



## Ending segregation – inclusive education for all children

### UN Disability Convention, Article 17 (Education) Briefing from the Centre for Studies on Inclusive Education, UK

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The Centre for Studies on Inclusive Education (CSIE) was established 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. Since the 3<sup>rd</sup> session of the Ad Hoc Committee, CSIE has been holding formal and informal discussions with other NGOs and their representatives on the provisions of Article 17 of the Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. Further meetings and consultations are planned, with a growing number of NGOs becoming involved, including organisations of disabled people, with a view to proposing amendments to Article 17. **All these organisations are agreed that Article 17 should guarantee learners a right to fully and properly supported inclusive education in mainstream settings.** This short briefing prepared by CSIE for the 5<sup>th</sup> session of the Ad Hoc Committee outlines the main concerns around Article 17.

### Inclusive education and Article 17

- The purpose of the Convention is to confirm that all existing human rights apply to disabled people and that disabled children 'enjoy without discrimination of any kind on the basis of disability, the **same rights and fundamental freedoms as other children**' (draft Article 16).
- Article 17 should reflect the right to education as enshrined in Articles 28 and 29 of the 1989 **UN Convention on the Rights of the Child**, taking into account the developing interpretation of that Convention by the Committee on the Rights of the Child and the outcomes of the 1997 Day of General Discussion on 'Children with Disabilities'.

- Article 17 should also reflect the conceptualisation of the right to education developed by Katarina Tomasevski, Special Rapporteur on Education 1998-2004, and adopted by the UN as the obligation on governments to make education **Available, Accessible, Acceptable and Adaptable** to all ('the 4-As'). This means inclusive education for all in mainstream settings.
- Article 17 should not put governments in the **self-defeating position** of having to ensure both increasing inclusion in mainstream settings and the maintenance of segregated 'special' settings.
- Article 17 should recognise that education is key to the **promotion of positive attitudes to persons with disabilities** (draft Article 5). Segregating some children for education on grounds of disability works against this by perpetuating the stereotyping and lack of understanding of difference which leads to discrimination in all areas of life.
- Article 17 should fully reflect the **social model of disability**, focusing government obligations on removing the barriers to full participation in education by persons with disabilities. Education of some learners in separate settings because of their disabilities or impairments reflects and perpetuates a view of disability premised on the medical and charity models of disability.
- Governments should be under an obligation to provide the **support and adjustments necessary** for individual learning in mainstream settings. Education will be fully inclusive when so-called 'specialist support' is typical and mainstream settings routinely provide for all students. This includes the facility to teach learners with sensory disabilities in sign language or Braille as required.
- Inclusion in mainstream education should be a right and **not a matter of choice**. The recognition, support and fostering of particular cultures, communities and identities associated with persons with sensory disabilities do not require separate schools but can be achieved in fully inclusive, properly resourced and restructured mainstream settings which approach education flexibly and provide opportunities for a variety of grouping arrangements.

- The obligation on governments to ‘adopt legislative, administrative and other measures to give effect to this Convention’ (draft Article 4) should include the obligation to **remove all forms of segregation on grounds of disability** in education.

### Problems with draft Article 17 as it currently stands

Paragraph	Problem
2 (a)	‘Can choose’ indicates a very weak entitlement. Persons with disabilities should have a right to inclusive and accessible education, with a corresponding obligation on States to provide fully supported inclusive education for all.
3 (a), (b), (d)	These paragraphs recognise, and legitimise, the provision of education for some persons with disabilities in settings segregated from the mainstream. A human rights Convention enshrining the goals towards which governments are obliged to strive is undermined by provisions which are not fully compatible with those goals, even if they are seen as some form of ‘safety net’.
3 (c)	To allow a ‘free and informed choice between general and special systems’ puts governments under an obligation to provide special systems, undermining efforts to ensure fully inclusive mainstream education for all. Inclusion is a right and should not be a matter of choice.
Omissions	The draft Article should reflect other human rights instruments in guaranteeing the right of persons with disabilities, including sensory disabilities, to enjoy their own culture and use their own means of communication in community with other persons with similar disabilities, in fully inclusive education settings. It should also ensure that inclusion in mainstream education should not be conditional on learners receiving medical treatment or intervention for their impairments.

**We hope that the Ad Hoc Committee will take account of these issues in its discussions and ensure that the final text of Article 17 fully reflects the aims and purposes of education as stated in the UN Convention on the Rights of the Child, the ‘4-As’ conceptualisation of the right to education, and the social model of disability. We hope that Article 17 will enshrine every learner’s right to inclusive education and make no provision for the segregation of learners on grounds of disability.**

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