

A guide to Article 24

The Right To Inclusive Education

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Introduction

This guide examines the right to inclusive education for all people with disabilities and what is required to achieve an inclusive education system. It aims to help countries (from now on called **States**) meet their legal duties, but can be used by anyone with an interest in this area.

Under international law, people with disabilities are recognized as equal citizens, with the same rights as everyone else. This includes the right to quality education on the same basis as people without disabilities.

Inclusive education is the key to achieving this right. It forms an integral part of the Convention on the Rights of Persons with Disabilities (**the Convention**). This is a legally binding international agreement that many States have committed to.

Inclusive, quality education is also one of the 17 Sustainable Development Goals adopted by world leaders to tackle major global inequalities by 2030.

Despite some progress in inclusive education, huge challenges still exist. Millions of people with disabilities receive little or no education, and many more receive poor-quality education, separated from their peers.

This means that the right to inclusive education as outlined in the Convention is far from being fully realized. To address this, the Committee on the Rights of Persons with Disabilities (**the Committee**) created this guide to help States meet their duties under the Convention. The Committee is the body of experts that monitors international progress on the Convention.

What is Inclusive Education?

Inclusive education is where students of all abilities learn together in the same classroom environment. This means students with and without disabilities. It involves creating an education system where everyone can learn together and have their individual needs met.

The focus is on quality education for all, ensuring that education providers, such as schools, colleges and universities, can support all students to achieve the best outcomes and participate fully.

Inclusive education is about making system-wide changes so that all students can receive this standard of education. This means the education system must adapt to the needs of individuals, not the other way round.

In this way, inclusive education differs from exclusion, segregation and integration. This is where students with disabilities might be denied their right to education altogether, have to learn in separate schools or classrooms, or be placed in mainstream classrooms without the right support.

Why is inclusive education important?

Inclusive education is vital to achieving quality education for all, and fairer, more inclusive societies.

Better education for all

Inclusive education has a number of key benefits. Research shows that it improves education for all learners by making education more person-centred and focused on achieving better outcomes for everyone.

A fairer world

Inclusive education helps create societies based on tolerance, inclusion and social justice.

It prevents people with disabilities from being isolated and excluded from society. Instead, it enables them to participate in community life alongside everyone else. Through learning and playing together, children with and without disabilities, and their teachers and parents, can more easily understand and accept each other.

Importantly, inclusive education helps people with disabilities take their place as equal members of society. It is a vital step towards greater independence, improved social skills and opportunities to take part in the economy and society as a whole. This in turn reduces isolation, poverty, the risk of exploitation and dependence on others.

Indeed, a 2013 study by the Office of the United Nations High Commissioner for Human Rights found that only inclusive education can provide both quality education and social development for people with disabilities.

What does the Convention say about inclusive education?

In general

Article 24 is the part of the Convention concerned with education. It states that all people with disabilities have the right to education. This education should be

inclusive at all levels, including pre-school, primary, secondary and post-secondary (college, university, vocational training, adult education etc.).

Education should be available to everyone, in the communities in which they live. It should be compulsory and free at primary level and States should work towards free secondary education.

The Convention says that all people with disabilities have the right to quality education on the same basis as others. They should not be discriminated against in any way.

Achieving this involves changing the whole education system, including culture, policy and practice. All aspects of education need to be looked at and changed where necessary, such as legislation, funding, design, delivery and monitoring.

At every stage, States should be committed to an inclusive education system, in line with the Convention, and to solving any problems that stand in the way. Examples of such problems might be laws that limit people's right to education, or beliefs that girls with disabilities should not go to school or that people with certain disabilities can't be educated.

People with disabilities should not be denied their right to education at any time, including in emergency situations and humanitarian disasters.

Aims of inclusive education

Education should promote values of respect and tolerance towards all people, as well as respect for human rights.

People with disabilities should be supported to reach their full potential through the development of their talents and creativity. Opportunities for this should not be denied or limited.

Education should be a gateway to participation and inclusion in society and the realization of other human rights.

