**The right to education of persons with disabilities:**

**The position of the International Disability Alliance**

**july 2015**

The International Disability Alliance and its members were active participants in the drafting of the UN Convention on the Rights of Persons with Disabilities (CRPD). The present document clarifies our intention of the meaning of Article 24 of the CRPD which calls for “an inclusive education system at all levels and lifelong learning”.

All national and global efforts to educate persons with disabilities must contribute to achieving an inclusive system which respects the following:[[1]](#footnote-1)

* Adoption of a coherent, comprehensive strategy/plan to foster fully inclusive education systems through the coordinated action of the Ministry of Education
  + At any level of education, the system is responsible for all students (e.g. preschool, primary, secondary and higher education, as well as the nature of education –public, private, formal, non-formal, lifelong learning)
  + Delivery at the national, regional and local level is by one system
  + All stakeholders coordinated by the Ministry of Education, including across Ministries and in the context of international cooperation
* Schools welcome all students from their community and arrange for individualised supports
  + Adoption of a no-rejection clause within legislation and policy, constituting an essential element of non-discrimination on the basis of disability in education, and explicit incorporation into laws, policies, regulations and trainings, of the obligation to provide reasonable accommodation in education as one of immediate effect.
  + Establishment of available and effective and legal remedies to enforce the right to inclusive education and have access to timely adjudication by independent bodies subject to judicial review such as courts or an independent national human rights mechanism.
* Inclusive pre-school programs and early intervention support is provided to children and parents including training in sign language, assistive technology, tactile non-visual skills and Braille, with comprehensive information on available options.
* Schools are accessible: inclusive education plan/strategies are coordinated with national plans on accessibility to ensure accessibility of education environments, including sign language environments, materials and methods, in particular through national sign language(s), Braille, augmentative and alternative modes of communication, easy-to-read materials and access to information and communication technologies, etc.
* Schools are based on the principles of universal design including spaces for sports, recreation and leisure to ensure that students can also engage in inclusive play as a central component to inclusive education.
* Children go to a regular school where the teachers are trained to teach children with diverse learning styles and where supports and resources are available to the teachers and students for specific needs such as adapting the curriculum, orientation skills, Braille, sign language training, hearing loops, speech-to-text, etc.
* Teacher training on inclusive education is integrated into compulsory core curricula for teaching at universities and other establishments to ensure that the values and principles of inclusive education are infused at the outset of teacher training and teaching careers, as well as ensure regular compulsory in-service and pre-service training of teachers and all school personnel on inclusive education and its pedagogy including measures to promote the training of teachers with disabilities and their recruitment, as part of the State’s inclusive education strategy.
* Multilingual education is available to respond to the linguistic needs and culturally diverse backgrounds of students and to preserve and foster their cultural identities and heritage
  + Students who are deaf have the right to be educated in their national sign language. This can be in a learning environment where the approach is bilingual and bicultural. Classes or schools for students who are deaf are based on the perspective of language and culture and not on special education. Sign language and deaf culture are an essential part of education of deaf students.
  + For students choosing to attend non-signing classes there must be reasonable accommodation using professional sign language interpretation
  + There must be engagement of a diversity of teachers, including teachers with disabilities; deaf teachers, teachers with indigenous background and of other intersecting identities to reflect the diversity of the community.

In order for States to meet their obligations to provide quality inclusive education to persons with disabilities, in addition to Article 24 they also must ensure compliance with the following articles of the CRPD:

* **Preamble:** Family members should receive the necessary protection and assistance
* **Article 2:** Definitions
* **Article 3:** General Principles: Full and effective participation and inclusion in society, and respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities
* **Article 4:** General Obligations
* **Article 5:** Equality and non-discrimination
* **Article 6:** Women with disabilities
* **Article 7:** Children with disabilities- their participation and inclusion on an equal basis with other children
* **Article 8:** Awareness-raising to overcome stigma
* **Article 9:** Accessibility
* **Article 16:** Freedom from exploitation, violence and abuse
* **Article 19:** Living independently and being included in the community
* **Article 21:** Freedom of expression and opinion, and access to information: Provide information and relevant services intended for the general public to persons with disabilities in accessible formats and languages, including sign language and tactile sign language
* **Article 23:** Respect for Home and Family: Eliminate the need for children to leave home to secure an education; ensure the teaching of inclusive comprehensive sexuality education[[2]](#footnote-2)
* **Article 27:** Work and Employment: Eliminate barriers and restrictions placed on persons with disabilities from freely pursuing careers of their choice; eliminate barriers for persons with disabilities to become teachers
* **Article 28:** Social protection
* **Article 30:** Culture, Recreation, Leisure, Sport: Ensure participation in extra-curricular activities and promote inclusive play
* **Article 32:** International cooperation: Ensure students with disabilities are included in all education financed through international cooperation
* **Article 33:** Implementation and Monitoring

In addition, full compliance with Article 24 requires compliance with other UN human rights treaties and international commitments such as the Convention on the Rights of the Child, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women, Post-2015 Sustainable Development Goals, Salamanca Declaration and Framework for Action and the Marrakesh Treaty.

There is an important and essential role for persons with disabilities, their families and their representative organisations in the design and constant improvement of education systems. In line with Article 4(3) of the CRPD, States must closely consult and actively involve persons with disabilities, including children, through their representative organisations in the design, implementation and evaluation of their inclusive education and related policies.

Further, people with disabilities should be empowered to serve as role models. They should benefit from support to participate as equal partners in education and its development processes. Professionals providing advice to families on the development of human potential should receive training on the CRPD in order to provide appropriate information and advice.

There is a need for States and the global community to pay particular attention to current trends on school assessments focused almost exclusively on academic performance through standardised testing. Not only might these methods be directly excluding students with disabilities from evaluations (such as PISA), but they may also be producing incentives contrary to the realisation of inclusive education systems.

IDA supports the recommendations by the UN Special Rapporteur on the Right to Education emitted in the 2007 Report on the Right to Education of Persons with Disabilities (Appendix A), while recognising that accomplishing the objectives contained in these recommendations requires a transformation of existing systems, not simply incremental changes. In this vein, IDA proposes that the following measures be undertaken by States as priorities:

* In States where there is an existing separate education system for students with disabilities, there should be a transformation of the regular system with the resources of the special system redirected towards the vision of inclusive education described above, including the coordinated and sustainable allocation of resources (through CRPD compliant financing) to ensure the implementation, monitoring and evaluation of inclusive education.
* In States where large numbers of persons with disabilities are still excluded from education and where few resources exist, there should be a transformation of the existing system and inclusion of students with disabilities should be a priority in all investment in education. Denial of reasonable accommodation in education can never be justified on the basis of the restricted resources of a subdivision of the State and must consider the overall view of the State’s available resources- as well as ensure the guarantee and progression of minimum core obligations enshrined in Article 24, including with respect to accessibility, and general and individualised support.

Including students with disabilities in the regular education system helps to improve the quality of education for all. The International Disability Alliance calls on all stakeholders related to national and global efforts in education, including in the implementation and monitoring of the Sustainable Development Goals 2015-2030, to ensure that the right to education of persons with disabilities is respected and that priority is given to their inclusion in quality education.

Examples of good practice of inclusive education gathered by IDA members are being posted at: [www.internationaldisabilityalliance.org](http://www.internationaldisabilityalliance.org)

**Appendix A**[[3]](#footnote-3)

Extract of “The right to education of persons with disabilities” - Report of the Special Rapporteur on the right to education, [A/HRC/4/29](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/108/92/PDF/G0710892.pdf?OpenElement), 2007

84. The Special Rapporteur recommends that States take the following steps towards ensuring an effective inclusive education system:

(a) Eliminate legislative or constitutional barriers to children and adults alike with disabilities, being included in the regular education system. In this regard States should:

- Ensure a constitutional guarantee of free and compulsory basic education to all children;

