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OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**The right to education of persons with disabilities**

**Report of the Special Rapporteur on the right to education,  
Vernor Muñoz\***

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\* This document is submitted late so as to include the most up-to-date information possible.

## Summary

This report is submitted in accordance with Human Rights Council decision 1/102 and considers one of the issues of special concern to the Special Rapporteur on the right to education: the right of persons with disabilities to inclusive education. The right to inclusive education implies that it is possible for all children and young people, regardless of their situations or differences, to learn together. The paradigm of inclusive education is a response to the limitations of traditional education, which has been described as patriarchal, utilitarian and segregational, as well as to the shortcomings of special education and policies to integrate learners with special needs into mainstream educational systems.

The concept of inclusive education is contained implicitly in article 13, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights and articles 23 and 29 of the Convention on the Rights of the Child, and expressly, *inter alia*, in the Salamanca Statement and Framework for Action on Special Needs Education adopted in 1994 by the World Conference on Special Needs Education: Access and Quality and the recently adopted Convention on the Rights of Persons with Disabilities, which establishes the obligation of States to ensure an inclusive education system.

The report recommends a series of legislative, policy and financial measures that need to be adopted in order to give effect to this right. It also identifies some of the obstacles that prevent the fulfilment of the right to inclusive education, as indicated in the responses submitted by various States and non-governmental organizations to a questionnaire, sent out by the Special Rapporteur, the purpose of which was to assess the degree to which international standards are being implemented in this area. Among other obstacles, it cites the discrepancy that exists between the normative framework and the resources available for realizing the right to inclusive education, as well as the lack of genuine political will to achieve this goal.

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## Introduction

1. By its resolution 1998/33, the Commission on Human Rights established the mandate of the Special Rapporteur on the right to education. In 2004, the Commission renewed the mandate for a period of three years, by its resolution 2004/25. The present report is submitted in accordance with paragraph 12 of Commission resolution 2005/21 as well as decision 1/102 of the Human Rights Council in which the Council decided to extend exceptionally for one year, subject to the review to be undertaken by the Council in conformity with General Assembly resolution 60/251, the mandates and the mandate-holders of all the special procedures of the Commission on Human Rights.

2. In the past year, the Special Rapporteur carried out a broad and intensive programme of work that included frequent trips undertaken at the invitation of Governments, universities and non-governmental organizations (NGOs) for the purpose of conducting activities related to his mandate. He also carried out a mission to Germany in January and another to Morocco in November and December. The Special Rapporteur sent letters of allegation to the Governments of Burundi, Chile, China, Poland, Romania, the Russian Federation and Slovenia, but received replies only from the Governments of Chile, China and Romania.

3. The Special Rapporteur decided to devote his third annual report to the question of the right to education of persons with disabilities, given that his work principally involves addressing the needs of persons subjected to discrimination, among whom persons with disabilities are one of the groups most affected by exclusion from education. Moreover, the General Assembly's adoption on 13 December 2006 of the Convention on the Rights of Persons with Disabilities, article 24 of which recognizes the right to education of such persons, is a development of particular concern to the Special Rapporteur. Consequently, this report seeks to strengthen the impact and promote the ratification and implementation of that Convention and to encourage efforts to implement, among other relevant instruments, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Convention against Discrimination in Education, which was adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

4. In the efforts to promote the right to education, organizations of persons with disabilities and their families have proved to be a bastion for the advancement of the rights of persons with disabilities. This report recognizes and pays tribute to their achievements. The Special Rapporteur wishes to express his thanks for the contributions from the Latin American Forum for Educational Policies (FLAPE), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and Inclusion International (International League of Associations for Persons with Mental Disabilities), which greatly facilitated his work.

5. In cooperation with the Special Rapporteur, OHCHR organized a seminar, involving a multidisciplinary panel of experts, on "The right to education of persons with disabilities". The seminar was held on 23 and 24 November 2006 and had two principal aims: to assist the Special Rapporteur in his exploration of the various opportunities and numerous challenges regarding the right to education of persons with disabilities; and to promote active and effective monitoring of its fulfilment. From that seminar it became clear that there is a common and multidisciplinary agreement that the fulfilment of the right to education depends on "inclusive education", a concept which forms the focus of this report.

6. The remaining structure of the report reflects this focus and is divided into seven sections. Section one introduces the concept of inclusive education as the main characteristic of the right to education for persons with disabilities. Section two briefly considers the applicable normative framework to inclusive education from the perspective of both treaty law and programmatic declarations. Section three identifies and considers specific treaty obligations and responsibilities of States (and indeed other actors) pertinent to the right to education of persons with disabilities, and introduces - but only as an outline - the minimum requirements of legislative, policy and financial frameworks needed to fulfil these obligations. Section four examines the main challenges to inclusive education, followed by section five, which briefly reviews the main bodies that have a role to play in monitoring the fulfilment of the right. It also introduces the importance of the prompt development and agreement on the right to education indicators and benchmarks. Section six sums up responses to a questionnaire sent out by the Special Rapporteur to Governments and civil society organizations. These responses are noted with gratitude at this point as they actively informed the entire report. Concluding observations and recommendations form section 7.

## **I. THE RIGHT TO INCLUSIVE EDUCATION OF PERSONS WITH DISABILITIES**

7. That persons with disabilities, of both genders and all ages, have a right to education cannot now be disputed. Unfortunately, neither can it now be disputed that persons with disabilities, of both genders and all ages and in most parts of the world, suffer from a pervasive and disproportionate denial of this right. The impact of a denial of education, generally at all ages and in all spheres of life, has been powerfully demonstrated in previous reports of the Special Rapporteur on the right to education. As the estimate of persons with disabilities is between 500 and 600 million persons (of which 120 to 150 million are children, 80 to 90 per cent of whom live in poverty in developing countries) and some 15 to 20 per cent of all students have been estimated as having special needs at some point in their educational careers,<sup>1</sup> the current and potential future impact is both unacceptable and causes considerable concern.

8. Inadequate State monitoring of the education of persons with disabilities has led to uncertainty as to the exact level of their exclusion from education. Nonetheless, the statistics that do exist indicate a simply unacceptable extent and breadth of such exclusion across all age ranges and both sexes and, indeed, within the disability “community” itself. Two simple examples will suffice to illustrate this point. First, while the net enrolment rate in primary education in the developing world has now increased to 86 per cent over all regions,<sup>2</sup> estimates

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<sup>1</sup> Jonsson, Ture, Wiman, Ronald. *Education, Poverty and Disability in Developing Countries*. Poverty Reduction Sourcebook, June 2001, p. 11.