The main features of inclusive education

Inclusive education involves:

- commitment from leadership and everyone in an education setting to make inclusive education happen

- recognizing that everyone has the ability to learn
- adapting to meet the needs of each person to help them reach their full potential
- training and supporting teachers and staff so they have the right attitudes and skills
- welcoming all students equally – all students should feel valued, respected included and listened to
- building a safe, positive learning environment, with help from students to do this
- developing students' confidence to enable them to move on to further education, training or work
- developing partnerships with the wider community, including parents, teacher and student bodies and organizations of people with disabilities
- closely monitoring progress in inclusive education, with help from people with disabilities and parents and carers where relevant

Accessibility

All parts of the education system must be accessible to people with disabilities.

This includes:

- buildings
- information and communication systems
- textbooks and learning materials
- teaching methods and assessments
- support services
- classrooms and toilets
- play and sports facilities
- school transport

States should make sure that all new education buildings are accessible and that there is a timeframe for making existing buildings accessible.

States are also encouraged to use Universal Design. This is where buildings and products are designed from the start to be accessible and used by people with a wide range of abilities.

Funding should also be available for learning materials in alternative formats and technology to help students learn and participate.

Meeting individual needs

States should adopt the Universal Design for Learning (UDL) approach where possible. This is a set of principles that help teachers create a flexible learning environment.

The UDL approach recognizes that every student learns differently. This requires a flexible, creative approach to teaching and the curriculum. Teachers should be able to adapt their style to meet the diverse needs of every student. The focus is on enabling students to learn in different ways, while still achieving great outcomes.

Following on from this, there should be a move away from standard assessments and tests, towards multiple ways to assess students' progress.

In addition, education settings have an immediate duty to provide **reasonable accommodations**.

These are changes that should be made where possible to meet students' individual needs. For example, a student may need information in a certain format or language, such as sign language, special equipment or technology or extra support in the classroom. The needs of all students with disabilities should be met in this way, at no extra cost to them or their families.

To help with this, students should have personalized education plans outlining their support needs. Discussions should also take place between the education provider, the student and, where relevant, the parents, to agree on what is needed or possible.

There may be cases when reasonable accommodations are not possible, for example due to lack of resources. However, States should be working towards an inclusive education system and should not use the excuse of high costs and lack of resources to avoid this.

Education close to home

It is not acceptable for children to have to travel far away from home to primary or secondary school. Their school should be within safe, physical distance of where they live.

Qualified staff

Teachers at all levels of education should have the commitment, values and skills to teach in an inclusive way. Inclusive education should be fully integrated into teacher training and practice, and teachers should receive ongoing support and education.

Recruiting teachers with disabilities is a good way to promote equal rights for people with disabilities and provide important role models.

What States should do immediately

States should be working as quickly as possible towards a full inclusive education system. This is called progressive realization. They should not do anything that slows progress or prevents this from happening without very good reason.

Although not everything may be possible straight away, there are certain things that States should act on immediately.

For example:

- **Non discrimination** – removing any forms of discrimination that stop people with disabilities from getting an education
- **Reasonable accommodations** – making adjustments to meet individual needs
- **Compulsory, free primary education for all children with disabilities**
- **Implementing a national education strategy that covers all levels of education**

How inclusive education relates to other rights in the Convention

States should work towards societies where everyone is fully included, and resolve any problems that prevent this. They need to consider the principles and rights within the Convention at every step of the way.

These include:

- making sure people with disabilities are not discriminated against and have equal protection from the law
- respect for the rights of people with disabilities
- accessibility
- supporting people with disabilities to make their own choices and express themselves freely
- ensuring equal access to education for women and girls with disabilities and ending discrimination and violence against them
- considering what is best for the child at all times
- ensuring children with disabilities have a voice, are listened to and taken seriously – children should get the support they need with this
- making sure children can have a say in all aspects of their education, and that there is an easy way to complain if they don't get their education rights
- raising awareness of disability and challenging harmful beliefs and practices
- stopping all forms of violence and abuse against people with disabilities, including corporal punishment and bullying. Involving all students in developing discipline and bullying policies
- protecting the right of people with disabilities to community and family life through moving people out of long-stay institutions into the community
- ensuring people with disabilities can travel independently, through the use of transport, mobility aids or other support and training
- providing good healthcare, including accessible health, hygiene, nutrition and sex education programmes to ensure students are not held back by poor health or lack of suitable care
- providing rehabilitation and habilitation services early on, to support students' independence and wellbeing