- Adopt and entrench legislation aimed at ensuring the rights of persons with disabilities;

- Ensure that legislation prohibiting discrimination in employment is adopted and enforced. This will enable persons with disabilities to become teachers;

- Ratify the Convention on the Rights of Persons with Disabilities;

(b) Ensure that one ministry is responsible for the education of both children and adults. States may therefore need to:

- Amend legislation so that the Ministry of Education is responsible for the provision of all education;

(c) Ensure that one school system is responsible for the education of all children in their region. To this end, States may need to:

- Amalgamate budgets and administration of special education and regular education within a geographical area;

- Adopt policy priorities and legislation that promotes inclusion of all students in the mainstream education system;

(d) Transform existing special education resources - special schools or classes - into resources to assist the mainstream system. To do this States may need to:

- Train special educators to serve as additional resources to regular teachers;

-Transfer students from special programmes to regular classes supported by the resource staff;

-Allocate financial resources for the adequate accommodation of all students and for technical assistance to support ministry of education officials, at the district, school and classroom level;

-Revise testing methods to ensure that accommodation is made for students with disabilities;

(e) Provide pre-service and in-service training to teachers so that they can respond to diversity in the classroom. To this end, States may therefore need to:

-Train teachers in classroom techniques such as differentiated instruction and cooperative learning;

-Encourage persons with disabilities to train as teachers;

-Use pyramid training techniques where teachers, once trained in inclusive education methodologies, teach other teachers and so on;

(f) Provide training to educational administrators and support staff on best practice in response to individual student needs. States may need to:

-Provide models of practice that provide support such as “school-based support teams”;

-Provide regular access to new knowledge on school and classroom “best practices”;

(e) Ensure that conditions that constrain teachers to teach inclusively are addressed. To do this, States may need to:

-Address class size. Smaller class sizes are generally considered to be most effective;

-Revise and adapt curriculum content in accordance with best practice;

-Ensure that school buildings and materials are accessible to children with disabilities;

-Contribute to, cooperate with and disseminate ongoing international and domestic research into best practice as it relates to inclusive education;

(f) Invest in inclusive early childhood care and education (ECCE) programmes, which can lay the foundation for lifelong inclusion of children with disabilities in both education and society. States may need to:

-Undertake a consultative process, including disabled people’s organisations and groups for parents of disabled children, to develop a national ECCE policy;

-Include ECCE in key government resource documents such as national budgets, sector plans and poverty reduction strategy papers;

(g) Provide training to parents of children with disabilities so that they know about their rights and what to do about it. Here States may need to:

-Support civil organisations, including those of parents of children with disabilities, to build capacity on the right to education and how to influence effective policy and practice;

(h) Develop accountability mechanisms in order to monitor exclusion, school registration and completion of education by persons with disabilities. States should therefore, as a minimum:

-Adopt and revise reporting mechanisms to disaggregate data on school participation. Such data should specifically include type of disability;

(i) Seek, and act upon, assistance as required. To this end, States may need to:

-Seek assistance on best practice from States and international and/or intergovernmental organizations;

-Integrate these best practices into legislative and policy frameworks;

-Where adequate resources are lacking, seek international assistance.

1. See [IDA’s submission on inclusive education](http://www.ohchr.org/Documents/HRBodies/CRPD/DGD/2015/IDA.doc)- submitted for the CRPD Committee’s day of general discussion on the right to education, April 2015 [↑](#footnote-ref-1)
2. See the [joint submission by IDA and the Centre for Reproductive Rights on inclusive comprehensive sexuality education](http://www.ohchr.org/Documents/HRBodies/CRPD/DGD/2015/IDA_CRR.doc)- submitted for the CRPD Committee’s day of general discussion on the right to education, April 2015 [↑](#footnote-ref-2)
3. For the full report see A/HRC/4/29, The right to education of persons with disabilities - Report of the Special Rapporteur on the right to education available at:

   <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/108/92/PDF/G0710892.pdf?OpenElement> [↑](#footnote-ref-3)