fast-track access to inclusive education in Lesotho.

- a. There is urgent need for the Ministry to conduct external evaluation for the implementation of inclusive education from 2018 – 2023 and to develop and implement inclusive education action plan on the implementation of Inclusive Education Policy 2018.
- b. Urgently change the official use of “special education unit” to inclusive education department in accordance with the Inclusive Education Policy 2018.
- c. Draw and adopt the structure of the transformed inclusive education department, introducing the office of a Chief Education Officer Inclusive Education accountable directly to the Principal Secretary under the Ministry.
- d. Build the capacity of current staff under the unit in disability rights and the right to inclusive education within the meaning of the United Nations Convention on the Rights of Persons with Disabilities and hire more competent staff under the unit to effectively implement and manage the inclusive education mainstreaming mandate of the unit across the country. Also design and adopt the inclusive education curriculum to annually train managerial staff or any staff in need on the right to inclusive education.
- e. It is necessary to earmark the budget specifically for the strengthening of the special education unit structure and the carrying out of the mandate including implementation through awareness raising and the oversight mandate.
- f. The data collection capturing data on children with disabilities in the Ministry of Education should be revised to align with international standards like the Washington Group of Questions to promote inclusion in data collection.

## Introduction

Lesotho adopted the Education Sector Plan 2016-2026 in August 2016<sup>1</sup> to speedy access to quality education for all as guaranteed in several law and policy framework on the right to education in the country. The mission statement of this ten-year plan is to enhance the system that will deliver relevant and inclusive quality education to all Basotho effectively, efficiently and equitably. One of the main goals through which this mission will be achieved is through promoting gender equality and ensure empowerment of disadvantaged groups. Education for learners with disabilities is covered as a cross-cutting issue under special education. Three years to its expiration, to what extent has the government of Lesotho through the Ministry of Education and Training mainstreamed inclusive education in the education sector through practical implementation initiatives grounded in the plan and the ensuing Education Sector Analysis Plans adopted every three years by the Ministry of Education and Training under the Education Sector Plan 2016- 2023, to promote inclusive quality education for children with disabilities in Lesotho?

## Background

The Lesotho legal and policy framework in recent years points towards the zeal to promote access to quality education for all, and more specifically, access to education by children with disabilities. Progressively the Constitution of Lesotho 1993, Education Act 2010, Children's Protection and Welfare Act 2011 and most significantly the Persons with Disabilities Equity Act 2021 are in point. As far as the policy framework is concerned, directly attributable to the Education Sector Plan 2016-2026, is the development and adoption Inclusive Education Policy was adopted in 2018/2019. As far as the international context is concerned, Lesotho has direct obligations ensuing from international and regional conventions such as The Convention on the Rights of Persons with Disabilities (CRPD), the International Convention on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the African Charter on Human and People's Rights as well as the African Charter on the Rights and Welfare of the Child name but a few. The important highlight from these international and regional conventions is that all children with disabilities have a right to education and that in order for them to effectively access this right, they should be included through provision of accommodations for effective participation.

## Problem

The Lesotho Education Sector Plan 2016 -2026 recognizes inclusive education as a priority issue, categorized as a cross-cutting in providing access to quality education for all. However, seven years down the line, there appears to be chronic lack of inclusion of learners with special education needs in both special education schools and inclusive education schools. Although the Education Sector Plan emphasises that the Ministry of Education and Training (MoET) is in the process of shifting from Special Education to Inclusive Education, Special Education is said to be maintained for severe and profound disabilities until the resources ( e.g. inclusive curriculum, qualified teachers, appropriate teaching and learning materials, inclusive national assessments) for Inclusive Education are available. However, in practice it appears that this position holds even in those rare cases where the country purports to

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<sup>1</sup> Government of Lesotho, Ministry of Education and Training, (August 2016), Education Sector Plan 2016 -2026

provide inclusive education, there is still no inclusive curriculum, qualified teachers, appropriate teaching and learning materials, inclusive national assessments to ensure effective implementation.

Lack of resources for implementation of inclusive education along the similar lines is usually advanced by the government of Lesotho through the MoET as the reason for poor inclusion of learners with special needs in regular schools. The recent study by the International Commission of Jurists (ICJ)<sup>2</sup> reveals that the quality of education received by children with disabilities at both inclusive and special schools (whether public or private) falls below the standards required by the international law and Lesotho domestic laws. The study goes further to indicate that the parents therefore struggle to get their children into schools and ensure that they stay in school, and even those children with disabilities who attend school do not receive quality inclusive education on an equal basis.

