



UN Convention on the Rights of Disabled People: Submission to the Joint Committee on Human Rights from the Centre for Studies on Inclusive Education (CSIE)

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In our submission we would like to draw your attention particularly to the DCSF's proposal to reserve or make an interpretive declaration on Article 24 of the Convention. Out of all the government's doubts about ratification, this seems to be the one where the line has been most firmly and clearly drawn.

We would ask you to consider whether this does not constitute a resistance to the very principle of the Convention. Government policy documents and programmes pertaining to disabled adults now routinely mention the basic human right to inclusion in mainstream life and institutions (for example *Improving the Life Chances of Disabled People*; *Valuing People*). Policy documents and programmes pertaining to disabled children also talk about the right to inclusion in mainstream life and institutions – except that this seems to exclude schools (as if children spent the majority of their waking lives in some other kind of institution than a school). *Improving the Life Chances of Disabled Children*, for example, talks about inclusion before school and after school – but not in school. *Aiming High for Disabled Children* talks about the right to inclusion in mainstream institutions, but states that this does not cover schools.

Can governments make an exception of children? The UK government clearly considers children to possess basic human rights, since it signed the UN Convention on the Rights of the Child. It clearly

considers disabled people to possess basic human rights, since it was the main initiator of the Convention on the Rights of Disabled People. In the latter case, then, the question we would ask you to consider is: How can “people” exclude “child”? Indeed, the UN’s response to the UK government’s report on its progress with the Convention on the Rights of the Child criticised it precisely for failing “to develop a comprehensive national strategy for the inclusion of children with disability in the society” (53d).

In its resistance to ratifying Article 24 without reservation or interpretive declaration, the DCSF is essentially drawing the ox-wagons around the existing system of segregated (“special”) schools. CSIE has no doubt that this goes against what senior civil servants and Ofsted inspectors with a knowledge of the issues privately consider to be both the moral and the educational case in favour of inclusion. However, they also regard the segregated sector as too big and too entrenched an interest for them to be able to shift.

Governments can protect this sector’s interests, or they can protect the well-being and future life-chances of disabled children. They cannot do both. By denying children with disabilities and other difficulties access to friendships and social relationships with their non-disabled peers, segregation damages them and the opportunity for the full adult life which other departments acknowledge as their right; equally, it damages the staff who work in them. Segregated institutions are by their very nature abusive to all who are in them, as we ought to have learned from the history of long-stay institutions for disabled adults, now thankfully closed. When will we apply that lesson to children?

It should not be necessary to add that *some* children with every type and every level of severity of disability are being educated at this moment in *some* mainstream schools somewhere in the country (see the DCSF *Statistical Bulletin* 15/2008, Table 9). We know, in other words, that inclusion works. Despite what any of us may have been told, doing inclusion is not difficult – the difficult thing is wanting it. The government cannot reserve on Article 24 without saying that they do not want it. And not to want it is clearly to contravene the principle of the Convention.