<sup>2</sup> United Nations, The Millennium Goals Development Report 2006, p. 6.  
<http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2006/MDGReport2006.pdf>

of the number of children with disabilities attending school in developing countries range from less than 1 per cent to 5 per cent.<sup>3</sup> Second, literacy rates for disabled women are 1 per cent, as compared to an estimate of about 3 per cent for people with disabilities as a whole.<sup>4</sup>

9. In response to this exclusion, a strengthening partnership of the “human rights” and “disability” movements has promoted the educative paradigm now generally known, and referred to above, as inclusive education. Inclusive education is based on the principle that all children should learn together, wherever possible, regardless of difference.<sup>5</sup> Inclusive education acknowledges that every child has unique characteristics, interests, abilities and learning needs and that those learners with special education needs must have access to and be accommodated in the general education system through a child-centred pedagogy. Inclusive education, by taking into account the diversity among learners, seeks to combat discriminatory attitudes, create welcoming communities, achieve education for all as well as improve the quality and effectiveness of education of mainstream learners.<sup>6</sup> In this way, educational systems should no longer view persons with disabilities as problems to be fixed; instead, they should respond positively to pupil diversity and approach individual differences as opportunities to enrich learning for all.<sup>7</sup>

10. The concept of inclusive education involves two closely related processes: on the one hand, it questions traditional (patriarchal, utilitarian and segregational) education and, on the other, it refers to a specific mechanism that seeks to provide appropriate and relevant education for persons with disabilities and other groups subjected to discrimination, which is why it aspires to become a systemic and systematic model. Having established this, it is clear that, as inclusive education pursues its unstoppable course, school loses the sterile, catalytic meaning that has been ascribed to it for centuries and is now being called upon to change radically.

11. In direct contrast with this there is the “special education” paradigm. Policies following this paradigm promote segregated education that leads to the development of separate educational systems: one for persons with disabilities, often referred to as “special schools”; and

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<sup>3</sup> Peters, Susan J., *Inclusive Education: An EFA Strategy for All Children*, World Bank, November 2004 (available at <http://www.worldbank.org>). See also UNESCO, *Guidelines for Inclusion: Ensuring access to education for all*, United Nations Educational, Scientific and Cultural Organization, France, 2005, p. 11.

<sup>4</sup> Groce, quoted by Rousso, Harilyn. *Education for All: A gender and disability perspective*. Disabilities Unlimited, 2005, p. 2.

<sup>5</sup> Salamanca Statement on Principles, Policy and Practice in Special Needs Education, para. 3.

<sup>6</sup> *Ibid.*, para. 2.

<sup>7</sup> UNESCO, *Guidelines for Inclusion: Ensuring access to education for all*, United Nations Educational, Scientific and Cultural Organization, France, 2005, p. 9.

one for those without disabilities, or “mainstream” schools. The special schools, often based on the belief that persons with disabilities are uneducable and a burden on the mainstream educational system, often were - and remain - inflexible, non-individual-student specific and they fail to provide or even offer optimum results for their students. The negative impact of these beliefs is reflected on national and international educative assessments. The consequence is that mainstream “schools are pushing out those scores that do not measure up to performance goals, resulting in a reluctance to include students with disabilities and to expel students whom they find difficult to teach”.<sup>8</sup> In addition, the practice of separating students with disabilities can lead to greater marginalization from society, a situation that persons with disability face generally, thus entrenching discrimination. In contrast, inclusive education has been shown to limit marginalization. This marginalization contributes to misconceived stereotyping, prejudice and thus discrimination.<sup>9</sup>

12. Transition from segregated, special education, to inclusive education is not a simple exercise, and the complex issues it raises must be both acknowledged and squarely faced. Corners cannot be cut. For example, “integration”, often in the guise, or in the place, of true inclusion in education, has created its own difficulties. Attempts to a simple integration into mainstream schools without accompanying structural changes (for instance, organization, curriculum and teaching and learning strategies) have been shown, and will continue for a variety of reasons, to fail to meet the educational rights of persons with disabilities. Indeed, integration may simply lead to exclusion in the mainstream rather than in the special schools. It is clear, therefore, that current and future education policy must identify and remedy all structural biases leading to potential exclusion in the mainstream education system. Policies and resources aimed at developing genuinely “inclusive” practices must take precedence over the old practices.

13. Inclusive education challenges the appropriateness of segregated education both on the grounds of effectiveness as well as from the perspective of respect for human rights.<sup>10</sup> As to effectiveness, current research suggests that, within the realm of education, States are increasingly realizing the inefficiency of multiple systems of administration, organizational

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<sup>8</sup> Peters, Susan J., Johnstone, C., Ferguson, P. “A disability rights in education model for evaluating inclusive education”, *International Journal of Inclusive Education*, vol. 9, No. 2, April-June 2005, p. 140.

<sup>9</sup> Lindsay, Katherine (2003), “Asking for the moon? A critical assessment of Australian disability discrimination laws in promoting inclusion for students with disabilities”, School of Law, University of Newcastle, University Drive, Callaghan, NSW 2308, Australia.

<sup>10</sup> UNESCO (2005), *op. cit.*, p. 9.

structures and services, and specifically the lack of financial viability of special schools.<sup>11</sup> It has further been suggested that inclusive education can be both cost-efficient and cost-effective.<sup>12</sup>

14. True access is, as noted by the predecessor of the Special Rapporteur, a vital component of the right to education for students with and without disabilities and implicates factors both external and personal to each student. A combination of unaddressed external and personal factors specific to persons with disabilities has frequently led to a total denial of their access to education, inclusive or otherwise. Simple but effective measures needed to address these factors have been noted elsewhere on numerous occasions. As these measures are too often ignored, a non-exhaustive list, more pertinent to inclusion, is given here with the aim of reiterating their importance. To overcome external factors limiting access to education, they include altering the physical environment, such as the design of hallways and classrooms, desks, widening entrances, building ramps, installation of elevators, altering or reconsidering geographical locations, adapting rules and admission standards; and personal factors, such as the provision of supplementary classes, alternative/additional forms of communication, special tutors or support staff, and nutritious meals.