Moreover, the Education Sector Plan resolved to the development and implementation of the Inclusive Education Policy to address all special education issues in Lesotho. The Policy was adopted in 2018 over and above the other strategies that are proposed in the Plan like; expansion of curricular on special education at higher education institutions, capacitation of special education unit, intensify sensitization on the issues of disability and special needs, establishment of more special and Inclusive schools at regional levels and strengthen support to special and inclusive schools. Objective 3.5 of the Inclusive Education Policy 2018 under paragraph (f) states that there is need to develop comprehensive guidelines on transformation of special schools and to ensure provision of support services and appropriate resources that best corresponds to requirements and preferences of learners with profound disability. Moreover, the Policy unequivocally mentions that integration of learners with special education needs will be abandoned in favour of a paradigm shift towards inclusive education. The goal of the Policy is to ensure that all learners with disability in Lesotho participate in school system that prepares them to function and live independently in the society and contribute positively in both social and economic development.

On the ground however, minimal information on the implementation of the policy exists and just as the ICJ in its study also indicated, LNFOD holds the same view that little progress has been made in this regard. This is mainly owing to the absence of an implementation plan for the Inclusive Education Policy to date. Despite these lucrative strategies stigma and social exclusion, financial constraints, inadequate capacity to monitor implementation, inadequate infrastructure and limited access to learning materials and training of teachers continue to persist. In fact, the ICJ in its briefing paper concludes that in Lesotho there is failure to ensure an inclusive education system for all. This is backed by the fact that, in Lesotho there is approximately 4000 schools and less than 20 of them are inclusive or special schools, which means that a significant number of non-inclusive regular schools in the country. In 2016 there were 18, 282 learners with special education needs in Lesotho were enrolled in primary schools and the most common type of disability was intellectual disability followed by visual impairment and hearing impairment respectively while secondary school enrolment was at 7395 and the difference is said to be owing to high drop outs. Finally, the learners with special education needs who enrolled in continuing education were found only in Maseru.<sup>3</sup> Moreover, persistent gaps such as stigma and social exclusion, financial constraints for implementation of existing framework,

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<sup>2</sup> ICJ, (2023). Failed Implementation: Lesotho's Inclusive Education Policy and the Continued Exclusion of Children with Disabilities, A Briefing Paper.

<sup>3</sup> Inclusive Education Policy 2018

inadequate capacity of the special education unit to monitor implementation of inclusive education and inadequate training of teachers continue to persist.<sup>4</sup>

## Conclusion

Clearly the shift towards inclusive education in Lesotho has been a blurry one as evidenced by the facts above. Accordingly, this policy brief highlights the challenges on the mandate of the Ministry of Education and Training towards realization of effective implementation of the Lesotho Inclusive Education Policy 2018 and sets forth the proposed recommendations for the Ministry.

## Challenges

Challenges identified by this brief are as follows;

- a. The Ministry of Education and Training has not adopted the Inclusive Education Policy 2018 strategic or implementation plan to guide the strategic implementation of inclusive education in Lesotho by stakeholders since the Policy came into force.
- b. The special education unit has not been formally transformed into the inclusive education department as in accordance with the Inclusive Education Policy 2018, thereby endorsing segregated education system in theory and practice.
- c. The structure of the special education unit is still very small and has no direct representation at managerial level where decisions are made at the Ministerial level as there is no chief education officer who will represent in key decision making within the Ministry in its current structure.
- d. The special education unit is currently under-staffed with limited knowledge and skills on disability rights and the right inclusive education within the scope of the United Nations Convention on the Rights of Persons with Disabilities to effectively implement and manage the inclusive education mandate of the unit across the country.
- e. Over the years, there has been no evidence of budget allocation from the government on inclusive implementation and the special education unit has relied solely on external donors for funding to implement its activities.
- f. The current data collection tools used by the Ministry of Education (e.g ER 42) fail to capture accurate data on all children with disabilities in schools because it is not aligned to international standards on inclusive data collection tools.

## Recommendations

LNFOOD therefore recommends as follows to the Ministry of Education and Training;

- a. There is urgent need for the Ministry to conduct external evaluation for the implementation of inclusive education from 2018 – 2023 and to develop and implement inclusive education action plan on the implementation of Inclusive Education Policy 2018.
- b. The Ministry of Education and Training needs to urgently change the official use of “special education unit” formally to inclusive education department in accordance with the Inclusive Education Policy 2018.

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<sup>4</sup> ICJ, (2023). Failed Implementation: Lesotho’s Inclusive Education Policy and the Continued Exclusion of Children with Disabilities, A Briefing Paper.

- c. Draw and adopt the structure of the transformed inclusive education department, introducing the office of a Chief Education Officer Inclusive Education accountable directly to the Principal Secretary under the Ministry.
- d. Build the capacity of current staff under the unit in disability rights and the right to inclusive education within the meaning of the United Nations Convention on the Rights of Persons with Disabilities and hire more competent staff under the unit to effectively implement and manage the inclusive education mainstreaming mandate of the unit across the country. Also design and adopt the inclusive education curriculum to annually train managerial staff or any staff in need on the right to inclusive education.
- e. It is necessary to earmark the budget specifically for the strengthening of the special education unit structure and the carrying out of the mandate including implementation through awareness raising and the oversight mandate.
- f. The current data collection tools for capturing data on children with disabilities in the Ministry of Education should be revised to align such with international standards like the Washington Group of Questions to promote inclusion in data so captured.