

## **Inclusive education: disabled persons and education in the new UN Disability Convention**

### **Urgent briefing from Centre for Studies on Inclusive Education**

As it currently stands, article 17 (Education) of the draft text for a comprehensive and integral international convention on the protection and promotion of the rights and dignity of persons with disabilities allows for the segregation of disabled learners and learners with special educational needs into special schools as a legitimate human right (see especially sections 2 (a) and 3 (c)). The Centre for Studies on Inclusive Education considers such a position to be a retrograde step in the field of education for persons with disabilities and urges the UN Ad Hoc Working Group to rethink the issue before the next redrafting of the text of the new Convention.

### **CSIE - Credentials regarding expertise on inclusive education**

The Centre for Studies on Inclusive Education (CSIE) was established in 1982 with the purpose of promoting the education of disabled and non-disabled children together in mainstream schools and ending the practice of educating disabled children separately in 'special' schools. In collaboration with organisations of disabled people (such as the Alliance for Inclusive Education in the UK, and others) it has built up a large body of expertise on inclusive education of disabled persons in mainstream settings, including the development and evaluation of practical tools for implementing inclusive education in schools and early years and pre-school settings,<sup>1</sup> working closely with disabled and non-disabled practitioners and academics. The organisation has also closely monitored the development of inclusion at both national and international levels, both in practice and in the interpretation of the UN Convention on the Rights of the Child by the Committee on the Rights of the Child.

### **Current draft text of the new UN Disability Convention - a retrograde step**

As it currently stands, the draft text allows for segregation into special schools as a legitimate human right. This represents a retrograde step on two fronts:

(i) It fails to take into account the mounting empirical evidence of the detrimental effects on individuals and society of segregation of disabled learners into so-called special education and separate 'special' educational facilities. This is applicable to the education of both adults and children, but is particularly relevant to children since the evidence clearly shows that the younger the age at which discrimination is tackled, the more effective this is.<sup>2</sup>

(ii) It fails to take into account the developing interpretation of the UN Convention on the Rights of the Child, which has increasingly been concerned with including children in mainstream education rather than in segregated 'special' provision.<sup>3</sup> One significant outcome of the day of General Discussion in 1997 on the rights of children with disabilities was that the segregation of children with disabilities 'for care, treatment or education' represented a breach of the Convention.<sup>4</sup> The current draft also takes no account of UNESCO'S 1994 Salamanca Statement and Framework for Action and the 1993 UN Standard Rules, both of

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<sup>1</sup> Most notably the *Index for Inclusion*, written by Tony Booth and Mel Ainscow (2002 edition) and adapted for early years and childcare settings by Tony Booth and Denise Kingston (April 2004)

<sup>2</sup> See CSIE's paper 'The case against segregation into special schools: A look at the evidence', December 2003

<sup>3</sup> Based on analysis of the Concluding Observations of the Committee on the Rights of the Child, details available on request from CSIE

<sup>4</sup> CRC/C/66, Annex V, 16<sup>th</sup> Session, 6 October 1997

which clearly indicate that the existence of separate 'special' educational provision is only acceptable insofar as mainstream education has not yet developed sufficiently to accommodate all children.

### **Opportunities provided by the drafting of the new Convention**

The drafting of the new UN Disability Convention represents an opportunity to build in to international human rights law the imperative for governments to develop a single, inclusive system of education which includes disabled persons from the outset. It is a fallacy that separate systems have to be developed before inclusive systems can be put in place. There is nothing inherent in education which necessitates the development of separate education for disabled persons before the development of inclusive education. The rights of children who currently have no education at all, difficult though their situation is, cannot be fulfilled through segregated schooling. It is far more economically efficient to target resources towards a single inclusive education system from the outset than to develop a dual system of separate education for disabled and non-disabled persons and then have to work towards bringing about inclusive education.

Nevertheless, for those countries in which dual systems of education already exist ('special' and 'ordinary'), until a single system can be developed, it is necessary that the system for disabled children be compatible with certain standards.

With all this in mind, the new UN Convention should state that:

- where there currently exists a separate system of 'special' education, this should be time-limited, and governments should set a specific date by which all resources (human and financial) be transferred to the mainstream, and by which the capacity and expertise of the mainstream be developed so as to be able to include all children, both disabled and non-disabled. In these countries, the 'special' education that is available should meet the standards outlined in sections 3 (a and b) and 4 of the current draft article 17;
- where disabled children are currently excluded from education altogether, resources should be targeted at existing mainstream education establishments to develop their capacity to include disabled students, and at the development of new educational provision that will include both disabled and non-disabled persons from the outset.

In addition the following amendments should be made to article 17:

- Section 2 (a) should be amended to state: 'that mainstream education is adapted to the needs of each individual learner, so that all persons with disabilities can exercise their right to inclusive and accessible education in their own community (including early childhood and pre-school education)'.
- Section 3 (a) should be amended to state: 'be provided within mainstream settings, reflecting the standards and objectives provided in the general education system'.
- Section 3 (b) should be amended to state: 'be provided in such a manner as to allow full participation of children with disabilities in the general education system'.
- Section 3 (c) should be deleted.