15. Two disparate but important points are made to conclude this section. First, inclusive education should be viewed under an expansive perspective, embracing lifelong learning, stretching from early childcare to vocational training, basic education for adults to life-skills education for older persons. Secondly, States must both respect the liberty of parents to choose schools for their children with disabilities,<sup>13</sup> and the right of those children to express, and have heard, their own views in such matters.<sup>14</sup>

## II. THE RIGHT TO INCLUSIVE EDUCATION - NORMATIVE FRAMEWORK

16. The aim of this section is simply to introduce the applicable normative framework of inclusive education: it is by no means exhaustive, as it can readily be found elsewhere. As noted by numerous commentators, States first recognized the human right to education internationally in the Universal Declaration of Human Rights, adopted in 1948. In 1960, UNESCO adopted its Convention against Discrimination in Education. Several binding

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<sup>11</sup> Peters, Susan J., *Inclusive Education: An EFA Strategy for All Children*, World Bank, November 2004 (available at <http://www.worldbank.org>), quoted in OECD, 1994; OECD, 1995; OECD, 1999; OECD, 2000; O'Toole and McConkey (1995), *Innovations in Developing Countries for People with Disabilities*; EURYDICE, 2003.

<sup>12</sup> Skrtic, quoted by Susan Peters, T.M. (1991). "The special education paradox: equity as the way to excellence", *Harvard Educational Review*, 61 (2), pp. 148-206.

<sup>13</sup> International Covenant on Economic, Social and Cultural Rights, art. 13, para. 3.

<sup>14</sup> Convention on the Rights of Persons with Disabilities, art. 7, para. 3, and Convention on the Rights of the Child, arts. 2 and 12.



instruments followed, the most pertinent for this report being the International Covenant on Economic, Social and Cultural Rights in 1966. Article 13 of the Covenant gave further detail to the Universal Declaration by formally acknowledging the right of everyone to free and compulsory primary education as well as, progressively, to free secondary and tertiary education. This acknowledgement was reiterated in article 28 of the Convention on the Rights of the Child some 23 years later.

17. Although these instruments do not refer explicitly to inclusive education, certain elements of the right to education implicitly serve to promote the concept. Notably, article 13 of the International Covenant on Economic, Social and Cultural Rights highlights education's role of enabling, "all persons to *participate effectively* in a free society" [emphasis added]. Again, the principle was reiterated in the Convention on the Rights of the Child, but this time more explicitly in its articles 29 and 23: the former by focusing on the purposes of education and the latter, relating specifically to children with disabilities, by imposing an obligation on States to ensure that children with disabilities have "effective access to and receive education, training, health-care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development".

18. The principal applicable programmatic frameworks include the World Conference on Education for All, held in Jomtien, Thailand, in 1990, which set the now well-known goal of "education for all", promoting equity and universal access to education. In a further development, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities were adopted in 1993, focusing, as their title suggests, on the "equalization of opportunities and participation in all aspects of society" for persons with disabilities. The Salamanca Statement on Principles, Policy and Practice in Special Needs Education of UNESCO followed in 1994, asserting that education for all could not be achieved without including all types of learners in one learning environment. Notably, its paragraph 2 states that "regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all".

19. The World Education Forum, held in Dakar from 26 to 28 April 2000, reiterated the need to focus on access to education and inclusion for learners from disadvantaged or marginalized backgrounds. To meet this goal, the expanded commentary on the Dakar Framework for Action stresses that "education systems must be inclusive, actively seeking out children who are not enrolled, and responding flexibly to the circumstances and needs of all learners" (para. 33).

20. In September 2006, the Committee on the Rights of the Child adopted its general comment No. 9 on the rights of children with disabilities. This general comment specifically views inclusive education as the goal of educating children with disabilities and indicates that States should aim at providing "schools with appropriate accommodation and individual support" for these persons.<sup>15</sup>

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<sup>15</sup> Committee on the Rights of the Child, general comment No. 9 on the rights of children with disabilities (CRC/C/GC/9, para. 64).

21. Most recently, in December 2006, the General Assembly in its resolution 61/106 adopted the Convention on the Rights of Persons with Disabilities (Disability Convention). This Convention unambiguously recognized the link between inclusive education and the right to education of persons with disabilities in its article 24 as follows: “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 lifelong learning.”

### **III. OBLIGATIONS IN RELATION TO THE RIGHT TO EDUCATION OF PERSONS WITH DISABILITIES**

#### **The nature of responsibilities of States parties to human rights treaties**

22. Human rights law places three broad obligations on States in relation to the right to education. First, the State must not interfere with the enjoyment of this right. Secondly, the State must protect against discrimination and ensure the equal enjoyment of this right between men and women.<sup>16</sup> Thirdly, the State must take steps, using the maximum of available resources, with a view to achieving the full realization of the right to education.<sup>17</sup>

23. As parties to human rights treaties, it is of course States that have the primary legal obligation to respect, protect and fulfil the right to education under those treaties. However, in practice the active, non-discriminatory involvement of a wide range of additional actors is essential, if inclusive education is to be realized. Indeed, inclusion encompasses not only the rights of marginalized learners but also, more broadly, the acceleration of cultural and value shifts both in the education system and in the wider community generally. In this respect, three specific points are made below. These are followed by a brief review of minimum requirements of State legislative, policy and financial frameworks. Similarly, the success of inclusive education sometimes also depends on empowering local authorities to make decisions on accessibility and inclusion and holding these authorities accountable.

24. At the central government level, responsibility for the right to education of persons with disabilities is often spread among different institutions, such as a ministry for social affairs or a ministry of health. The potential for incoherent policy and legislation and their implementation in the context of inclusive education is obvious. A single government institution, the ministry of education, should therefore have the responsibility of ensuring the fulfilment of the right to inclusive education for all.

25. Responsibility for, and realization of, inclusive education is also of course inevitably dependent upon parents, communities and teachers. The United Nations Children’s Fund (UNICEF) states that all three are keys to supporting all aspects of society, and indeed all three

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<sup>16</sup> International Covenant on Economic, Social and Cultural Rights, art. 2, para. 2, and art. 3; Convention on the Rights of Persons with Disabilities, art. 4, para. 1.

<sup>17</sup> International Covenant on Economic, Social and Cultural Rights, art. 2, para. 1; Convention on the Rights of Persons with Disabilities, art. 4, para. 2.

have the responsibility to promote and protect the right to inclusive education. However, prevalent misconceptions about disability generally, the belief that children with disabilities must either “adapt” to mainstream schools and/or that segregated schools are appropriate are currently held by all three groups. It is vital that these misconceptions are broken down, and swiftly. To this end, States should consider programmes to provide information and raise awareness among the community generally on the importance of inclusive education. More specifically, if indeed “teacher attitudes and tolerance are the vehicles for the construction of an inclusive and participatory society”,<sup>18</sup> as convincingly asserted by UNICEF, focused pre- and in-service training for teachers is imperative, as is the establishment of training programmes for school administrators, education planners and policy makers.

