



New Redland  
Frenchay Campus  
Coldharbour Lane  
Bristol, BS16 1QU  
United Kingdom  
Tel: +44 117 344 4007  
Fax +44 117 344 4005

*The Centre for Studies on Inclusive Education (CSIE) was set up in 1982 to promote the education of disabled and non-disabled children together in mainstream schools and to end the practice of educating disabled children separately in 'special' schools.*

## Seventh Session of the Ad Hoc Committee on a Disability Convention

United Nations, New York  
January 16 to February 3, 2006

### EDUCATION ARTICLE 24: PROPOSED AMENDMENTS TO THE CHAIR'S TEXT FROM THE CENTRE FOR STUDIES ON INCLUSIVE EDUCATION (CSIE) – OUTLAWING SEGREGATION IN EDUCATION ON THE BASIS OF DISABILITY

#### Introduction

CSIE proposes a number of amendments to draft Education Article 24 (formerly Article 17) of the Chair's revised text (<http://www.un.org/esa/socdev/enable/>) which we believe are necessary to ensure all disabled students enjoy the right to education on the basis of equality and non-discrimination. The Chair's revised text is due to be discussed at the seventh session of the Ad Hoc Committee in January 2006. The main change proposed by CSIE introduces a new clause 2e placing an obligation on States to prevent, prohibit and eradicate all forms of segregation in education on the basis of disability. We believe such an obligation is an essential requirement if the Convention is to fulfil its purpose to end discrimination and ensure full human rights for disabled people including disabled children. Other amendments are designed to further strengthen Education Article 24 by removing qualifying phrases which weaken Governments' obligations – again taking into account the history of discrimination which the Convention aims to redress.

The changes proposed by CSIE are set out below in the order they appear in Education Article 24, together with the reasons for making them. The full text of Education Article 24, as amended, follows.

#### Amendments and Reasons

**At 2(a):** The reference to no exclusion from the general education system should be repeated in the second part of the sentence, which refers to children. This is to ensure that the clause makes clear that children, as well as adults, are not excluded because of their disability from the education facilities and services which are generally enjoyed.

**At 2(b):** The words 'to the extent possible' should be deleted so that the right to inclusive education and the obligation on Governments to provide it is realised for all persons with disabilities without exception in the communities where they live. A fundamental aspect of inclusive education is its local, community context.

**At 2(d):** The second sentence beginning 'In exceptional circumstances...' should be deleted in its entirety. It weakens Governments' obligations to make the general education system inclusive of all by provision of necessary assistance and other supports, adaptations, and facilities in mainstream settings. The use of the word 'alternative' also creates the misleading suggestion that segregation in education on the basis of disability is acceptable, since segregation is by definition the main alternative to inclusion.

**After 2(d):** Insert a **new clause 2e** to require States to prevent, prohibit and eradicate all forms of segregation in education on the basis of disability. This new clause is essential to stop discrimination against disabled people and ensure the right to inclusive education for all (please see previous CSIE Briefings at the Disability Convention website at:

<http://www.un.org/esa/socdev/enable/rights/ahcstata17bkgrnd.htm> and also on the CSIE website at:

<http://inclusion.uwe.ac.uk/csie/un-draft-convention-alert.htm>).

This new clause will make clear States' obligations to phase out existing segregated 'special' schools and units in mainstream schools where selection is based on disability and not to set up such schools or units or fund them in the private or voluntary sector. Labeling and selecting children for separate education on the basis of disability will be outlawed as discriminatory in both mainstream and separate 'special' schools under this amendment. Resources from closure of segregated 'special' schools where they exist will be available to facilitate the inclusion of all learners in inclusive mainstream settings. The obligation on States in the new clause proposed by CSIE does not undermine the provisions at paragraph 3 of this Article nor does it detract from existing human rights provisions for the setting up of certain types of schools without discrimination or for parents to choose education for their children outside the state system.

### **CSIE'S Proposed Amended Education Article 24 Disability Convention Seventh Session**

1. States Parties recognise the right of persons with disabilities to education. With a view to achieving this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education at all levels and lifelong learning, directed to:
  - (a) the full development of the human potential and sense of dignity and self worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
  - (b) the development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
  - (c) enabling persons with disabilities to participate effectively in a free society.

2. In realising this right, States Parties shall ensure:
  - (a) that persons with disabilities are not excluded from the general education system on the basis of their disability, and that children with disabilities are not excluded from free and compulsory primary and secondary education (INSERT: 'in the general education system') on the basis of their disability;
  - (b) that persons with disabilities can access inclusive, quality, free primary and secondary education (DELETE: 'to the extent possible') in the communities in which they live;
  - (c) reasonable accommodation of the individual's requirements;
  - (d) that persons with disabilities receive the support required, within the general education system, to facilitate their effective education. (DELETE: 'In exceptional circumstances where the general education system can not adequately meet the support needs of persons with disabilities, States Parties shall ensure that effective alternative support measures are provided, consistent with the goal of full inclusion')
  - (e) (INSERT NEW CLAUSE E: 'All forms of segregation in education on the basis of disability are prevented, prohibited and eradicated'),
  - (f) the development of initial and continuing training, which incorporates disability awareness, the use of appropriate communication means and modes, educational techniques and materials to support persons with disabilities, for all professionals and staff who work at all levels of education.
3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall:
  - (a) facilitate the learning of Braille, alternative script, orientation and mobility skills, and facilitate peer support and mentoring;
  - (b) facilitate the learning of sign language and the promotion of the linguistic identity of the Deaf community;
  - (c) ensure that the education of children who are blind, deaf, and deafblind is delivered in the most appropriate languages and modes of communication for the individual, and in environments which maximise academic and social development.

4. States Parties shall take appropriate measures to ensure quality education to students with sensory disabilities through the employment of teachers who are fluent in sign language or Braille, including teachers with disabilities.
5. States Parties shall ensure that persons with disabilities may access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on the basis of equality of opportunity. To that end, States Parties shall render appropriate support to persons with disabilities.