



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.

Eighth Session of the Ad Hoc Committee – August 14–25, 2006, New York

BRIEFING ON EDUCATION ARTICLE 24 FROM THE CENTRE FOR STUDIES ON INCLUSIVE EDUCATION (CSIE)

Approaching the final stages

As discussions on a Convention on the Rights of Disabled People at the UN reach the final stages, CSIE hopes that inclusive education as an entitlement for all remains a key focus of the Convention and that Education Article 24 can be further strengthened in this respect (see proposed CSIE amendment to current Working Text, Education Article 24, Paragraph 2(d) below). We hope that the removal of choice of segregated 'special' schooling from earlier drafts retains support and regret there has been insufficient backing from Government Delegations and Non Government Organisations (NGOs) to include a clause in the Convention prohibiting segregation on the basis of disability in State-provided education.

The reason for CSIE's proposed changes at 2(d) of the Working Text is to further strengthen the right to inclusive education by removing text which could justify exclusion and segregation of disabled pupils.

Proposed amendments from CSIE to Working Text, Education Article 24 Paragraph 2 (d), June 2006

(deleted text is underlined, additional text is in *italics*)

That persons with disabilities receive the support required, within the general education system, to facilitate their effective education (~~delete: [In order to meet adequately][In those circumstances where the general education system cannot adequately meet]~~ the individual support needs of persons with disabilities,) States Parties shall ensure that effective individualized support measures are provided (~~delete: in environments which~~)(**ADD: to**) maximize academic and social development, (~~delete: consistent with the goal of full inclusion.~~)

The International Disability Caucus has proposed similar amendments in its discussion on the wording of Paragraph 2(d). The full Working Text of Education Article 24, incorporating CSIE's proposed amendments at 2(d) to illustrate our suggested changes, follows at the end of this briefing.

Continuing concern over failure to prohibit segregation

At the close of the last session of the Ad Hoc Committee in January, the chair, Ambassador Don Mackay of New Zealand, told delegates he believed discussions on the Convention had reached

such an advanced stage that it would be possible for the text to be finalised at the forthcoming eighth session of the committee in August and to go forward for adoption by the UN General Assembly during its 61st session.

CSIE appreciates the failure of existing human rights mechanisms to protect disabled peoples' rights and the urgent need to finalise discussions on the new Convention. For example, the right to education is violated for the vast majority of disabled children who are denied opportunities to attend school. The focus on inclusive education in Article 24 will provide a clear obligation for the direction of education development in order to uphold their rights. However, the failure of the Convention so far to declare an unequivocal prohibition on segregation in education on the basis of disability remains a serious concern in our view. It means the Convention risks a lower standard being applied for some pupils. For a background paper 'Reasons Against Segregated Schooling' and previous CSIE briefing papers on the Convention please go to our website at

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

Working Text, Education Article 24, incorporating CSIE's proposals at 2(d) for illustration

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels, and life-long 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 realizing this right, States Parties shall ensure:
 - (a) That persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary and secondary education on the basis of disability;
 - (b) That persons with disabilities can access inclusive, quality, free primary and secondary education on an equal basis with others in the communities in which they live;
 - (c) Reasonable accommodation of the individual's requirements;

- (d) That person with disabilities receive the support required, within the general education system, to facilitate their effective education. States Parties shall ensure that effective individualized support measures are provided to maximize academic and social development;
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 take appropriate measures, including:
 - (a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication, orientation and mobility skills, and facilitating peer support and mentoring;
 - (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
 - (c) Ensuring that the education of persons, and in particular children, who are blind, deaf and deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.
4. In order to help ensure the realisation of this right, States Parties shall take appropriate measures to employ teachers, including those with disabilities, who are fluent in sign language and Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.
5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities

**EMAIL: LINDA SHAW, CSIE CO-DIRECTOR AT
lindashaw@blueyonder.co.uk**