### **Policy, legislative and financial frameworks**

26. Adequate domestic policy, legislative and financial frameworks are a prerequisite for States’ meeting their obligations in relation to the right to education generally and inclusive education specifically. States should consequently ensure adequate, focused and effective legislative, policy and financial frameworks. It is important here to emphasize that legislation is not an end in itself and the impact of legislative frameworks depends on the level of implementation, the sustainability of funding, effective monitoring and evaluation, as well as more detailed policy frameworks that ensure that legal norms are translatable into practical terms and programmes. At a minimum and with the above points in mind, these frameworks should:<sup>19</sup>

#### **(a) Recognize inclusive education as a right**

27. States should recognize inclusive education as an inherent component of the right to education. To give guidance to the meaning of legislation and to entrench it, States should make specific reference to any relevant treaty obligations under international human rights law.

#### **(b) Identify minimum standards in relation to the right to education**

28. States should formally identify standards of education to ensure that persons with disabilities can enjoy available, accessible, acceptable and adaptable education on an equal basis with others. These standards should cover at the minimum: physical access, communication access (sign language and Braille), social access (to peers), economic access (affordability) of schooling; early identification of special education needs and early childhood intervention; the promotion of curriculum development that is common to all learners and fosters human rights education and learning; the guarantee of mandatory pre-service and in-service training for teachers and school administrators; the provision of individualized student support, where necessary; the linking of all areas of education reform to ensure consistency throughout with the right to education and inclusive education.

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<sup>18</sup> UNESCO (2005), op. cit., p. 17.

<sup>19</sup> Adapted from Peters, Susan J., *Inclusive Education: An EFA Strategy for All Children*, World Bank, November 2004, pp. 32-46.

**(c) Identify minimum standards in relation to the underlying determinants of the right to education**

29. States should both view and ensure the family, community and civil society as active participants in inclusive education. Policy and legislation should seek to ensure such participation of the community, including of course those learners with disabilities themselves, in decision-making, through capacity-building, combating habitual and discriminatory attitudes and misconceptions about persons with disabilities, ensuring the liberty of parents to choose educational institutions for their children and raising general awareness about the rights of persons with disabilities.

**(d) Ensure a transition plan**

30. The specific detail of the introduction and transition to inclusive education is often a process that has, and it can be expected will continue, to differ across States. Whichever form such a process might take, legislative and policy frameworks should specifically provide for a transition plan to ensure that learners are not left stranded in reform processes.

**(e) Identify duty-bearers and their responsibilities**

31. States must identify the responsibilities of relevant actors and devolve responsibilities - central, provincial and local government, ministries of education, school administrators, teachers and others, such as community organizations, where relevant.

**(f) Provide resources**

32. States should guarantee adequate minimum and sustainable resource allocations, and seek international assistance where resources or knowledge are lacking.

**(g) Establish monitoring and evaluation mechanisms**

33. States should establish effective and transparent monitoring and evaluation procedures, including thorough provision for statistical and data collection and analysis. They should also make provision for an effective individual remedy, including judicial remedies and ensure an active role for national human rights commissions and disability ombudsmen.

34. Priority areas for funding to promote inclusive education include: pre-service training for teachers and school administrators; in-service training for teachers and administrators and professional development; the conversion of special schools into resource centres and the use of staff in special schools to provide expertise in mainstream schools; the guarantee of adequate remuneration for teaching and related staff and the introduction of reasonable accommodations (physical, technological, structural) to ensure that the learning environment is accessible for all students with disabilities.

#### IV. CHALLENGES TO THE REALIZATION OF THE RIGHT TO EDUCATION OF PERSONS WITH DISABILITIES

35. A principal issue that must be addressed for the achievement of the right to education of persons with disabilities is the identification and management of challenges that prevent effective inclusion. Potential challenges have been noted above and include: existing negative attitudes and values towards persons with disabilities; inattention to the specific needs of women with disabilities; inadequate skills among teachers and administrators; inaccessibility of education, particularly physical access to buildings and access to learning materials; resource constraints; and inadequate attention to the special education needs of learners in mainstream education. Many of these challenges can be addressed at the macrolevel, reaffirming the State's position as primary duty-bearer with regard to human rights.

36. Of these, the principal challenge is the deeply embedded social stigmatization of persons with disability. Stereotypical images, often combined with hostility and traditional attitudes towards persons with disabilities, currently prevalent among teachers, school authorities, local authorities, communities and even families, can reinforce exclusion of learners with disabilities, and clearly hinder inclusion. Indeed, this is recognized in the Convention on the Rights of Persons with Disabilities, which formally records that it is not "disability" that hinders full and effective participation in society, but rather "attitudinal and environmental barriers" in that society. Such barriers and stigmatization underscore the imperative of keeping rights clearly articulated and entrenched in policy and legislative frameworks. Consequently, the institution of awareness-raising campaigns on inclusive education and, more broadly, on the Convention on the Rights of Persons with Disabilities, as well as training programmes for teachers and other professionals related to lifelong learning, are essential.<sup>20</sup>

37. Inclusion is too often misconceived as prohibitively expensive, impractical or a strictly disability-specific issue. Research suggests, however, that States that have appropriately implemented the inclusive education model have found it can be less costly to implement and operate than segregated special education services; have broader educational and social benefits for children and contribute significantly to the ongoing professional development and job satisfaction of educators.<sup>21</sup>

38. This is not to say that inclusive education, in order to be implemented successfully, is without resource implications. It was estimated in the Education for All 2000 Assessment that achieving education for all globally would require an increase in financial support by donors of approximately US\$ 8 billion a year.<sup>22</sup> Given that many countries have limited resources that have to be divided among a range of social sectors, it is important that States use the "maximum

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<sup>20</sup> Convention on the Rights of Persons with Disabilities, art. 8.

<sup>21</sup> Porter, Gordon, *Disability and education: toward an inclusive approach*. Inter-American Development Bank 2006.

<sup>22</sup> UNESCO (2003), "Overcoming exclusion through inclusive approaches in education", Conceptual Paper, p. 15.

of available resources” in such a way that resources are used optimally and focused on meeting clear benchmarks. This implicates the necessity of early identification and implementation of appropriate, cost-effective measures. National action plans for human rights as well as rights-based budgeting will contribute to the success of all such measures. Similarly, it is important to ensure the sustainability of education funding. If education programmes are set to ensure greater inclusion and then the budget is cut, the adverse effects on inclusion are obvious.