- equipping people with disabilities with the skills and confidence to get a job and participate in public and political life
- ensuring that people with disabilities are not excluded from any cultural, leisure, sports or play activities
- working with other countries and making inclusive education part of all international plans and programmes. This should include training, support, sharing of good practices, research, funding and access to assistive technologies (equipment or resources that can help people learn and join in)

The Committee's recommendations to States

The Committee has identified a number of challenges facing States in creating an inclusive education system. It suggests that States put in place the following measures to overcome these challenges:

Whole government approach

The whole government must commit to inclusive education. It cannot be achieved by education departments alone.

On the other hand, responsibility for the education of people with disabilities must lie with the education department and nowhere else. This is to ensure everyone's needs are included in mainstream education laws, policy and planning.

Legislation

States must introduce laws that prevent discrimination against people with disabilities. All current laws and practices must be changed where necessary to remove any discrimination.

States should create new laws for implementing inclusive education, along with a clear timeframe for doing so. The laws should meet international human rights standards and include everything necessary for an inclusive education system, as well as ways to monitor progress.

These laws should be supported by an Education Sector Plan to outline how the inclusive education system will be put in place. The plan should include a timeframe

and measurable goals. States should use an analysis of the current education system as a starting point from which to progress.

Challenging discrimination

There should be safe and easy ways for people with disabilities to complain if they feel their right to education has been denied or limited.

States should also inform people of their right to education and what to do if they don't receive it.

Moving people with disabilities out of institutions

States should have good plans in place to move people with disabilities out of long-term institutions into the community.

Plans should include a timescale for completion, the allocation of funds and resources to develop community services and consultation with people with disabilities and their families.

Early intervention

Research shows that children with disabilities can benefit greatly from having their support needs identified and met early on, at pre-school stage. Training and support for their families should also be provided. This can help nurture the child's potential and identify any issues that might affect their education later on.

Governments and other organizations should work together to ensure this happens.

States are also encouraged to provide inclusive pre-school education, to help children with disabilities get a better start in life.

Data collection

States have a duty to collect relevant, detailed data to help them meet their commitments under the Convention and create good education policy.

States firstly need to address the lack of accurate data on the number of people with disabilities and their education status. Census, survey and administrative data should be used to capture this.

Data should also help identify problems that stop people with disabilities from getting a good education and how to overcome them. Problems in data collection itself should also be addressed, such as gaps in birth registration.

Resources

For inclusive education to succeed, States must allocate sufficient financial and human resources.

Budgets should be allocated for improvements such as:

- making education settings, learning materials and transport more accessible
- teacher education
- reasonable accommodations, including assistive technology and sign language
- awareness-raising programmes to challenge discrimination and bullying

Teacher education and support

Teachers and staff may need advice, training and support on a number of issues, such as:

- human rights and disability
- how to identify people's abilities and needs and make adjustments to the learning environment and curriculum
- different communication methods and styles

This teacher education should be ongoing and can be provided in a number of ways, including:

- **building partnerships with other education institutions to share working practices**
- **teamwork practices, such as team teaching, study groups and peer support**
- **working with the wider community of parents, carers, people with disabilities and disability organizations to get their advice and support**

Other support and training

Staff from a number of other organizations will need support and training on their responsibilities under the law and the rights of people with disabilities.

Checking progress

States must develop good ways to monitor progress in inclusive education. They should use indicators and targets to measure success and outcomes. People with disabilities should be fully involved in this process.

Working in partnership with people with disabilities and families

Students with disabilities and, where relevant, their families should be seen as partners in inclusive education. They should be consulted with and involved at every stage, including in developing and monitoring education plans and policy.

Family members, people with disabilities and local community members can also contribute by providing extra support in the classroom. This will help the whole community better understand and respond to the needs of students with disabilities.

Private education

States must also recognize that the right to inclusive education also extends to private education.