39. A particular challenge in the context of promoting and protecting the general right to education is, clearly, the need to ensure that the education system meets the special education needs of persons with disabilities. An early response was, as noted above, to provide segregated schools. While positive in some respects (for instance, facilitating social contact with some peer groups, and specific academic achievements), segregated education has tended to perpetuate the marginalization and stereotyping of persons with disabilities and to reduce their capacity to participate effectively in community life. It is now widely recognized that inclusion of learners with disabilities in mainstream schools confers significant psychological advantages, as well as greater fulfilment of intellectual and, especially, social and emotional needs through regular and natural interaction with a diverse group of learners. The current challenge is how best to provide appropriate opportunities for these learners within mainstream schools. Continued research to this effect is necessary.

40. However, the relationship between special education and inclusive education remains extraordinarily complex. For example, it is necessary for deaf learners to learn sign language and blind learners to study Braille at the beginning of their education.<sup>23</sup> Such learning may take place, even in a school committed to inclusion, by way of separation of, for instance, a deaf learner from those that hear. Here, therefore, the goal of inclusion might be thwarted. Another challenge, briefly touched on above, arises when “integration” is confused with “inclusion”: where learners with disabilities are merely placed in mainstream schools without the additional support required to accommodate their individual needs. The “integration” of learners with disabilities without full inclusion can lead to isolation of the learner and ultimately, an obstacle to meeting the education needs of all learners.

41. A combination of the above leads the Special Rapporteur to underline the fact that the inclusive education paradigm should not be seen as a “one-system-fits-all” solution. Embracing principles of participation and non-discrimination, innovative, individually focused and flexible implementation, which addresses all disabilities and cultural variability, is crucial. First and foremost however, inclusive education - when considering education of child learners - must take into account “the best interests of the child”. In so doing, the focus must move away from disability - an approach typical of the medical model - towards the individual education needs of all children, whether they are learners with or without disabilities. Such considerations must be taken fully into account within the overall framework of an inclusive general education system.

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<sup>23</sup> Jokinen, Markku, “Meeting the best interests of the child through special education in the context of inclusive education and the identification of specific support services required by students with disabilities”, Speech to the expert meeting on the right to education of persons with disabilities, OHCHR, Geneva, November 2006.

## V. MONITORING THE RIGHT TO EDUCATION OF PERSONS WITH DISABILITIES

42. At the international level, the various treaty bodies, such as the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and the future Committee on the Rights of Persons with Disabilities, together with the Special Rapporteur on the right to education and the Special Rapporteur on disability, have a combined role to play in monitoring the right to inclusive education of persons with disabilities. At the national level, this role falls to the courts, to national human rights institutions, to ombudsmen, to administrative tribunals and to government and independent experts and academics. Monitoring should be “across the board” and, while access to quality free and compulsory primary education is a paramount consideration, it is important to bear in mind that the right to education applies to the broad and entire spectrum of lifelong learning.

43. Of particular relevance is the role of courts and quasi-judicial tribunals in providing remedies for breaches of the right to education. Preliminary research has identified relevant cases in numerous jurisdictions, including Argentina, Australia, Canada, Colombia, Costa Rica, India, Ireland, Israel and the United States of America.<sup>24</sup> It should be noted here however that, while judicial notice and enforcement of the right to education of persons with disabilities is important, such decisions have not necessarily met the standards required by international human rights norms, and now specifically detailed in the Convention on the Rights of Persons with Disabilities. In making this point, the need for legal reform and judicial training is underscored.<sup>25</sup> Significantly, the Optional Protocol to the Disability Convention acknowledges the justiciability of all rights, including the right to education of persons with disabilities.

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<sup>24</sup> *Purvis v. New South Wales (Department of Education and Training)* [2003] HCA 62; *Eaton v. Brant County Board of Education* [1997] 1 SCR 241 at 272-273 [67]; *Olmstead v. L.C.* (98-536) 527 U.S. 581 (1999) 138 F.3d 893; *Yated - Non-Profit Organization for Parents of Children with Down Syndrome v. the Ministry of Education*, HCJ 2599/00, Supreme Court of Israel sitting as the High Court of Justice; *Mater J. Rajkumar Minor rep. by his father and natural guardian Mr. D. Joseph v. the Secretary, Educational Department, Government of Tamil Nadu Secretariat, the Director of Medical Education, Directorate of Medical Education and the Secretary, Selection Committee, Directorate of Medical Education* (available at: <http://www.ncpedp.org/org/policy/judged02.htm>). Constitutional Court of Columbia: No. T-429/92, T-036/93, T-298/94, T-329/97, T-513/99, C-559/01, T-339/05; Cámara de lo Contencioso Administrativo de Tucumán, Argentina: No. 62/04; United States Supreme Court: No. 86-728, 80-1002; Sala Constitucional de la Corte Suprema de Justicia de Costa Rica: No. 14904-06, 9087-06, 2901-06.

<sup>25</sup> See Purvis, *ibid*: “Where the majority narrowly constructed disability so that the behavioural manifestations of a child’s disability were excluded from the definition of ‘disability’ - thus the school’s decision to expel the child from school was held not to constitute unlawful discrimination.”

44. Similarly, national human rights institutions and ombudsmen have a significant role to play in monitoring the right to education of persons with disabilities. Internationally, intergovernmental organizations such as the United Nations, UNESCO, UNICEF and the Organisation for Economic Co-operation and Development (OECD) have already undertaken significant work in the area of inclusive education. These organizations, together with civil society initiatives, in particular organizations representing persons with disabilities, have a role to play in developing conceptually inclusive education within a human rights framework, in monitoring implementation, gathering statistics and data and in compiling best practices.

45. Monitoring the right to education and inclusive education in particular, requires a capacity to measure progress. To date, such capacity is lacking. Establishing clear quantitative and qualitative human rights indicators and the setting of benchmarks for future progress will therefore provide important means for doing so and may go some way towards filling the current gap in adequate, available data on disability generally, and disability and education in particular. While a quantitative indicator might provide, for instance, information on the number of children with disabilities enrolled in schools, a qualitative indicator will describe the quality of the syllabus and the extent to which disability is mainstreamed or sidelined within the curriculum. Accordingly, the Special Rapporteur encourages Governments, treaty bodies and United Nations agencies to develop indicators to measure the right to education of persons with disabilities.

## VI. RESPONSES TO THE QUESTIONNAIRE

46. In order to compile up-to-date information on the situation of the right to education of persons with disabilities, the Special Rapporteur sent out a detailed questionnaire to Governments, United Nations agencies, NGOs and independent experts.

47. By the deadline for submission, responses had been received from the Governments of Argentina, Australia, Austria, Brazil, Costa Rica, Croatia, Denmark, Ecuador, Estonia, Finland, Iraq, the Islamic Republic of Iran, Japan, Mauritius, Mexico, Morocco, Panama, the Philippines, Poland, Portugal, the Russian Federation, Saudi Arabia, Slovakia, Spain, Turkey and Uganda. Responses were also received from the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Population Fund (UNFPA) and UNESCO, and from local government authorities, universities, national human rights institutions, experts and NGOs from Angola, Argentina, Armenia, Australia, Brazil, Chile, Costa Rica, Cuba, Ecuador, El Salvador, the European Union, Germany, Ghana, Honduras, India, Israel, Italy, Kenya, Malawi, Malta, Mexico, the Netherlands, Nigeria, Peru, the Russian Federation, Serbia, Spain, Sri Lanka, Sweden, Switzerland, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Viet Nam. The Special Rapporteur also received regional responses from the African, Central Asian and Asia-Pacific regions, and from specific regions of some countries. The information provided below includes some comments made by the Special Rapporteur in order to place the responses received in the appropriate context.<sup>26</sup>

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<sup>26</sup> The contents of this section are the result of discussions held with Pablo Gentili, Flórencía Stubrin, Carlos Skliar and Lucila Rosso.



## **Legal and conceptual aspects**

48. First of all, the Special Rapporteur wishes to point out that many of the countries consulted have national frameworks for the protection of human rights, even if those frameworks do not always take account of persons with disabilities. However, formal legal recognition does not always lead to effective practices that guarantee decent and quality education for persons with disabilities.

49. For those reasons, there is a need for a wide-ranging debate on the meanings and implications of the concepts of “inclusion” and “education for all” in order to ensure that changes in education systems are not merely reclassifications of groups and individuals who are considered to be “different”, but rather introduce new methods of pedagogical interaction between all members of the education community.

50. It should be pointed out that inclusion is not merely the opposite of exclusion. This is why the Special Rapporteur believes that inclusive education involves a radical political and cultural change in education systems. In other words, the system that excludes cannot be the same system that includes or promises to include, since that would imply a mechanism that merely substituted inclusion for exclusion in order to maintain control over excluded groups. One has only to think of the many forms of exclusionary inclusion, such as so-called “integrated education”, which give rise to separation based on the subjective effects of “being included”.

51. In many of the countries surveyed, the role of regulatory legal frameworks and that of the programmes and public policies pursued by some Governments appear to be inadequate. The shortage of available financing and resources and the lack of political will on the part of local government authorities in countries with decentralized administrations appear to be the main factors responsible for the partial or inadequate implementation of policies and provisions aimed at guaranteeing the right to education of children and young people with disabilities.

52. On the basis of the responses received, the Special Rapporteur notes that the vast majority of the countries surveyed have mixed arrangements in which special education schools are combined with the inclusion or integration of students with disabilities in mainstream schools. In most cases, there appears to be a tendency to give priority to educating persons with disabilities in mainstream schools. However, such practices are very ineffectively implemented and their results usually do not meet the aspirations and goals that motivate them.

53. There is almost universal recognition of the need to promote inclusive education practices. However, the concept of inclusive education does not seem to be clearly recognized in all countries, many of which identify it with integrated education. There does not appear to be a consensus on the meanings and implications of the two pedagogical approaches or methods.

54. Some continental trends may be established on the basis of these assessments. In African and Asian countries, the term “inclusive education” is used to refer to the process of incorporating children and young people with disabilities into the regular education system without any reference to integrated education. However, there does not appear to be any distinction between these two pedagogical concepts and trends. In Latin America, both are mentioned as prerequisites for the egalitarian implementation of the right to education of persons with disabilities, but again, no clear differentiation is made between them.

## **Institutional aspects**

55. Although many of the respondents advocate the promotion of models of inclusive education, most also believe that it is necessary to maintain special education systems for children with severe disabilities or for those who simply prefer special attention. Many countries opt for combined systems of regular and special education that include a variety of modalities: regular education with special classes; special education only for those with a specific disability (usually motor or multiple); and preschool or temporary special education, such as institutions that prepare children with disabilities for educational inclusion.

56. The theories of inclusion and integration appear to contradict one another, with a marked tendency towards the persistence of modalities of segregated education. The recognition of these modalities as a prerequisite for guaranteeing the effective exercise of the right to education of persons with disabilities is accompanied by calls for a number of radical changes in education systems.

57. In the past, the special education system tended to treat individuals uniformly where no uniformity existed, and to differentiate among individuals where no differentiation was necessary. This arrangement has remained more or less unchanged in the shift towards inclusive education. Even today, a population segment may be considered to have “special educational needs based on disability”, without taking into account the fact that the effects of inclusion, even when access to inclusion is widely available, are subject to change and vary enormously in terms of their duration and content.

58. Mention should be made of the situation of deaf people in such countries as Sweden or the United Kingdom where, according to the NGOs surveyed, access to bilingualism is considered to be a prerequisite for egalitarian education; or the situation of blind people in Switzerland, where initial support results in subsequent equal education opportunities. In both cases, the principles of compensation and differentiation applied cannot be considered discriminatory since they recognize principles and rights, such as access to the country’s sign language and to literacy training in certain conditions. In short, the inclusion approach does not mean overlooking the particular features of the groups comprising the “disabled” population. It does, however, mean that those particular features should not be viewed as negative or deficient according to criteria and discourse derived exclusively from the medical model.

59. Systems for, and experience in, evaluating the quality and relevance of the education of persons with disabilities (both in regular and in special education) are practically non-existent. The European countries are the only countries that implement strategies and policies for evaluating these practices. It is more common to find evaluations of the performance of learners with disabilities, but such evaluations are still in the early stages.

60. In many of the countries considered in this report, public debt and inadequate investment are factors that limit the attainment and expansion of the right to education of persons with disabilities. The lack of resources for education as a result of financial dependence and the privatization and commercialization of education are obstacles to the expansion of this right.

61. Few countries accept the general practice of charging fees in public education systems. However, many of the responses to the questionnaire recognize the existence of indirect fee-charging practices in public education, such as for the purchase of school supplies or payment of registration or exam fees. In the case of children and young people with disabilities, additional costs are higher owing primarily to the quantity of specialized materials and equipment required to “guarantee” adequate learning conditions. As the Special Rapporteur and his predecessor have repeatedly indicated, in cases in which it is recognized that direct or indirect fees for public education are charged to students with disabilities, the fees and charges for other related items have a negative impact on the ability of such persons to enter and remain in the education system.

62. Another interesting fact concerns the number of specialized schools in each country: this number varies depending on vital rates, the amount of financial resources allocated to education and the degree of development of inclusive education policies, among other factors. In many countries, there are a number of educational alternatives for children and young persons with disabilities, which are organized outside the formal education system. NGOs, informal education centres, rehabilitation centres subordinate to health ministries and departments, religious groups and community organizations offer a variety of activities ranging from home schooling to leisure and recreational facilities.

### **The question of difference**

63. It is clear that inclusive education should be part of a process and transformation initiated and carried out by the regular education system to a much greater extent than by the special education system.

64. From this perspective, what the responses seem largely to convey is the fact that inclusive education is in danger of being transformed into a new and improved policy of differentiation; in other words, into a process that, once again, singles out persons considered to be different from the rest; this contradicts the very spirit of the shift in education towards inclusion. If, it is a matter of refocusing the rules, and deciding who is and who is not covered by them, inclusion may end up being understood as a simple process of establishing rules that apply to certain groups or to certain specific environments.

### **Non-governmental organizations**

65. The Special Rapporteur notes that the specific strategies and practices of inclusion are in many cases promoted by NGOs.<sup>27</sup> Some countries clearly assign responsibility for inclusion to these organizations, thereby relinquishing their obligations. This creates, without a doubt, a complicated situation: since the State does not assume the function of inclusion - not only academic but, more generally, social economic and cultural inclusion - many middle- or upper-class families resolve the issue of the inclusion of their children with disabilities by

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<sup>27</sup> World Vision UK: The global partnership for disability and development. *Study on integrating disability into the education for all fast track initiative processes and national education plans. Progress report.* November 2006, p. 11.

directly hiring private teachers to provide instruction, without involving the educational community. It is, furthermore, clear that the absence of institutional change leads to the creation of groups of parents who prefer a system of special education for their children.

### **Statistical information**

66. Among the responses received by the Special Rapporteur, there is a conspicuous lack of statistical data on the number of persons with disabilities, and even less information on the number of persons with disabilities enrolled in school. Moreover, the variety of methods of counting and statistical measurement makes it extremely difficult to compare data.

Comparability of data is particularly important for understanding the seriousness of the problem of educating persons with disabilities.

67. There is also very little statistical information on school abandonment or dropout rates for children and young people with disabilities, and there are practically no statistics that compare these rates with those for students without disabilities. Nevertheless, preliminary data indicate that the dropout rate for children with disabilities is comparatively higher than for children without disabilities. This phenomenon is attributed to the stigmatization to which children with disabilities are subjected, poor teacher training, limited resources and the inadequacy of educational infrastructures.

68. Similarly, there is little information on the academic success or failure (absolute and comparative) of children and young people with disabilities.

69. It would be particularly interesting to know the institutional movements of the disabled population over a relatively significant period of time. In some countries this population has been transferred, in whole or in part, from special education to regular education systems, and it is probable that the enrolment rate was initially high. However, it is important to know what happened and what happens when this population drops out of a system that has not been able and/or has not known how to include it. If, as has occurred in some countries or in some regions of some countries, special education institutions have totally or partially disappeared, where has the disabled population gone?

### **Support services and teacher training**

70. The inclusion measures listed in the responses to the questionnaire sent out by the Special Rapporteur refer mainly to institutions providing support and assistance to teaching staff as part of the process of integrating persons with disabilities into mainstream schools. However, the vast majority of responses point out the precariousness and inadequacy of these programmes, provisions and policies. In Western European countries, inclusion programmes are more systematic and structured, while in Latin America and Africa they are limited to isolated strategies that are rarely implemented.

71. Most of the countries and organizations surveyed refer to the need to invest in the training of regular teachers for children with special needs, through educational institutions that provide both initial training and specialization courses and in-service training.

72. The Special Rapporteur also notes that, in many cases, mechanisms aimed at ensuring equal access to education of children and young people with disabilities, as well as many inclusion measures promoted at the national or local level by government authorities, are usually restricted to infrastructure projects designed to facilitate the physical access and mobility of persons with motor, visual or hearing disabilities in schools. Nevertheless, it should be recognized that accessibility is a condition and not the final aim of inclusion, and that education based on the best interests of children and on their relations with others must always be the central pedagogical approach. The responses to the questionnaire reflect this overemphasis on physical accessibility, even though there does not appear to be the same concern, in a large number of the cases analysed, for the inclusion of students with disabilities in all other aspects of school activity, including essential areas of learning.

73. Public transport for persons with disabilities is free of charge in many of the countries surveyed. However, very few countries provide school transport services that are free of charge and adapted to the needs of such persons.

### **Regional differences**

74. The Special Rapporteur notes a marked disparity between rich countries and poor countries with regard to the conditions in which persons with disabilities are educated in schools. In European countries, there is a strong trend towards inclusive education, and there are many programmes that provide support and financial assistance to families; special materials are paid for by the State. In Latin America and in many regions of Asia and Africa, programmes aimed at ensuring effective conditions for the education of persons with disabilities have very limited resources and provide negligible financial assistance to families.

75. The inadequacy or non-existence of health centres in peripheral and rural areas greatly complicates life for persons with disabilities. In some countries, particularly in Latin America and Africa, poverty and rurality usually go hand in hand, exacerbating the prejudices to which these persons are subjected.

### **Multiple discrimination**

76. Numerous factors combine with disability to exacerbate the discriminatory and exclusionary effects noted in many education systems. Belonging to certain identity and social groups (such as nomadic tribes, persons of African descent, Dalits, Roma or indigenous peoples), social conditions and gender (girls and women with disabilities are subjected to more discrimination than boys or men with the same conditions) are factors that make life even more difficult.

77. There are extremely few educational policies and special facilities for children and young people with multiple disabilities.

78. Opinions are divided as to whether or not education contributes to the empowerment of learners with disabilities. Those who claim that education processes make an effective contribution to empowering persons with disabilities and improving their living conditions cite the learning of daily life skills and integration into the labour market. Those who claim that this contribution is preliminary or limited argue that the attainment of practical skills and academic

knowledge does not improve the performance of such persons in other spheres of social life. It should be noted that the term “empowerment” is not used uniformly, and has different meanings and characteristics in each of the responses.

## **Participation**

79. In most countries, neither persons with disabilities nor their relatives or representatives take part in designing specific education programmes and curriculum guidelines, or else, their participation is essentially reduced to orientation courses or to collective learning or recreational activities. There are virtually no specific measures aimed at ensuring this type of intervention. In African countries, however, the need to involve the community in decisions on education is starting to gain importance. In some regions of Latin America, parents are made aware of the importance of their cooperation in developing pedagogical proposals in regular schools, and some European countries are carrying out programmes and policies that call for the active participation of parents in decision-making concerning the education of their children, as is the case in Finland. In that country, parents’ participation in special education is obligatory, and they freely choose where to educate their children, without any additional cost. Moreover, in its report A6-0351/2006 of 13 October 2006 on the situation of people with disabilities in the enlarged European Union, the European Parliament stresses the need to encourage initiatives to develop greater interaction between the public and the mentally disabled, and to de-stigmatize people with mental health problems, and appeals for the necessary support for the families of people with a profound disability.

80. The right of parents of persons with disabilities to choose the most appropriate education for their children appears to be recognized in some countries, in legislative frameworks that regulate education systems. However, the effective exercise of this right is conditioned by a set of factors that often make its full enjoyment impossible.

## **VII. CONCLUSIONS AND RECOMMENDATIONS**

**81. The existing human rights legal and programmatic frameworks clearly recognize inclusive education as an indispensable element of the right to education for persons with disability. Inclusive education, in short, seeks to avoid the exclusion of all learners, including learners with disabilities, from education. By definition, the exclusion of learners from education - particularly primary and secondary - indicates a breach of the right to education.**

**82. At the same time, implementing inclusive education also raises challenges in practice. The provision of adequate and sustainable resources, ensuring an accessible and accommodating learning environment, changing traditional or discriminatory attitudes towards persons with disabilities, helping teachers, school administrators, families and communities understand and participate in decisions and processes related to inclusive education and, most significantly, ensuring that the special education needs of learners with disabilities are met within the general education system are all important challenges to inclusive education. When these challenges are put in the context of the existing strains on schools and communities, they should not be underestimated.**

83. **Nonetheless, while such challenges exist, the alternative of excluding large sections of the community from enjoying their right to education and the related consequences - inequality, exclusion of persons with disabilities from participating in society including through employment, the entrenchment of barriers and discriminatory attitudes and practices, the maintenance of costly segregation in education and so on - provides the impetus to seek solutions to such challenges. Importantly, much can be done to work towards inclusive education either at little additional costs or through the more efficient and effective use of existing resources.**

84. **The Special Rapporteur recommends that States take the following steps towards ensuring an effective inclusive education system:**

**(a) Eliminate legislative or constitutional barriers to children and adults alike with disabilities, being included in the regular education system. In this regard States should:**

- Ensure a constitutional guarantee of free and compulsory basic education to all children;**
- Adopt and entrench legislation aimed at ensuring the rights of persons with disabilities;**
- Ensure that legislation prohibiting discrimination in employment is adopted and enforced. This will enable persons with disabilities to become teachers;**
- Ratify the Convention on the Rights of Persons with Disabilities;**

**(b) Ensure that one ministry is responsible for the education of both children and adults. States may therefore need to:**

- Amend legislation so that the Ministry of Education is responsible for the provision of all education;**

**(c) Ensure that one school system is responsible for the education of all children in their region. To this end, States may need to:**

- Amalgamate budgets and administration of special education and regular education within a geographical area;**
- Adopt policy priorities and legislation that promotes inclusion of all students in the mainstream education system;**

**(d) Transform existing special education resources - special schools or classes - into resources to assist the mainstream system. To do this States may need to:**

- Train special educators to serve as additional resources to regular teachers;**
- Transfer students from special programmes to regular classes supported by the resource staff;**

- **Allocate financial resources for the adequate accommodation of all students and for technical assistance to support ministry of education officials, at the district, school and classroom level;**
- **Revise testing methods to ensure that accommodation is made for students with disabilities;**

**(e) Provide pre-service and in-service training to teachers so that they can respond to diversity in the classroom. To this end, States may therefore need to:**

- **Train teachers in classroom techniques such as differentiated instruction and cooperative learning;**
- **Encourage persons with disabilities to train as teachers;**
- **Use pyramid training techniques where teachers, once trained in inclusive education methodologies, teach other teachers and so on;**

**(f) Provide training to educational administrators and support staff on best practice in response to individual student needs. States may need to:**

- **Provide models of practice that provide support such as “school-based support teams”;**
- **Provide regular access to new knowledge on school and classroom “best practices”;**

**(e) Ensure that conditions that constrain teachers to teach inclusively are addressed. To do this, States may need to:**

- **Address class size. Smaller class sizes are generally considered to be most effective;**
- **Revise and adapt curriculum content in accordance with best practice;**
- **Ensure that school buildings and materials are accessible to children with disabilities;**
- **Contribute to, cooperate with and disseminate ongoing international and domestic research into best practice as it relates to inclusive education;**

**(f) Invest in inclusive early childhood care and education (ECCE) programmes, which can lay the foundation for lifelong inclusion of children with disabilities in both education and society. States may need to:**

- **Undertake a consultative process, including disabled people’s organizations and groups for parents of disabled children, to develop a national ECCE policy;**



- **Include ECCE in key government resource documents such as national budgets, sector plans and poverty reduction strategy papers;**

**(g) Provide training to parents of children with disabilities so that they know about their rights and what to do about it. Here States may need to:**

- **Support civil organizations, including those of parents of children with disabilities, to build capacity on the right to education and how to influence effective policy and practice;**

**(h) Develop accountability mechanisms in order to monitor exclusion, school registration and completion of education by persons with disabilities. States should therefore, as a minimum:**

- **Adopt and revise reporting mechanisms to disaggregate data on school participation. Such data should specifically include type of disability;**

**(i) Seek, and act upon, assistance as required. To this end, States may need to:**

- **Seek assistance on best practice from States and international and/or intergovernmental organizations;**
- **Integrate these best practices into legislative and policy frameworks;**
- **Where adequate resources are lacking, seek international assistance.**

**85. The Special Rapporteur also recommends:**

- **To the World Bank: compilation of best practice where the special education needs of persons with disabilities have been met through general education. Research into rights-based funding formulas to ensure effective, efficient and sustainable resource allocations for the right to education of persons with disabilities;**
- **To the Office of the United Nations High Commissioner for Human Rights: to continue assisting human rights mechanisms to review and research specific challenges to the rights of persons with disabilities, as the right to education will not be realized if their other rights are neglected;**
- **To national human rights institutions and civil society: to participate actively in the design of inclusive education and to help monitor implementation and raise awareness;**
- **To the Human Rights Council: to request information on challenges faced by States in their prompt ratification of the Convention on the Rights of Persons with Disabilities and to request all human rights mechanisms to include in their work attention to the situation of persons with disabilities.**